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Senate

HEALTHY FORESTS RESTORATION ACT OF 2003—*Continued*

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. CRAPO. 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 Wyoming is recognized.

Mr. DOMENICI. Mr. President, may I ask the Senator from Wyoming a question.

Mr. THOMAS. Yes.

Mr. DOMENICI. Were you going to offer an amendment?

Mr. THOMAS. No, I am not. I wanted to speak in support of the legislation.

Mr. DOMENICI. I wonder if I might have 5 minutes following the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. DOMENICI. I ask unanimous consent that I follow him for 5 minutes.

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

Mr. THOMAS. Mr. President, we have been at this now for a couple of years. I have risen before a number of times and we are back again. I just want to urge the Senate to pass this Healthy Forest legislation and invest more in preventing deadly wildfires. The latest thing we have seen, of course, is in California. That was not unexpected. These woods had insect infestation.

We have to do something. Many of us in the West are continuing to fight this. S. 1904 includes carefully crafted bipartisan language. If we oppose that, we are really not serious about reform. The amendments that weaken the appeal process, judicial review, NEPA requirements, would deprive the legislation of some of the very reforms that are needed that we have seen through the years in the West.

I want to see us move forward. I think this is a commonsense approach. We have been at it a very long time. This is not even the first year we have been at it. I hope we can pass it and pass it right away.

I support this legislation and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico, by previous order, is recognized.

GDP GROWTH

Mr. DOMENICI. Mr. President, while what is going on in Russia may be some of the worst news that could beset the free world, including our country, because of the acquisition of majority control of the third largest oil company by the Government of Russia in one sweep today, who knows what that means in terms of oil production and stability. But I rise because, on the other hand, while that bad news is occurring, the announcement today as to the status of the American economy is about the best news we have had in 20 years.

Today it was announced that the economy grew by 7.2 percent in July. That is July, August, September, that quarter. It has been almost 19 years. Not since 1984 has this economy seen such GDP growth. This news was not unexpected. Many have been saying—certainly I have—for some time the policies we have adopted, specifically the tax reductions, would result in this kind of event being announced now or very close to now.

In addition, this was reflected in the morning numbers today which showed personal consumption was at 6.6 percent. Interestingly, since consumption makes up 70 percent of the economy, growth accounted for by consumption would on its own have resulted in the economy growing 4.6 percent all by itself. Equally, if not more importantly, the long-term business investment grew by 11.1 percent in this quarter.

To me, this suggests we will continue to see this growth well into the future as businesses rebuild their investments and their inventories and retool their factories. Government spending, which accounted for most of the growth in earlier parts of this year, was not that important. It represented only 1.4 percent.

Maybe lost in this big news is what really matters, and that is, with reference to growth, the Department of Labor reported initial claims for unemployment declined by 5,000 just this week, affirming a downward trend in unemployment. So the news is good on the home front. The numbers released today indicate a ramp-up to recovery and growth in this quarter and in quarters ahead. Policies we put into place are beginning to take hold.

I commend all of those who have been part of that and commend our President as our leader for asking for most of the tax cuts and other items that have caused this growth to occur.

Still, we have a lot more work to do. We must do more to help create jobs and bring economic recovery to all of our citizens.

We cannot rest therefore on these reports today. We must continue to work toward reducing the cost of doing business in this country in such areas as health care, energy, and litigation costs. We need to remove barriers to investment and economic growth so employers can create new jobs.

Our work here in the Congress must go on with renewed dedication. Today we see first hand the effects of the President's economic policies. But such results should encourage all of us to work even harder to bring economic recovery to the doorstep of every American.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I, of course, am also happy about the growth of the domestic product last quarter. It is very important. But before we get too elated over this economic news, we have to also understand that in addition to the need for growth for corporate America, we need job growth.

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

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Last month we lost 46,000 jobs. During the years this man has been President, President Bush, we have lost over 3 million jobs.

I would hope the next quarter, in addition to having good domestic product growth, we also would have job growth. People in Nevada and around the country are more concerned about J-O-B than G-D-P.

The Senator from California is here. She is ready to offer her amendment. She offered two very important amendments yesterday.

I have spoken with Senator COCHRAN and the Senator from Idaho, who is now managing the bill. It is my understanding that the Senator from New Jersey is here.

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

UNANIMOUS CONSENT REQUEST—S. 1618

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 282, S. 1618, the 6-month extension of the FAA authorization; that the bill be read three times, passed, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, and further, parliamentary inquiry, I was under the impression the Senator from New Jersey was going to offer an amendment, but he propounded instead this unanimous consent request.

Further reserving the right to object, Mr. President, we have a Federal Aviation Administration conference report that is due for consideration in the House maybe today or early next week. That issue will be coming to the floor of the Senate, I presume, shortly thereafter. It is a 4-year, $60 billion bill that is critical for our airlines, our airports, for general aviation, and for security in aviation. It reminds me of this Healthy Forests bill. A week ago, there were objections to the Healthy Forests bill. This week, with half the State of California on fire, all of a sudden we are going to get this Healthy Forests legislation.

I urge my colleagues to look seriously at this legislation and what it means for this great industry in our country, an important part of our economy—aviation—and for security in aviation before we just say we are going to go with the status quo. If a week from now or a month from now there is an explosion in an airport or a plane is driven into a twin tower somewhere, I would not want to be the one who is not passing this huge FAA reauthorization extension.

Further reserving the right to object, I don't like all that is in this bill either. I am not an advocate of some of the provisions that are in this bill or not in this bill. I am not even necessarily an advocate of privatization. But to threaten to kill this major legislation with an extension over that one issue is very dubious action.

I, with great pleasure, object to this unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, if I can obtain the floor, not to bring up an amendment, but rather to have a few minutes to explain what it is that I would like to do. I ask if the Senator from Mississippi, someone with whom I have worked closely on several issues related to this, will enable me, by unanimous consent, to have up to 10 minutes to talk about the issue.

Mr. LOTT. Reserving the right to object.

The PRESIDING OFFICER. The Senator can speak on any subject he chooses, but the request was made.

Mr. LOTT. If there is going to be a unanimous consent request, I ask that there be an equal amount of time, if needed, for the other side.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, what is the unanimous consent request?

The PRESIDING OFFICER. The request, as modified, is for 10 minutes on each side to talk about the FAA reauthorization bill.

Mr. CRAPO. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LAUTENBERG. Mr. President, I had been recognized. I respect the viewpoint of the Senator from Mississippi, but I disagree with it, and I would like to talk about the mission I see in front of us and withdraw my request that the bill be read three times and passed. I want to discuss what we think is coming over soon from the House.

Contrary to the remarks my friend and colleague from Mississippi made, in terms of his objection, I agree totally that we do not want to hold up the funding of this bill. I want to get the money invested. We have to take care of the requirements of our aviation needs. While we want to make sure we get these funds on their way, we want to make sure we don't throw a blanket opportunity out there to terminate 23,000 loyal, hard-working, safety-oriented employees from the FAA control system; that is, those in the towers, those who are service operators, those who are technicians, because we have a system that has been so safe.

We handle over 700 million airline passengers a year. The numbers are incredible. We saw them, when our FAA controllers were called upon on 9/11, bring 5,000 airplanes out of the sky safely. They got everybody on the ground when it looked as if total chaos was raining on our society.

What I propose to do is say let's just have a 6-month extension, not permit the commercialization of the FAA system to take it away from Government hands. I see this as the fifth branch of the military. We are relying on them 24/7. Without a question of doubt, we need those people in their positions.

We are facing a time within the next 10 years when over 10,000 FAA controllers will be retiring; 23,000 jobs are at stake, and we are going to say they are going into commercial hands—Acme Air Service, or whoever it is.

There is something else that is taking place here. We see a vote coming in the House that looks as if it may carry. Do you know how the votes were obtained? Not on substance but on excluding particular airports from going into private hands and securing votes. That means if you happen to live in one of those areas that is not protected by the sale of a vote, your family could be getting onto an airplane and perhaps not have it handled as perfectly as it could. I know I want my kids and my grandchildren protected to the best of our ability. We have seen it done year after year in the United States with our FAA controllers, with our air control system.

I urge we have a chance to vote on whether we can extend this authorization, have time for discussion to permit the funding and the other elements of the bill. But let's have a serious review. This suddenly has come up as a change in the conference report as a result of a decision by the administration to suddenly change the rules. They want to move toward privatizing the U.S. air traffic control system, but 11 Republican Senators joined me and the remainder of the Democrats, and we had 56 votes in favor of keeping the system in Government hands.

We just recently took the baggage screeners from private hands, from commercial hands, and put them into Government hands. We thought it was a good move. That was 28,000 people. We transferred them over to the Government so we can control them. Those people control the baggage that is going aboard. These people control 700 million lives that fly each and every year. We quickly are saying discard that, forget that, we have our deals, we have our airports protected. We have two in Alaska protected. We have others in other States that are protected and we will worry about the safety later. That is wrong.

I hope people across the country recognize what is happening, that we are putting this on the sale block, that it is part of a scheme to have Government privatized—over 850,000 is the mark—and it should not be done on the backs of safety. That is the issue.

I appreciate the Senator from Mississippi, a very knowledgeable and longtime Government servant, a man who has been responsible for lots of good things, but 71 percent of the Americans who were polled who were asked the question about what they think we ought to be doing with the FAA about keeping it in Government hands or going private with it, 71 percent of the people across this country—and I want everybody to hear it—our constituents, agree we ought to keep the FAA in Government hands.

I am not saying we are going to extend it a long time. I am saying, give

us a chance to review it. Let us take it up and have a discussion about it and not simply have something jammed through the House and us be like the second body, here it is, take it or leave it. I would like to see if we can talk to the 11 Senators who voted with us the last time and see if they will vote with us another time. I think it is reasonable in the interest of safety.

I just received a letter dated today. It is signed by a representative of the Consumers Union of the Public Citizens Congress Watch, Consumer Federation of America. It is addressed to me:

Senator Lautenberg: We commend you for your leadership and strong opposition to the most recent version of the FAA authorization conference report. The new conference report does not restore the original House and Senate language prohibiting privatization of air traffic control services. Instead, the report leaves the door open for future privatization attempts going against the will of the American people and jeopardizing the safety of our skies.

The letter goes on. I ask unanimous consent that this letter be printed in the RECORD.

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

OCTOBER 30, 2003.

Hon. FRANK R. LAUTENBERG,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: We commend you for your leadership and strong opposition to the most recent version of the FAA Authorization conference report. The new conference report does not restore the original House and Senate language prohibiting privatization of air traffic control services. Instead, the report leaves the door open for future privatization attempts, going against the will of the American public and jeopardizing the safety of our skies.

Our air traffic control network is far more complex than any other in the world, with more than nine million flights and nearly 700 million passengers moved through the system annually. We believe that our air traffic control system must remain a federal responsibility, with employees entirely accountable to the public and not a company's bottom line.

It appears the Administration is intent on moving ahead in contracting out air traffic control, as has been clearly demonstrated by the intense pressure it has applied to Congress. Only an explicit prohibition against privatizing air traffic control will assure the flying public that their safety will be secured.

Again, we commend you for your leadership on this critical public safety issue. We urge all Members of Congress to follow your lead and vote against the conference report as currently written.

Sincerely,

ADAM J. GOLDBERG,
Policy Analyst, Consumers Union.
WINIFRED DEPALMA,
Regulatory Affairs Counsel, Public Citizen's Congress Watch.
TRAVIS PLUNKETT,
Legislative Director, Consumer Federation of America.

Mr. LAUTENBERG. I hope we can test the will of the Senate and test the determination of the American people to have it done in a way that satisfies them and their families.

A reference was made by the distinguished Senator about what might happen if there was an accident, a crash, as a result of not having facilities up to snuff because of the bill not being passed.

I will say if we look at the record in the U.K. and Canada about what happened after they turned those operations to business hands, to private hands, we will see that the number of near-misses went up substantially in the U.K. That means near-misses in the air.

Many times I sit in the second seat on a small airplane and I want to tell my colleagues something, to find out where another airplane is at the last moment is a life-remembering event.

In Great Britain, since privatization, near-misses of crashes or other problems have increased by 50 percent.

There is something new of which I think we ought to be fully aware, and that is that the space between airplanes is being narrowed in the interest of taking more airplanes into the sky. This is no time to be saying, turn over our safety function, the maintenance function, to private hands, to Acme Air Service.

I do not ask for a lot, but I ask for it on behalf of the American people, 71 percent of whom said they want to keep these services in Government hands because they know Government can manage it best. I want to be able to bring up an amendment and have it voted upon. I am asking for a 6-month extension, and that is it. Give us a chance to reason in a more comfortable time frame. Right now, there is enormous pressure to conclude our business so we can go home, but I do not want to go home in an airplane that I do not think is the safest place I can possibly be, or my kids flying with me on a vacation or my grandchildren flying with me on a vacation over the Christmas holiday not feeling like we had the best possible people in the towers watching us in our flight.

I hope we will reconsider where we are and have a chance to discuss this at length.

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

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

The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I realize we need to get back to amendments on this legislation so we can complete Healthy Forests so I will try to be brief, but I have to respond to some of the things that were said.

First, the Senator from New Jersey and I have talked about this issue and about this legislation in the past. He knows that I was in hopes we could work out something in this area, but now we are talking about not going forward with the conference report and doing a 6-month extension for what is not in a bill.

We were told there was a problem with the language that was in the bill because it said, by the way, there cannot be any private takings of air traffic controllers. That was in the conference report, that there would be 69 medium and smaller airports that would be subject to possible contract towers. We were told that is a problem. The people did not like the contract tower concept. Others did not like the prohibition, by the way, on privatization of the air traffic controllers. So the conference took those two provisions out.

Basically, the conference says in that area you just had a 6-month extension, extend the current law. What are you gaining? There are a lot of things that are in this bill that make a huge difference that will not go forward if we do not pass the conference report: $60 billion, money that is needed for security in our airports; funds for the first time, over $100 million, that would go to the regional airlines, airport security, expansion, and improvement. We let $500 million go from the airport improvement fund into airport security. This legislation says, no, you cannot do any more of that. The security funds will have to come from other fees, but airport improvement money will go to improve the airports.

It has to do with general aviation, and we have some significant language in there for them. Manufacturers of airplanes from Kansas and Washington and parts suppliers all over America, all of that would be put on hold.

We are behind the curve already. Does anybody really think the airports are secure and that the airlines are secure, and that we have done all we need to do? I am not that critical of TSA. I think they are working hard and I think it is better, but we have a long way to go.

Then we are going to put a timeout on this huge, important part of our infrastructure? We want to create jobs. How about improving our airports and our air service and all the concessionaires that are involved in the airports, all the people who lost their jobs after 9/11 in the aviation industry? If we do that and do the highway bill, we are talking about thousands of jobs in America.

Also, the Senator is suggesting that we have no privatization in FAA at all, not just air traffic controllers but I guess the flight weather service people, the maintenance people, the service people.

Now, I am not particularly an advocate—in the past I have not been—of privatization of air traffic controllers. But some of these? Maintenance service not even being possible to consider for the private sector? It is almost as if the private sector is incompetent; the

Federal Government can do it better. I do not think that is usually the case. I think most American people think when the Federal Government does it it gets worse and more expensive.

Then there is one other point. The President of the United States is not going to sign a bill that says there cannot be any privatization anywhere anytime in the FAA. We have tried to be accommodating, to go back to the conference and take out what we thought was the offending language.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. LOTT. If I could, let me complete, and then I will yield for a question, although we prolong this agony, which is not going to achieve anything right now.

If we took out the 69 contract towers, there are a lot of places in America which wouldn't have a tower. In fact, that is bipartisan. The idea of contract towers, I can tell you, came from a Democrat, a well-known one in a previous administration. I thought it made sense.

I don't understand. If we cannot have 100 percent purity, we don't want this bill. We don't want $60 billion. Aviation is about more than just the guy in the air traffic control tower. It is about security on the ground.

I plead with my colleagues to think this through. We are not pulling back and saying we are going to privatize. In fact, there is a letter from the Secretary of Transportation, Norm Mineta—not your basic every-day, run-of-the-mill Republican, a Democrat—the Secretary of Transportation, says we are not going to privatize air traffic controllers.

We are fighting ghosts here. If we don't watch it, we will be creating ghosts. We will talk more about this when this conference report comes up. But I plead with my colleagues. I talked about this with my colleagues. I tried to make sure it was bipartisan. It passed the Senate overwhelmingly. There have been some changes made from that, obviously. But if we leave here this year having not passed a Federal Aviation Administration bill or an Energy bill or a Healthy Forests bill, heaven help us when our constituents get hold of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho, the manager of the amendment, has previous recognition.

Mr. CRAPO. As we move forward on the Healthy Forests legislation, it is my understanding we have worked with all those interested here.

Mr. LAUTENBERG. Mr. President, I ask for no more than 5 minutes to conclude my remarks in response to the Senator from Mississippi.

The PRESIDING OFFICER. Is there objection?

Mr. CRAPO. I will not object.

Mr. LAUTENBERG. I thank the Senator from Idaho.

What I want to ask the Senator from Mississippi—he said: People know when things get in government hands, they are in worse shape. What are we doing with the baggage screeners? We transferred 28,000 of those folks, took them off the line, gave them a raise in pay, took them away from the private handlers and said, No, we want to know our baggage is being thoroughly inspected.

I also remind the Senator in the CR which looms directly in front of us, there is no provision for increased funding for the aviation bill.

When we see what is happening in southern California, our hearts go out to them. The air is full of smog. There is smoke all over the place. You need people on the ground who know exactly how to direct those flights to make sure they travel at appropriate intervals.

When we had the hurricane on the east coast, we had to make sure we were conscious of the fact that weather changes were looming in front of us. This is a different world than we used to know. What a time it would be to turn all of this over to private hands.

Security on the cheap? I know the Senator from Mississippi doesn't really think that is a good idea. But, on the other hand, that is what is going to be happening.

I thank the Senator from Idaho, who is very kind, and my good friend from New Mexico, for their indulgence for these last few remarks.

I yield the floor.

Mr. REID. Mr. President, I ask unanimous consent the Senator from New Mexico be recognized for the purpose of offering an amendment. Following that, the Senator from California, Senator BOXER, be recognized to offer her amendment.

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

AMENDMENT NO. 2042

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 2042.

Mr. BINGAMAN. 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 require best-value contracting)

At the appropriate place insert the following—

"SEC. ___. BEST-VALUE CONTRACTING.

(a) To conduct a project under this Act, the Secretaries may use best value contracting criteria in awarding contracts and agreements. Best value contracting criteria includes—

(1) the ability of the contractor to meet the ecological goals of the projects;

(2) the use of equipment that will minimize or eliminate impacts on soils; and

(3) benefits to local communities such as ensuring that the byproducts are processed locally."

Mr. BINGAMAN. Mr. President, this amendment simply gives the Forest Service and the Bureau of Land Management the authority to consider benefit to local communities when determining which company or individual is going to receive a contract to conduct a hazardous fuels reduction effort on the national forests and the public lands.

Currently, the authority the agencies have limits them to accepting only the high bid for a timber sale contract or the low bid for a service contract. Unfortunately, numerous forest-dependent rural communities have discovered this practice means the contracts are often awarded to large companies from urban areas, and in many cases from States other than where those communities are located. In my State of New Mexico, many rural communities are trying desperately to find ways in which they can create and maintain decent jobs. Because these communities are often surrounded by national forests and public lands, I believe that, where possible, we should provide tools to create jobs in these communities by restoring the health of the forests.

Best-value contracting is one such tool. This amendment, as currently drafted—and this is a change from the earlier draft—says that "to conduct a project under this act, the Secretaries"—that is the Secretary of Agriculture and the Secretary of Interior—"may use best-value contracting criteria in awarding contracts and agreements." It goes on to define what best-value contracting criteria include.

I think it is important to realize here that this best-value contracting criterion does include consideration of the benefits to local communities such as ensuring that the byproducts are processed locally.

Congress enacted a very similar requirement when authorizing the Stewardship Contracting Program.

In addition, last year Senator CRAIG and I sponsored the Community-Based Forest and Public Lands Restoration Act. That bill, which was passed by the Senate unanimously, also authorized best-value contracting.

I believe this is a simple amendment. It should be noncontroversial. I hope it can be accepted by all Senators.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, we have reviewed this amendment. We don't find it objectionable. We are prepared to accept it.

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

The amendment (No. 2042) was agreed to.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am going to send an amendment to the desk in a moment. Before I do, I wanted to give the Senate an update on what is happening with the fires in California, and pay a very special tribute to a fallen firefighter. As of 3 p.m.

today, the fires in California have consumed more than 722,000 acres, or roughly 1,100 square miles. Many of these acres are on public lands. Many are on private lands. More than 2,600 homes have been destroyed, 20 people have been killed, and there are more than 12,000 firefighters battling the flames. These firefighters are very brave. I will show you one of them right now.

I rise with a very heavy heart to pay tribute to a fallen California firefighter. It is an honor for me to do this, but it is a very sad moment for me to do this.

Steven L. Rucker, a fire apparatus engineer from Novato, CA, was just 38 years old. Novato, CA is nowhere near southern California. Novato, CA is in the northern part of our State, in the San Francisco Bay area. But Steven Rucker and others from his fire department risked their lives and, indeed, Steven gave his life, to help our southern California communities. Steven Rucker comes from my home county, a county where I was a supervisor for 6 years before I went to the House of Representatives, in the early 1980s.

He was killed on Wednesday, October 29, at 12:30 p.m., when his unit was overwhelmed by flames as they battled on foot to protect a home threatened by the Cedar Fire in San Diego County.

I want to show you a picture of some of the firefighters and what they are up against. Have you ever seen a more telling picture of what these firefighters are up against, standing close to these flames in air that is so polluted it is beyond description?

Steve fell. He was nicknamed ''the Ruckster'' by his friends and colleagues. He grew up in Freemont, CA, in the San Francisco Bay Area. He was the youngest of four children. After completing paramedic training in Contra Costa, Mr. Rucker went on to realize his childhood dream of becoming a firefighter in Novato. In his 11 years with the Novato Fire Protection District, Mr. Rucker wore the badge and his honor proudly. His car carried a license plate that read ''Fire Ruck.'' He was known for organizing toy drives and children's events for Christmas and for Easter.

Steve Rucker is a true example of why we call firefighters heroes. He bravely and selflessly risked his life time and time again trying to protect the homes of families he didn't even know in a community far from where he lived. Tragically, he has fallen in one of those battles. It is easy to see why we mourn his loss and why his friends and family are so proud of him.

I send my sincere condolences to his family, to his wife, and their two young children, the communities of Novato which mourns his loss, and all of the firefighters who had the honor of serving with Mr. Rucker over these years. I know they are devastated by this tremendous loss, and I know the loss is reverberating through the fire lines. I know how hard it is for them to cope with this.

In this time of crisis in California, we must carry on, and we will. We always have. People say to me even here in the Senate: Your State always has some kind of crisis, some kind of problem. Why do so many people live there? What draws them there? I always explain that you need to be there to understand the beauty of our State. You need to be there to understand it. You need to be there to understand the incredible diversity of our people. In politics, we reason from one side to the other. Diversity? We have every one. The beauty of our State holds us all together. It has brought us to that State.

We will carry on, but we are not going to forget Steve. We are also not going to forget Doug MacDonald. I send my prayers to Fire Captain Doug MacDonald who is a 17-year veteran of that Novato Fire District. Captain MacDonald suffered severe burns and injuries when he went back into the fire to search for his missing colleague, Steve Rucker. Captain MacDonald is in critical condition at the San Diego Burn Center. We pray and pray that he will come home soon. I know his wife and his two children are with him.

It says something about Captain MacDonald, and it says something about the Novato Fire Department, that Captain MacDonald, a 17-year veteran, went back and risked his own life to save Steve Rucker. It says a lot about Steve Rucker in that he would inspire people to risk their lives to save him. These firefighters are extraordinary heroes.

Yesterday, I was so proud that the Senate overwhelmingly passed my amendment to ensure that those first responders, those firefighters, will receive the best health care available to minimize their injuries when they fight in such natural disasters—fires.

I thank the President at this time. He has now declared Riverside County a Federal disaster area. This is now our fifth county, and we have been asking him to do this. We are very glad he has done this because even though we know in Riverside we have had less loss of homes and property, we have homeowners there who will need the help that such a declaration will bring.

Before I send my amendment to the desk, I wish to make one more point. We still have fires burning out of control in my State. We still need help, particularly in the San Diego area. We now need, according to Deputy Chief Arta, 26 type I strike teams, we need 48 type III strike teams, we need 2 strike teams of dozers, and we need 15 hand crews at the Cedar Fire in San Diego.

For the Paradise Fire—and my understanding is that these fires are about 5 miles apart and the big issue is to stop them from joining. At that Paradise Fire, we need 31 engine strike teams, we need 9 type III strike teams, and we need 33 hand strike crews.

I mention this because we still have work to do to wrap our arms around this. We need this help now. We needed it 2 days ago. We have asked everyone who could help us with this—particularly our FEMA Director who is working hard with us to get this equipment—to get these people to help our 12,000 firefighters.

I want to look at Steve one more time, our firefighter, our 38-year-old firefighter, from Novato, CA, in Marin County, who traveled miles and miles with his colleagues in that department to help people far away from where he lived. In his name, please send the help to 12,000 firefighters. We need to help them. We need to cut through all of the bureaucracy and all of the excuses. We need to get the help there in San Diego.

Look at what is happening. Look at what it looks like. We need help. We are getting a little help from the weather—a little bit of a change, but not enough of a change, in our State. We really do not get the heavy rains in November. In San Diego and Riverside, they do not get that much. We are getting some moist air in from the ocean. That is good. We need more help.

We need to be strong, and we need to get this help. We need to see the end date when we will have these fires 100 percent contained.

This bill that we are working on today does more than current law to prevent this kind of tragedy from happening. It doesn't do as much as I would like. Senator LEAHY wrote a bill which I was proud to co-author that did much more than this bill in front of us. But this bill in front of us is more than current law. It certainly does more than the House bill, which does, in essence, in my view after I have looked at it, hardly anything at all to help these communities—hardly anything at all.

We have an opportunity to make this bill even better.

Then Senator BINGAMAN got a couple of amendments through. I thank Senator WYDEN for helping get some of these amendments through, Senator COCHRAN for supporting some of our amendments, and my colleagues on the other side.

AMENDMENT NO. 2043

(Purpose: To increase the minimum percentage of funds allocated for authorized hazardous fuel reduction projects in the wildland-urban interface)

Mrs. BOXER. I send an amendment to the desk and ask that it be read and considered.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California, [Mrs. BOXER] proposes an amendment numbered 2043:

On page 25 of Amendment No. 1828, line 7, strike ''50 percent'' and insert ''70 percent''.

Mrs. BOXER. This is a very straightforward amendment. In the underlying bill, 50 percent of the funds are allocated to help communities that are close to areas that are high risk for fire. These are high-risk communities. We have these in our State. We have them up and down the west coast. We

have them in the western part of our country. Frankly, we have them in a number of communities. We need to get on top of things before we see this kind of fire. The way to do this is to take as much of the resources as we can and go to these communities—whether they are large or small, it does not matter—and work with them.

In April, Governor Gray Davis, our outgoing Governor, declared several counties that are now burning disaster areas because of the bark beetle. We asked the President to please declare an emergency, a disaster, so we could spend what it would take to get rid of those dying trees that sat out there. We knew they were waiting to burn. We predicted—I hate to say this; there were 12 of us in the bipartisan letter, the two California Senators and a bipartisan team from the House—we predicted in almost an eerie way that we would have uncontrollable fires if we did not have this disaster declared. It did not happen.

Now we have a chance. A lot of my constituents will not have that chance. But now we will have a future chance to protect communities that are at risk by taking funds in this bill, the majority of them, and putting them toward these communities.

I will show a couple of other pictures. The first photo shows what it looks like before the fire engulfs the community. This photo shows what we are dealing with—dreams gone. I have lived in the same house for 38 years in a hillside community. Every time I look at one of these families, I know how I would feel if I lost my home of 38 years with all of my memories—yes, we would move on; we would move ahead, but it is very difficult. Whoever said your home is your castle is right. It does not matter if it is one bedroom or one room or a mansion. It does not matter; your home is your castle. When you are home, this is your domain. This is your place. This is the place for your family.

You lose your home, you lose a sense of order. You lose a sense of security. You lose a sense of peace. This is a very hard time for my State.

What would this amendment do? I hope it is voted on, and I hope we pass it. It would help protect communities from wildfire by directing 70 percent of the funds for wildfire prevention in the wildland/urban interface; in other words, where the wildland and the urban areas interface, where communities face the greatest risk from wildfire.

The amendment happens to be consistent with what the President recommended in his budget for fiscal year 2003. We did not pick this number out of the hat in any way, shape, or form. We actually have precedent for this number.

I ask unanimous consent to have printed in the RECORD the USDA Forest Service fiscal year 2003 President's budget.

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

USDA FOREST SERVICE—FY 2003 PRESIDENT'S BUDGET—OVERVIEW

The NFS appropriation also includes $15 million to reimburse Federal agencies responsible for expedited Environmental Species Act consultations, one of the components necessary to ensure the success of the National Fire Plan.

Wildland Fire Management (FY 2003 President's Budget Request—$1,425,723,000).—This appropriation provides funding for Forest Service fire management, presuppression, and suppression on National Forest System lands, adjacent State and private lands, and other lands under fire protection agreements. The Forest Service's program recognizes that fire is a critical natural process and that it must be integrated into land and resource management plans and activities on a landscape scale across agency boundaries. The program also recognizes that wildland fire management must be based on the best available science. The budget continues to place emphasis on economic opportunities for rural communities with a significant threat from wildfire that have also experienced job losses from reductions in Federal timber harvest.

In conjunction with the Department of the Interior, the Forest Service will develop a performance-based preparedness model to replace the current formula that describes preparedness funding in terms of the ''Most Efficient Level.''

The budget request for wildfire suppression costs is $423 million, which is the average cost per year from 1991–2000. Seventy percent of the funding for hazardous treatment is to be targeted to the wildland-urban interface, to protect communities and reduce suppression costs over time.

Capital Improvement and Maintenance (FY 2003 President's Budget $568,004,000).—The Capital Improvement and Maintenance program provides funding to improve, maintain, and operate the infrastructure of facilities, roads, and trails related to recreation, research, fire, administrative, and other uses. The program emphasizes better resource management decisions based on the best scientific information and knowledge, an efficient and effective infrastructure that supports public and administrative uses, and quality recreation experiences with minimal impact to ecosystem stability and conditions. Infrastructure improvement was established to reduce the rate of accumulation of deferred maintenance, which leads to deterioration of performance, increased repair costs and decreased values of real property assets. The Deferred Maintenance program enhances the facilities, roads and trails programs by specifically directing resources towards critical deferred maintenance projects.

As part of the President's Management Reform Agenda, the agency has established a target of co-locating Forest Service and Bureau of Land Management (BLM) offices at 22 sites for the period FY 2003 through FY 2005. This co-location effort is part of Service First, a joint venture between BLM and the Forest Service to create seamless, citizen-centered service and more efficient land management. The President's budget request for FY 2003 includes $10 million to facilitate co-location activities (such as buying out existing building leases in support of co-locations). In addition, the budget includes funding for facility enhancements for anti-terrorism protection.

Mrs. BOXER. Now, if we pass this amendment, we are coming up with a stronger bill because it is just common sense that the real purpose behind this bill should be protection of our people. That is the real purpose. It should not be to make it easier for big loggers to go deep into the forest and take out old-growth trees. I know we protect them in here but not as far as I would want to. The real purpose of this should be to protect our communities. As I said, the House-passed bill certainly did not do that.

We will hear a lot of talk from the House side, and I encourage my colleagues, Senator COCHRAN, Senator WYDEN, Senator FEINSTEIN, Senator CRAPO, and the others to stand strong for the Senate bill because the House bill would do nothing—I say this sincerely—to help us. It would not have helped in our circumstance. I will explain why.

The House bill fails to emphasize and prioritize removal of flammable vegetation. This is chaparral. This is not what the House bill deals with. The House bill deals with trees. It also does not allow for projects on non-Federal land where many areas are burning. I don't have the exact stats, but we are looking at maybe 50–50 here on Federal land and non-Federal land. Clearly, if we just have a bill that focuses on Federal land, we are missing a lot of other land and our communities could burn.

The bill Senator WYDEN, Senator FEINSTEIN, and Senator COCHRAN worked on does not have that prohibition. We need to have a bill that deals with the chaparral, that deals with this vegetation that is going up in smoke, and that does not just deal with the large trees.

The Senator from Nevada is here. There is certainly a lot of growth like this in his State, including in Lake Tahoe as well.

I ask unanimous consent Senator REID of Nevada be added as a cosponsor of my amendment.

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

Mrs. BOXER. The House bill fails to focus the limited resources for wildfire prevention projects near at-risk communities where these resources are needed the most. We can see the communities right around here. Many are not that populated, but they are communities that would qualify in the underlying bill. In my amendment, more funds would go here.

By not focusing its resources near at-risk communities, the House-passed bill keeps homes, businesses, and communities in this wildland/urban interface area in harm's way. In other words, where the beautiful wildlands meet the suburban-urban communities, that is where we have our problems. This is what we have been talking about. This is what Senator LEAHY and I have been talking about and why we know we need more funding.

By the way, we have much more funding in that bill. The bill before the Senate is a compromise. It is not enough. It is better, certainly, than

where we are, and it is much better than the House bill which actually, to be honest, again, would do absolutely nothing, absolutely nothing to help us in this type of circumstance.

Now, in the bill before us, that I am amending, we know hazardous fuels reduction projects on non-Federal lands would qualify for the funding. This is important. I thank the authors for that. Additionally, the underlying bill emphasizes the thinning and removal of small-diameter trees for wildfire prevention and seeks to implement standards that protect old-growth trees.

Then it says at least 50 percent of the funds should go to these at-risk communities. This is where I am trying to strengthen it and say it ought to be 70 percent. Again, I think this bill is getting better.

I was so happy to tell my firefighters we are going to take care of their health. I was happy to tell my communities that the EPA, if this bill becomes law, will monitor the toxins in the air, not the usual pollutants that we follow, but the toxins that are in the air from these fires. So I am happy about that.

Again, I hope this amendment will be adopted. I really do not know what the end result will be, but clearly, if you increase the percentage of the funds that you can spend in these communities that are at risk, common sense tells you we will not have the type of fires we are seeing in California today.

We cannot waste our resources. We do not have enough resources. In this bill, therefore, the 70 percent ought to be directed here. So we believe there are strong arguments why we need to focus a greater percentage on these high-risk communities.

We believe there is precedent setting for this, given the President's request.

Mr. President, I am so hopeful we will get agreement on this amendment because, again, it will make this a far better bill.

I yield the floor at this time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I rise to oppose the proposed amendment from the Senator from California, not because I disagree with her point that we need to make sure we adequately protect the wildland/urban interface, but because the bill, as it is currently drafted, not only adequately provides for that but provides even broader flexibility so we can, in addition, protect the watersheds, the water quality for communities. It will actually allow communities to have a greater input into the management decisions relating to the forests that surround them.

The amendment would require that 70 percent of all of the money that is provided in this bill for fuels reduction be expended in the wildland/urban interface. The bill, as drafted, provides that not less than 50 percent of the funds will be allocated for projects in the wildland/urban interface.

Nothing in the bill, as drafted, would prohibit our forest managers from doing exactly what the Senator from California says she thinks they ought to do, if that is the right decision. On the other hand, our bill follows the recommendations of the Western Governors' Association, which allows communities to make proposals to the Forest Service about how the forests in their communities should be managed.

Frankly, the opportunity for communities to say they would like to see management reach out a little further than just a quarter of a mile around their homes, into the forest in general, or into the watershed, so they can protect their watershed as well as their homes, is an opportunity that we believe is one that should be maintained for our communities and for the flexibility of our forest managers.

Now, let me repeat. Nothing in the bill, as drafted, would stop the Forest Service from expending not only 70 percent but even more than 70 percent on the wildland/urban interface if it is determined that is the best place for the allocation of these resources.

What the bill says is, no less than 50 percent must be allocated, but it does not prohibit any allocation above 50 percent if the Forest Service and the affected communities can reach an agreement.

The issue here is one of flexibility. Very often, in Washington, as we put together legislation—whether it be over forests or any other issue—one of the tendencies is for us to try to determine every situation around the country and how best to manage it.

The problem here is, not every circumstance is the same around the country. The need is not the same throughout every forest that will need to be treated. In some forests, I am confident that far more than 70 percent of the resources would go to the wildland/urban interface. In other forests, for example, the one I talked about yesterday, which surrounds Elk City, the residents there are very concerned that the entire watershed is threatening to them, and their one route of exit from their community is threatened along an entire corridor. They would need to seek protection along the entire exit corridor to literally safely protect their lives if they needed to evacuate.

It is because the situation in Elk City is very different from the situation in Los Angeles and different from the situation in other communities which have forest environments that our bill seeks to preserve the flexibility that we need to be able to manage these funds adequately.

I encourage all Senators to reject this amendment and to move forward with the provisions as we have provided them, which, again, gives the Forest Service the flexibility to not have to be bound by the cookie-cutter solutions that we often want to put in place in Washington and have the flexibility to be able to manage as the communities and the fire and forest experts know would be the best way to approach it.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to respond to my friend with great respect because we do not change a thing about your bill, except change the percentage of 50 to 70. We leave you all the flexibility. If a community says they think it is important to go inside the forest to protect a watershed, to protect the supply of water, or there is bark beetle infestation, that is not a problem. The fact is, we just say that the communities ought to have 70 percent of this rather than 50 percent.

I say to my friend, who is going to show us pictures here—I don't know if he was present—12 of us, in April, wrote the President about the severe danger. We named three of the four counties that are up in smoke. We begged him to declare a disaster, we begged him.

I want you to know who signed that letter: Senator FEINSTEIN and I, Congressman JERRY LEWIS, Congresswoman MARY BONO, and the San Diego delegation—Republicans and Democrats.

We saw this coming a mile away. The importance of this bill is because we do not know what future Presidents might do. We may have the same trouble in the future, and they just don't pay too much attention to it. We can't get our needs taken care of.

This bill is very important, but if we don't take that money and spend it where the people are, then, to me, we have not learned a lesson from these California fires.

I thank my colleague very much. I am disappointed we cannot agree. I understand, but I am disappointed. I hope we will have a good vote for expending funds where the people are because that is what we need to do.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I appreciate the passion by which the Senator from California approaches this issue. I would like to have her attention for a few moments because she is most sincere in what she says.

Forest scientists—not a year ago—5 years ago, were pleading with us to create activity in our forests and in San Bernardino to stop a catastrophic fire that was going to happen someday. Yet this Senate—and my guess is, the vote of the Senator from California—denied those kinds of actions, a more interactive approach and active thinning and cleaning.

We have been talking about forest health on the floor of this Senate not for 1 year, not for 2 years, not for 3 years, but 5 years. Why?

Mrs. BOXER. Will the Senator yield?

Mr. CRAIG. No, I won't yield at this point.

Mrs. BOXER. The Senator is talking about my vote.

Mr. CRAIG. I will not yield at this moment.

Mrs. BOXER. Well, the Senator is talking about me.

Mr. CRAIG. No, I will not yield.

Mrs. BOXER. Well, I think that is fairly rude, but I will wait for my time.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. CRAIG. Let me complete my thought, Senator, and then I will be happy to yield to you.

Mrs. BOXER. That is all right. That is OK.

Mr. CRAIG. I have been in the San Bernardino and so have you. For 15 years that forest has gone relatively untouched.

So I appreciate the Senator's passion. What we have tried to strike here is a balance.

The picture I am demonstrating is not unlike the picture the Senator from California brought. Why aren't the trees burned around the homes that are gone? The reason they are not is because 60-mile-an-hour winds spread fire in many instances a mile or a half a mile beyond where the fire is burning. Embers fell on the roof of the shake roof homes in California, and the homes are gone because the trees in the immediate area stand.

So when the Senator from Oregon and this Senator from Idaho and the other Senator from California were trying to strike a balance, we knew that reaching out as far as we possibly could was where we needed to go, along with recognizing that the urban interface was critical.

We believe we have struck that kind of balance. We want to sustain that balance. The money goes where the people exist.

Let me reference another fire that occurred in early summer. The Senator from California witnessed it, as we all did. It was called Summer Haven on the mountain above Tucson. Summer Haven had been treated. Thinning and cleaning had gone on around that little urban enclave interface. But the community no longer exists today. It burned up in a wildfire. Why? Because the fire started down the canyon in areas that had not been thinned and cleaned, and it swept up the canyon, burned out the areas that had been thinned and cleaned, and took out all the homes.

The point I am making—and I will be happy to respond to a question from the Senator from California—is that we tried to strike a balance. We need to go where the people are. And California cries out for that at this moment.

I hope the Senator will continue to work with us. It isn't just happening on the San Bernardino. Tens of thousands of acres are dead and dying in the Sierras. The Tahoe Basin is in trouble. The Senator from Nevada attempted to address that along with us a few years ago. We are beginning to try to get some active management there. It is a tragedy waiting to happen again. It is happening in thousands of acres of forested lands across this country.

That is why we are trying to strike the balance. Not only do we have bug kill in the urban interface; we have it out there in lands that we have agreed, under a certain process and procedure, we might try to treat. That is my point. That is why I think you can be arbitrary here and have good logic for that arbitrariness. The Senator from California is arbitrary, as are we. She has a set of logic. I am trying to suggest that in a 60-mile-an-hour firestorm, fires do not listen to borders. They do not react to them.

Now if the Senator from California has any questions, I would be more than happy to respond.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, the 70-percent number was taken out of President Bush's own budget request. This is not an arbitrary figure. It is a figure that was put in his budget. We have put it in the RECORD.

I don't want to talk about 5 years ago. But I will be happy to discuss the forest plans I have supported, because they always dealt with what the problem is, which is making sure we get rid of the brush, we get rid of the infestation, and we don't use this as a way to say the only way to have a healthy forest is to cut down every tree, particularly old growth. Then you don't have any forest. That is not my idea of healthy forests.

I don't have to go 5 years to prove where I have been. I ask unanimous consent to print in the RECORD this letter, dated April 24, 2003.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, April 24, 2003.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing you today to encourage your swift approval of California Governor Gray Davis' request of a Presidential emergency declaration for Riverside, San Bernardino and San Diego counties relative to the high threat of forest fire in these regions.

Due to drought conditions and infestation by the bark beetle, our national forests have been met with an unprecedented danger as the bark beetle has attacked over 415,000 acres of trees in these three counties. Because of the unique urbanization in and around the forests, this infestation has created a tinder box of such magnitude that the loss of life and resources would be incomprehensible should fire break out.

Most of the affected trees are on or adjacent to federal lands, making this crisis well beyond the ability of state and local authorities to manage. Therefore, it is critical that the federal government help provide financial assistance for infested tree removal from public and private lands, as well as assist with other mitigation measures. Now that the State of California has requested a federal emergency disaster declaration, your help at this juncture remains critical and would make a positive impact in these areas of Southern California.

Mr. President, we appreciate the various burdens being placed upon you in these challenging days. However, we urge you to consider this matter as expeditiously as possible since these areas are in need of immediate federal assistance.

Sincerely,

Mary Bono, Jerry Lewis, Barbara Boxer, Dianne Feinstein, David Dreier, Duncan Hunter, Joe Baca, Ken Calvert, Randy ''Duke'' Cunningham, Darrell Issa, Bob Filner, Susan Davis.

Mrs. BOXER. It reads:

We are writing you today to encourage your swift approval of California Governor Gray Davis' request of a Presidential emergency declaration—

Not just for San Bernardino—

for Riverside, San Bernardino, and San Diego counties relative to the high threat of forest fire in these regions.

We knew that. The people knew that. We were trying to get help. We said:

Due to the drought conditions and the infestation by the bark beetle, our national forests have been met with an unprecedented danger as the bark beetle has attacked over 451,000 acres of trees in these three counties. Because of the unique urbanization in and around the forests, this infestation has created a tinder box of such magnitude that the loss of life and resources would be incomprehensible should fire break out.

This is uncanny.

Most of the affected trees are on or adjacent to federal lands, making this crisis well beyond the ability of state and local authorities to manage. Therefore, it is critical that the federal government help provide financial assistance for infested tree removal from public and private lands, as well as assist with other mitigation measures.

So we didn't just limit it to removal of the bark beetle. We called for other mitigation measures. We said:

Now that the State of California has requested a federal emergency disaster declaration, your help at this juncture remains critical and would make a positive impact in those areas of Southern California.

We close with this:

Mr. President, we appreciate the various burdens being placed upon you—

Because this was at the time we were at war with Iraq—

In these challenging days. However, we urge you to consider this matter as expeditiously as possible since these areas are in need of immediate federal assistance.

I say to my colleagues, please, let's not stand up here and point fingers at each other. The fact is, this is a bipartisan group of colleagues begging for help, recognizing the fact that near at-risk communities we have work to do. I am happy this bill is before us today. I am thrilled at that. I thank my friends for helping me protect the health of firefighters and the children and the elderly there, as they did yesterday.

All I am saying is: Please, I don't change one word of your brilliant legislation. I don't take a word. I just say, take it up to 70 percent for the communities that live near these at-risk areas.

I will close by reading the people who signed this letter. By the way, it is a beautiful representation of California politics, from the most liberal to the most conservative. Signing this letter: JERRY LEWIS, MARY BONO, BARBARA BOXER, DIANNE FEINSTEIN, DAVID DREIER, DUNCAN HUNTER, JOE BACA, KEN CALVERT, RANDY DUKE CUNNINGHAM, DARRELL ISSA, BOB FILNER, and SUSAN DAVIS.

This isn't the time to have a finger-pointing argument, while I just lost a firefighter because no one declared this a disaster. That was the way it went. Please, let's not do that. Why don't we use this opportunity to come together across party lines, as my colleagues did with the underlying bill, and just realize that this fire says something to us. What it says to us is that these at-risk communities need more attention.

I guarantee you, if you support this, and we have a bill that really carries out what President Bush said should be the case—70 percent of the money being used at these communities—we will have made a great leap forward.

I hope we won't have a circumstance where we are going: What did you do 7 years ago and 10 years ago and 5 years ago and 4 years ago.

I will tell you what I did. I have been saying we have to clear brush around these communities. We have to clear trees, dead and dying trees in these forests. We have to thin. We have to go after the chaparral. We have a lot of work to do. Let's meet somewhere in the middle between those people who want to see more aggressive logging of old-growth trees. I respect your view. I don't attack you. I just don't agree with you. I don't think that is the answer to protecting our communities. The answer is helping us near these at-risk communities.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I compliment the Senator from California for this amendment, and the people who have joined with her, as indicated in the letter, are certainly headed in the right direction. What the Senator from California has stated is we should direct this very important legislation toward people. That is what this amendment is directed toward—toward people, communities, and areas.

Take, for example, this terrible tragedy in California we see every time we turn on the television set. If there had been hazardous fuel treatment around populated areas, some of these fires may have happened, but most of them would not have happened. This amendment is good for the firefighters. It is certainly good for the people who live in these communities.

As generous and as rich as we are in this country, there is not enough money to take down all the dead and dying trees and other trees that need to be taken down to have good forest health. We simply don't have enough money. But certainly we have enough money to take care of the populated areas of our country, and that is why the Senator from California says we have a limited amount of money, so let's put most of it toward protecting people. That is what this amendment does.

I hope this very reasonable amendment which is directed toward people is adopted. It is important.

I again applaud the Senator from California for bringing this to the attention of the Senate, and I am happy to be a cosponsor of this amendment.

Mr. CRAPO. Mr. President, I intend to move to table, so if anybody wants to debate before I do that, I will look around and see if someone wants to speak. I wish to make two quick comments about the debate before I move to table the amendment.

First, it has been suggested the intent of those who want to keep the bill the way it is is to allow cutting of old-growth forests. That is simply not the case. First of all, as everyone who has focused on this bill knows, we have provisions in the bill that protect old growth in the forests.

Second, the fact is, as I will say again, the bill gives communities and the Forest Service managers the flexibility to make the decisions about where the fuel reduction will be most effective to preserve and protect our forests and the people who live near the forests. Certainly, our focus on the Western Governors' proposal and the protection of communities is what we ought to be doing in this legislation.

Mr. President, I move to table the amendment and 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 the motion to table amendment No. 2043.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is attending a family funeral.

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

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

The result was announced—yeas 61, nays 34, as follows:

[Rollcall Vote No. 424 Leg.]

YEAS—61

Alexander	Bunning	Collins
Allard	Burns	Cornyn
Allen	Campbell	Craig
Baucus	Chafee	Crapo
Bennett	Chambliss	Daschle
Bond	Cochran	Dayton
Brownback	Coleman	DeWine
Dole	Kyl	Sessions
Domenici	Landrieu	Shelby
Ensign	Lincoln	Smith
Enzi	Lott	Snowe
Feinstein	Lugar	Specter
Fitzgerald	McCain	Stevens
Frist	McConnell	Sununu
Graham (SC)	Miller	Talent
Grassley	Murkowski	Thomas
Hagel	Nickles	Voinovich
Hatch	Pryor	Warner
Hutchison	Roberts	Wyden
Inhofe	Rockefeller	
Johnson	Santorum	

NAYS—34

Akaka	Dodd	Leahy
Bayh	Dorgan	Levin
Biden	Durbin	Mikulski
Bingaman	Feingold	Murray
Boxer	Graham (FL)	Nelson (FL)
Breaux	Gregg	Reed
Byrd	Harkin	Reid
Cantwell	Inouye	Sarbanes
Carper	Jeffords	Schumer
Clinton	Kennedy	Stabenow
Conrad	Kohl	
Corzine	Lautenberg	

NOT VOTING—5

Edwards	Kerry	Nelson (NE)
Hollings	Lieberman	

The motion was agreed to.

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

Mr. STEVENS. Mr. President, I move to lay that motion of the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2030

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I have an amendment, No. 2030, at the desk. I call that amendment up, please.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington (Mrs. MURRAY) proposes an amendment numbered 2030.

Mrs. MURRAY. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To ensure protection of old-growth stands)

On page 17, line 16, after ''(3)'' insert ''(4)''.

On page 18, line 23, strike ''by implementing'' and insert ''and implement''.

On page 19, line 11, strike ''by implementing'' and insert ''and implement''.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, as all of us know, the Senate right now is debating the Healthy Forests bill, and I believe we need to do more in this bill to help protect America's old-growth forests.

Old-growth forests are stands of trees that have tremendous historic and cultural value.

I think we need to work hard to clarify a few parts of this bill so that Federal agencies do not misinterpret congressional intent in protecting historic and ecologically important resources.

This evening I am offering a perfecting amendment that will close two loopholes in this bill to ensure that our old-growth forests get the protection they deserve.

Before I turn to the details of my amendment, I want to comment on the horrible devastation we are seeing in California from wildfires. Like all Americans, I have been watching the shocking news coverage. My thoughts and my prayers are with everyone who has been affected. My brother is a firefighter. So I appreciate the sacrifices that are made by these brave men and women.

In my home State of Washington, we have been touched by terrible losses in recent years, including four young firefighters who died in the Thirtymile Fire on July 10, 2001, at Okanogan County.

It is clear that we have to take smart, responsible steps in this bill to reduce the dangerous fuel loads in our forests.

While it is too soon to draw any final conclusions about the fires in California, I think the fires highlight two challenges that ought to be a part of this debate.

First, it is clear that we don't have enough money in the budget to address our firefighting and fire prevention needs. In fact, today the Forest Service is borrowing from its fuel reduction accounts to pay for firefighting operations; that is, robbing Peter to pay Paul. The money reserved for fuel reduction, if it is used wisely, helps to prevent fires in the first place. The current budget is inadequate, and we are going to pay a greater price down the road if we don't address the resource issue.

Second, because the funds are limited, we have to do a better job of prioritizing how we spend the money that we do have. Specifically, we need to give a higher priority to those vulnerable lands in areas where wildlands and urban lands intersect. Those are spots where people and property are threatened.

If we address the hazards there—and if we educate homeowners—we will have a bigger impact with our limited funds.

I am looking for an aggressive plan to reduce the fuel loads in our forests, especially in the urban/wildland areas where people and property are endangered.

Old-growth forests are important for many reasons.

First of all, they represent ecosystems that are unique in nature. These forests are made up of a complex web of plants and animals, and climate and ecological conditions that are extremely different from what is found in younger or plantation forests. Certain animals and plants only live within these old-growth ecosystems.

If we are going to maintain a diverse species, we have to protect their habitat. Old-growth forests also have the cleanest drinking water, they provide structures for good salmon habitat, and they mitigate the effects of flooding and global warming.

Finally, these forests have great historic, recreational, and spiritual value which is important to all of us.

Hiking through an old-growth forest is truly a remarkable experience. I invite any of my colleagues who have not had that kind of experience to come to my State or to another State with a lot of old growth and have that kind of experience. You will understand why those of us who speak out on this floor are so passionate about this issue. In fact, in our old-growth forests perhaps is the only place where you can feel transported back hundreds of years and see what the very first explorers saw when they encountered these cathedral forests. They are a part of our history, and we cannot afford to lose them. Unfortunately, we have already lost many of these unique lands.

Old growth used to sweep across the Pacific Northwest, but recent studies estimate that old growth makes up between 10 and 18 percent of the lands in the Pacific Northwest and a mere 3 percent of lands nationwide. There is very little left today. We have to do all we can to ensure their survival.

I want to recognize my colleagues from Oregon and California who made this bill better by including an old-growth section in title I. As a result, this bill is now much better than what the President and the House first proposed.

But as I read the provisions, I saw two loopholes that we should close.

First of all, the bill lets the Forest Service and the BLM treat dangerous forests, and it provides protection for old-growth stands. Old growth can still be treated. It just has to be treated in a way that protects its unique character.

But if an area has insect infestations or is subject to trees being blown over, then the old-growth stands lose all of their protection. That is a big loophole. Any forest could be subject to strong winds that knock down trees. Any forest could experience insect infestation. Any forest could be subject to disease. Almost any forest could be damaged by an ice storm. It is just one of those things that happen. An old-growth forest could be drastically altered in ways that destroy its unique characteristic.

The underlying bill has a massive loophole in it that threatens old-growth forests and subjects them to unrestrained thinning. My amendment would simply close that loophole by making those lands subject to old-growth protection. My amendment, importantly, allows treatment of old growth. I know that is a concern to other Senators here on the Senate floor. It still allows treatment of old growth. It still must protect characteristics that we all recognize as important.

There is a second loophole that my amendment addresses. This bill has a fine directive to protect the integrity of old-growth stands. That is section 102, subparagraph (e)(2). I think we all can accept that standard. But I am concerned that it won't be carried out because it relies on forest management plans to be implemented.

Here is the problem with that. If the forest has a management plan that is less than 11 years old, that plan will not need to be updated to meet the new standards. That is a big loophole. It could mean that forests with relatively recent management plans don't have to enact the protections we are calling for in the bill. Fortunately, there is an easy way to close that loophole. It involves just changing four words in the bill.

My amendment does two things.

First of all, it ensures that all hazardous fuel reduction projects on Federal lands will protect old-growth forests.

Second, my amendment ensures that the old-growth standard in the bill applies to all Federal forests—not just those with older management plans.

I thank all of my colleagues and their staff who have worked very hard on this legislation.

The chairman and ranking members of the Energy Committee and the Agriculture Committee have been tireless on this bill.

My western colleagues from Idaho, Montana, Oregon, and California have all been looking after the best interests of their States and their constituents. I thank them all, and I appreciate their consideration of my amendment.

Old growth makes up just a fraction of our remaining public lands today. Many of these stands of trees are older than our Union. They are older than the settlement of the West. Some are older than Columbus' arrival in the New World.

We would not be doing our duty here on the floor of the Senate if we didn't do everything we could to protect them for future generations.

The amendment I am offering this evening will strengthen the protection in the underlying bill.

I ask unanimous consent that Senator BOXER and Senator REID of Nevada be added as cosponsors.

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

The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I compliment my colleague, Senator MURRAY, from the great State of Washington and the great job she does on behalf of her State. I appreciate all the hard work she has put into looking toward this amendment and others.

I hope in my opposition to this amendment I can at least provide some comfort that we have looked at trying to make sure the old growth in this Nation is protected. I rise today to oppose this amendment that would apply old-growth restrictions to insect and disease treatments, as well as to clean up after severe weather events. Part of why I do that is, simply, our forests are very different across this land. We want to make sure everyone is participatory in what we are doing in protecting and keeping healthy our forest lands.

Insects do not care about the size of the tree. In fact, as many scientists

have stated for years, they prefer older trees that are in poor health. Old growth, as I said, is very relative. In these older stands where trees are stressed for water and nutrients, insects will go after both large and small trees. The idea is to allow forest managers to go there and remove the problem trees, reducing the density of the stressed stands to immediately address the insect or disease problem which in our forests in the South are our most common and immediate problem. Insect and disease treatments are vastly different from preparing for a potential fire somewhere down the road.

I join my colleague from Washington in sending our prayers and thoughts to all of those who are valiantly fighting the wildfires in California and the families and the communities that are affected by those.

Fighting against an insect or disease outbreak is not like preparing for a fire. It is exactly like fighting a slow-moving wildfire. You would not ask firefighters to only fight a fire in certain sections of the forest, would you, and require them to skip around certain stands in the forest? It would seem ludicrous to do that. You could not effectively fight a fire that way.

That simple logic is why Chairmen COCHRAN and DOMENICI, and Senators CRAPO, CRAIG, FEINSTEIN, WYDEN, MCCAIN, KYL, and myself, have worked hard to craft some compromise language. We ensure that when our forest managers treat and prevent the spread of insect and disease outbreaks or attempt to clean up after a severe weather event, they do not have their hands tied to only treating a certain portion of the forest. Managers must be able to treat all of the forest or we are all just going to watch the forests die—both inside old-growth stands and throughout all of the forests of this Nation.

Forests in my State of Arkansas and throughout the country are being affected by unprecedented and catastrophic outbreaks of insect and disease. Whether it is the southern pine beetle in the Southeast, the sudden oak death in California, or the red oak borer in Arkansas, this Nation's public and private forests are under attack.

In Idaho, the Douglas-fir bark beetle is another predator of our forests. This beetle seldom attacks trees that are less than 12 inches in diameter. These bugs like large trees, optimally 24 inches in diameter and larger.

In this case, to prevent or mitigate an infestation, in many circumstances it is absolutely necessary to remove some of the larger trees in order to treat the insect outbreak. The larger trees have been devastated.

The southern United States and the Rocky Mountain West are currently experiencing outbreaks of bark beetles, including the southern pine beetle and the spruce beetle at levels unprecedented in historical times. As Senator MURKOWSKI demonstrated earlier, over 90 percent of the spruce trees have been killed in Alaska's Kenai Peninsula. In the Southwest, the pinion pines have suffered severe mortality. The Lake Arrowhead region is a horrifying example of where forest managers were unable to address the overdense stand conditions in a timely manner.

Right now, on the San Bernardino National Forest, over 230,000 acres, half of the forest land, have more than 40-percent tree mortality because of an outbreak of western pine beetle. This is a case in point where forest managers were unable to actively treat the area and it resulted in a massive insect infestation and right now is at a very high risk of catastrophic wildfires, as well.

In my home State of Arkansas, the red oak borer is attacking older, living oak trees at unprecedented magnitudes. Again, older growth is relative to the forest that you are talking about. This outbreak is rampant throughout the oak forests of Arkansas, Missouri, and Oklahoma affecting roughly one-third of the interior highlands.

The red oak borer complex is the greatest threat to the oak component in the interior highlands in recent history. This is from a native insect never before considered anything other than a minor pest or concern to the forests. These are insects that have been there forever. This is not something new that has just been introduced to our forests.

It is essential that we allow the Forest Service the flexibility it needs to attack this overwhelming problem wherever it happens throughout our forests.

This legislation is about forest health. We have done everything in working to bring about compromises in good conscience that are going to protect the health of our forests. It is about restoring forests to more resilient ecosystems, making these systems less susceptible to disturbances such as wildfire, insects, disease, and invasive species.

In my mind, reducing the flexibility to address these forest health issues will eventually destroy the very trees we have been trying so hard to protect. If we do not enable our forest managers to proactively address insect and disease outbreaks wherever they happen and before they become extensive, you can be sure insects such as the Douglas-fir bark beetle will be certain that there are no old-growth forests to protect.

I urge my colleagues to oppose this amendment and to remember one of the most critical parts when we are talking about old growth; that is, this is the first statutory protection for old growth that we have ever seen. There are protections throughout this bill for old growth, many focusing on smaller trees, but without a doubt, making sure the protections for old growth are there and recognizing this is the first time we have had statutory protection for old growth.

I encourage my colleagues to take a good look at this and to defeat this amendment and rest assured that we have done everything we can in this compromise to make sure we will protect that old growth, particularly with the statutory language we have but ensure the flexibility that we can also protect and save our forests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I rise for a few moments to second the remarks of the Senator from Arkansas and say this amendment, although certainly well intended, is a threat to forests, including old-growth forests in Missouri, Arkansas, and Oklahoma.

We have 300,000 acres of forests in those States that right now, as we speak, are infested with pests such as the red oak borer. The Senate needs to understand what happens when these pests descend upon the forests. The red oak borer will bore into a tree, create a huge gash, a deep hole in the tree. If you have ever seen it, it makes you feel for this tree. It lays its eggs in the tree so it interrupts the tree's ability to pass nutrients up and down the trunk, eventually killing the tree and laying other eggs that burrow deep into the tree or fly out and infest other trees.

The pest is getting stronger because we have not been able to manage it. They used to spawn every 2 years and now they spawn every year. We are in danger of losing whole forests, including old-growth forests.

As the Senator from Arkansas said, it is the older trees that are the most liable and the most vulnerable to this infestation. I don't want that to happen. There is no reason for it to happen. All we have to do is empower our Forest Service to manage the forests to take care of these trees, the old growth as well as the new growth, and prevent the spread of these pests.

I have talked to experts in Missouri. They are sad at what is happening. You cannot observe it without being depressed at what is happening. The trees die. When they die, the deadwood litters the floor of the forests. That is additional fuel which increases the risk of fire not only to the national forests but to the private landholders nearby. That increases the risk of property loss, of loss of life.

We do not want to have happen in Missouri what is happening in other parts of the country. We want to stop those fires that are occurring in California, as well.

This is a very important provision that a number of Senators have worked on for a long time. It is a carefully tailored compromise. It is a good compromise and one we ought to pass.

I respect the purpose of the amendment, but I encourage the Senate to vote against the amendment, and vote to table it if that motion is offered.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I do not want to prolong this debate. I know

the managers have been here all day long and they want to move to a vote on this amendment.

Let me simply respond to my colleagues from the South and tell them that I understand insect infestation is a key concern in national and private forests.

I know my colleagues from the South face significant insect and disease issues. We certainly face them in the Pacific Northwest. However, I strongly believe we do not need to abandon the old-growth protections in this bill. The bill already allows old-growth stands to be treated for hazardous conditions. They simply must be treated in a manner to protect the old-growth characteristics.

Again, I know in most of the Nation 3 percent of the land is old growth. In the Pacific, it is 18 percent. It is a tremendous part of our heritage. It is something of which I think all of us should be very proud.

We need to be careful we do not take steps this evening with this bill that undo the heritage most of us are very proud of in this country.

With that, Mr. President, I yield the floor. I know my colleague from Idaho wants to move forward with a vote on this matter.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, before I make a motion to table, I thank my colleague, BLANCHE LAMBERT LINCOLN, for her efforts in protecting our forests in this bill against insect infestation. She has been working very hard and very closely with us in building this compromise.

This legislation does a tremendous job of making sure we can address insect infestations throughout our forests. It is a well-crafted compromise. And the legislation will be a significant benefit to our national forests.

With that, Mr. President, I move to table this amendment and 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 the motion to table amendment No. 2030.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Nebraska (Mr. HAGEL) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''no.''

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

The result was announced—yeas 62, nays 32, as follows:

[Rollcall Vote No. 425 Leg.]

YEAS—62

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Baucus	Enzi	Nelson (FL)
Bennett	Feinstein	Nickles
Bond	Fitzgerald	Pryor
Breaux	Frist	Roberts
Brownback	Graham (SC)	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Campbell	Hatch	Smith
Chafee	Hutchison	Snowe
Chambliss	Inhofe	Specter
Cochran	Johnson	Stevens
Coleman	Kohl	Sununu
Collins	Kyl	Talent
Cornyn	Landrieu	Thomas
Craig	Lincoln	Voinovich
Crapo	Lott	Warner
Daschle	Lugar	Wyden
DeWine	McCain	

NAYS—32

Akaka	Dayton	Leahy
Bayh	Dodd	Levin
Biden	Dorgan	Mikulski
Bingaman	Durbin	Murray
Boxer	Feingold	Reed
Byrd	Graham (FL)	Reid
Cantwell	Harkin	Rockefeller
Carper	Inouye	Sarbanes
Clinton	Jeffords	Schumer
Conrad	Kennedy	Stabenow
Corzine	Lautenberg	

NOT VOTING—6

Edwards	Hollings	Lieberman
Hagel	Kerry	Nelson (NE)

The motion was agreed to.

Mr. COCHRAN. I move to reconsider the vote

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, as far as we know on this side, there are two more amendments to be offered. If there are more, Senators should come forward and tell us. The amendments remaining are an amendment by the Senator from Washington, Ms. CANTWELL, and the Senator from Iowa, Mr. HARKIN, has an amendment. As far as we know, those are the only two amendments.

When these amendments are disposed of, we will go to final passage, as far as I know.

Mr. COCHRAN. Mr. President, if the Senator will yield, we have a few other amendments being discussed. We think we will be able to clear them. Discussions are underway. Other than those two amendments, I don't think any other amendment will require a vote.

The PRESIDING OFFICER. Who seeks time?

The Senator from Washington.

AMENDMENT NO. 2038, AS MODIFIED

Ms. CANTWELL. Mr. President, I call up amendment No. 2038, as modified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington (Ms. CANTWELL) proposes an amendment numbered 2038, as modified.

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

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

The amendment is as follows:

(Purpose: To require the Comptroller General to study the costs and benefits of the analysis of alternatives in environmental assessments and environmental impact statements)

In section 104, strike subsection (b).

Ms. CANTWELL. Mr. President, I ask unanimous consent that Senator JEFFORDS be added as a cosponsor to the amendment.

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

Ms. CANTWELL. I thank the Chair.

Mr. President, I know the hour is already late for some Members. I believe we have had much time to discuss this legislation, but I do believe there are a couple of important amendments that are still yet to come that raise issue that are important for Members to understand. I am concerned that the underlying bill amends the National Environmental Policy Act, a benchmark statute that has been on the books since 1969. Because this is an important act, I believe I must stand up and offer this amendment.

I take great pride in the fact that I sit at the desk of Senator Henry M. Jackson who served as chairman of the Senate Interior Committee for many years. He was the prime sponsor and mover behind the National Environmental Policy Act, a landmark piece of national legislation that sets the tone for how our environment should be treated as we review the work of Federal agencies' actions.

I know my colleagues from California, Oregon, and Idaho are trying to move forward on hazardous fuel reduction projects. I am asking them to consider the impact of the major changes that bill proposes to make to the National Environmental Policy Act process with respect to hazardous fuels reduction projects. In addition, the bill before us leaves the door open for further changes in the National Environmental Policy Act in other areas besides hazardous fuel reduction, and that concerns me.

First of all, I really do believe that at the heart of this problem associated with hazardous fuels reduction is funding. It was the case in 2000 when we had a lot of fires throughout the West, and the Western Governors Association came together and said: Let's fund a hazardous fuel reduction account. The problem with the current practice is that Congress provides money for hazardous fuels reduction projects, but the funds are taken out of these accounts and used to fight fires, and the projects are not funded. In addition, we are not providing enough funding for hazardous fuels reduction projects.

I estimate that we need approximately $1 billion a year to do adequate hazardous fuel reduction in wildland-urban interface areas. Unfortunately,

the President's budget request for this fiscal year included approximately $300 million for this purpose.

I think all of my colleagues can agree that we have to come together to authorize and appropriate adequate resources to prevent fires ahead of time. We should not short-fund hazardous fuels reduction and take those limited resources to fight fires when they happen.

I applaud my colleagues for their leadership on this issue, particularly the Senator from Oregon, and for putting this legislation forward.

My colleagues on both sides of the aisle are also trying to bring up the fact that they think it is important that hazardous fuel reduction projects proceed smoothly. That is why I would like to point out to my colleagues that the Forest Service does provide categorical exclusions for hazardous fuels projects. According to the U.S. General Accounting Office, sixty percent of projects in 2001–2002 received categorical exclusions. These projects did not require the agency to prepare an environmental impact statement (EIS) or an environmental assessment.

A second group, about 34 percent, has been approved via environmental assessments, which are much shorter than an EIS.

Only 6 percent of the projects have had to go through the full EIS process.

These figures are outlined in an October 2003 GAO report that clearly shows that the National Environmental Policy Act has not held up progress on hazardous fuel reduction. What has held up progress is the failure to provide adequate funding in this area.

So I ask my colleagues why should we change the National Environmental Policy Act, a landmark piece of Federal legislation that has protected the environment since 1969?

Some of my colleagues have suggested that the law's requirement that the Forest Service consider alternatives has delayed hazardous fuels reduction projects. However, numerous court cases have held that in some circumstances two or three action alternatives are adequate to comply with NEPA. Specifically, the Ninth Circuit held that in the cases of Friends of Southeast's Future v. U.S. Forest Service and the Muckleshoot Indian Tribe v. U.S. Forest Service, that two or three alternatives, in addition to the preferred alternative and the no-action alternative, will satisfy NEPA.

The case law does not say that 30 different alternatives must be considered, or 10 different alternatives, or 7 different alternatives, or 6 different alternatives, or even five different alternatives. It is saying that in certain cases, two or three can be adequate.

I think my colleagues are well intentioned. However, I have real concerns about the proposed change to the National Environmental Policy Act, that has been on the books since 1969. The bill before us would limit the number of alternatives to: one, the proposal for hazardous fuel reduction; two, the alternative of doing nothing or; a third alternative, which is the only real alternative. In the case of a proposed fuel reduction project in the Northwest, someone could propose taking no action because we do not have to do that hazardous fuel reduction, and then someone else says, maybe here is an alternative.

Well, my concern is that we are throwing the baby out with the bathwater. If only 6 percent of these cases really have not had the categorical exemption of not having to go through an EIS and only three percent are ending up in court, then the National Environmental Policy Act is not the cause of the holdup.

Washington State has been the subject of many forest fires and many tragedies, most recently the tragic Thirty-mile fire in 2001. Much of eastern Washington is under condition class 2 and condition class 3, and, therefore, could be subject to this bill. My concern is that if a city wants to propose an alternative, it might be precluded from offering an alternative that would address concerns over the impact of the hazardous fuels reduction project on water quality.

So I would say to my colleagues, let us fund the hazardous fuels reduction account. Let us move forward to promote healthier forests. If we truly see that the National Environmental Policy Act delays project, even though only 3 percent of hazardous fuels projects have ever reached court, then let us come back and change the law.

I am truly concerned with the proposed change to the National Environmental Policy Act. What will stop other legislative proposals from coming to the Senate floor to change the National Environmental Policy Act in other areas? Are Members who are going to support this underlying language ready to stop at hazardous fuel reduction, or do they want to change NEPA all across the board?

For example, say one's community has to consider a proposal to build a new gas pipeline. Pipeline safety has been an issue of great controversy in the State of Washington, which had a pipeline explosion several years ago that killed several people. What if only one alternative was considered for the route of a gas pipeline going through one's State? I want to make sure the current law says reasonable alternatives are considered so that no community, no citizen, no organization with standing is left out in the cold.

That is what Henry M. Jackson was thinking about when he wrote the National Environmental Protection Act. He thought about making sure the public had a chance to participate in the process. He wanted to make sure they had the ability to have the issues that they wanted to be addressed and considered.

The Forest Roads Working Group, an organization that has operated with the blessing of the Bush Administration, along with other organizations, has raised similar concerns. These organizations have expressed their support for the public to have a say and to retain the ability to participate in the decision-making process.

I know my colleagues want to move forward on a plan that will make all communities more secure, that will make our forests more healthy. I applaud them for that, but I also hope Members will stop and think about the statistics that GAO has outlined. This dispute is not fundamentally about the EIS process and the number of alternatives. The Forest Service has the ability to proceed via categorical exemptions. It can develop an EIS when it needs to analyze complex proposals. If we start changing NEPA with respect to hazardous fuels projects, where are we going to stop?

I urge my colleagues not to change legislation that has been one of the landmark pieces of environmental law that this body saw fit to pass in 1969, but rather to keep that legislation intact and fund hazardous fuel reductions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, the Senator from Washington has made a number of extremely important points, points with which I certainly agree. Having served as chair of the forestry subcommittee and now ranking minority member, I can tell my colleagues the Senator from Washington is absolutely right with respect to her concern about adequate funding. For example, the bill from the other body provided no funding for the thinning projects. This legislation increases funding 80 percent. So her point with respect to making sure there is funding is dead on correct, and I think not only that point but other points she has made are correct.

In spite of that, I do have to oppose the amendment tonight, and I want to take a couple of moments to say why.

First, let me stress how important public participation was to me and to the other Senators who are involved in putting together this bipartisan compromise. If there is one thing, just one, that I want to stand for in my career in public service, it is the right of citizens to participate. That is why I have open community meetings in all my counties. It is why I have sidewalk office hours. It is why, as so many Senators, I try to make myself available as widely and extensively as I can.

So I come tonight to say with respect to this key issue, this key question of public participation, not one current opportunity for public involvement would be lost under this compromise. I say that again. Not one current opportunity for public comment would be lost under this proposal.

There are three alternatives that people would be part of examining and, in fact, the public would have a right to come forward and offer their own. It

seems to me that that gives us a chance to keep the greatness of the National Environmental Policy Act, a statute more than 30 years old, while at the same time allowing us to deal with some of the concerns such as the unnecessary redtape and paperwork.

This proposal in the legislation we are considering cuts the alternatives from five, to nine, essentially to three. I am of the view that, while it is appropriate to have a host of these alternatives under the National Environmental Policy Act, when, say, the Federal Government is building a road, which is a broad purpose concern, I think when you are talking about this area and projects that are narrowly drawn, limited in where they can occur and how, it is appropriate to try to boil down the NEPA alternatives to the three that we have offered in this legislation.

Mr. President, the Senator from Washington makes the argument that, in effect, the Senate will be starting down a slippery slope. I would just say to the Senator from Washington, I am convinced that because there are good people in the Senate, such as the Senator from Washington, that will not be the case. If someone comes forward and tries, for example, to unravel the National Environmental Policy Act, or even apply what we are doing in this area to every area, there will be opposition from a whole host of Senators, including this one. Nobody is talking about doing this in a host of other areas. We are talking about saying in this one area where we have been told by, for example, the Governors, it is not just a question of spending more money, it is a question of how you spend the money, I think this compromise strikes a reasonable balance.

I urge my colleagues to support this compromise. The compromise is dramatically different than the approach the other body takes with respect to the National Environmental Policy Act. The other body basically kicks the public out by predetermining the National Environmental Policy Act alternatives. What is offered in the compromise preserves all opportunities for public input and appeal, while making sure that we deal with the paperwork and some of the unnecessary redtape.

I urge my colleagues to support what is in the compromise because not one current opportunity for public comment would be lost, and all of us want to make sure that on an issue that citizens care so strongly about their right to be heard is preserved. This compromise does that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I join with my colleague from Oregon in opposing this amendment. Let me make a couple of quick points.

First of all, if the Senator from Washington is concerned about the issue of funding, we increase by 80 percent the funding provided for fuel load induction.

With regard to process, the process in this bipartisan amendment will require the agencies work together in collaboration with the public to develop proposed projects.

It will allow the communities to develop community protection fire plans to help land management agencies better understand their individual needs.

It requires the agency to publish a notice of each proposed hazardous fuel reduction project authorized under the act.

It requires the agency to hold public meetings to describe the project and take the public comments on the project.

It requires a NEPA analysis of two action alternatives and one no-action alternative.

It requires the agency to facilitate a predecisional protest process once the project analysis has been completed, and then the publication of a final decision notice.

Finally, it allows the public to pursue a case in the courts if, after all of that, they still do not support the outcome of the decisionmaking process.

Because of this, I believe it is very important that we do not continue to increase the cost and the bureaucracy surrounding the management of these decisions. Therefore, I oppose the proposed amendment.

Mr. President, I move to table this amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is on agreeing to the motion to table. The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Missouri (Mr. BOND) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. REID. I announce that the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from West Virginia (Mr. ROCKEFELLER), are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) and the Senator from West Virginia (Mr. ROCKEFELLER) would each vote ''nay.''

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

The result was announced—yeas 57, nays 34, as follows:

[Rollcall Vote No. 426 Leg.]

YEAS—57

Alexander	Baucus	Brownback
Allard	Bennett	Bunning
Allen	Breaux	Burns
Campbell	Fitzgerald	Miller
Chafee	Frist	Murkowski
Chambliss	Graham (SC)	Nickles
Cochran	Grassley	Pryor
Coleman	Hagel	Roberts
Collins	Hatch	Santorum
Cornyn	Hutchison	Sessions
Craig	Inhofe	Shelby
Crapo	Johnson	Smith
Daschle	Kyl	Snowe
Dayton	Landrieu	Stevens
Dole	Lincoln	Sununu
Domenici	Lott	Talent
Ensign	Lugar	Thomas
Enzi	McCain	Voinovich
Feinstein	McConnell	Wyden

NAYS—34

Akaka	Dorgan	Levin
Bayh	Durbin	Mikulski
Biden	Feingold	Murray
Bingaman	Graham (FL)	Nelson (FL)
Boxer	Gregg	Reed
Byrd	Harkin	Reid
Cantwell	Inouye	Sarbanes
Carper	Jeffords	Schumer
Conrad	Kennedy	Specter
Corzine	Kohl	Stabenow
DeWine	Lautenberg	
Dodd	Leahy	

NOT VOTING—9

Bond	Hollings	Nelson (NE)
Clinton	Kerry	Rockefeller
Edwards	Lieberman	Warner

The motion was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. Senator HARKIN has the last amendment, we are told, and then we can go to third reading. Everyone should understand the regular order following final passage of this. We go to the Foreign Operations appropriations bill.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 2045

(Purpose: To provide authority for title I)

Mr. HARKIN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa, [Mr. HARKIN], for himself, Mr. LAUTENBERG, Mr. KENNEDY, Mrs. BOXER, Mr. LEAHY, and Mr. DURBIN, proposes an amendment numbered 2045:

At the end of title I, add the following:

SEC. 109. AUTHORIZATION.

The authority provided by this title applies during the 5-year period beginning on the date of enactment of this Act.

Mr. HARKIN. Mr. President, I permitted the reading of the amendment to show how simple it is, one sentence. Basically, this amendment provides for a 5-year authorization to title I of the bill. Currently, this bill is drafted as permanent law, which means these provisions continue in perpetuity. I don't believe that should be the case.

This amendment is very reasonable and should not be controversial. It is consistent with past policy on authorizations. For example, the Wyden-Feinstein bill and others introduced in the past several months have always wisely provided for a 5-year timeline. Why this bill does not have a 5-year timeline eludes me.

Most of our major authorizing bills include a specified term of years; for example, the 2002 farm bill, the Agriculture Committee child nutrition bill, which expires every 5 years, the Transportation bill, and on and on with many others. This is particularly true of legislation that attempts to legislate a different approach than what is historical practice or that is controversial in some way. Again, those both apply here.

We are legislating a different approach than what has been historical practice. It is, obviously, somewhat controversial. In doing so, this 5-year timeframe provides a structured mechanism for Congress to review the effectiveness of this new approach. I believe it is the prudent thing to do.

The bill we are debating today would significantly change how we manage millions of acres of public land. It alters the National Environmental Public Act, NEPA, as we have discussed. As we all know, the bill changes the judicial review process in addressing hazardous fuel cases. It changes the Forest Service appeals process as well. It provides well-intended protections for old growth. But these may be lacking in some key respects. And the bill involves actions that will affect public safety and protecting communities throughout the country from wildfire risk.

These are significant changes. It makes perfect sense that Congress will want to review the impact and effectiveness of the legislation after an initial period of 5 years. Indeed, I believe it is our responsibility to do so.

Currently, the legislation's authorities can be used on 20 million acres. That is a cap, and I assume some may argue that is an effective limitation on the bill. Yet this could take much longer than 5 years at the current rate of hazardous fuels reduction.

In fiscal year 2002, the Forest Service reduced fuels on 2.2 million acres of land. If we just keep that process up, you can see that the 20 million acres would not be reached for, well, a minimum of 10 years.

Now, some would argue that simply because we have a cap, that is why we should not include a 5-year authorization. Yet if all is going well, and the agencies have not yet treated the full 20 million acres, certainly the Congress can extend the authorization beyond its initial 5-year period.

We do that all the time. We come here all the time to extend authorizing bills. But it does give the relevant committees a chance to take a look at it and to see whether tweaking needs to be done or whether it needs to be reauthorized for that period of time. It sort of forces us to do our responsibility; that is, to review legislation periodically. Moreover, we can make improvements when the time comes.

Now, again, some will argue that this acreage cap is an effective authorization or a sunset, but it is not. It is simply a cap on acreage, nothing more. So I think adding the 5-year authorization to this bill is a fairly conservative, reasonable, appropriate step to take in line with much of what we do around here in terms of the length of time of legislation.

I know many of us, even those who will ultimately vote for the bill's passage, would be comforted to know in several years' time there will be an opportunity to review its impact, discuss it, and perhaps make improvements.

So, again, I urge my colleagues to support this amendment and kind of keep it in line with most other types of legislation of this nature that we pass around here.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, there is no question that what the Senator from Iowa has talked about, the limitations that are built within the legislative process, are there.

He is the reigning member of a full committee that has a forestry subcommittee. I am chairman of another forestry subcommittee. We are going to monitor very closely this bill, if it becomes law. Probably we are 6 to 8 months away from regulation writing alone that will hit the ground and become active. So already we will probably have an operative life of only 4 years, if the amendment of the Senator from Iowa were to become law.

Our job is oversight. The Senator's job is oversight. Because this is a controversial issue, it is incumbent upon us to make sure we monitor it closely. Many of our forest experts across the country who look at the magnitude of the problem of forest health today are going to suggest that even if we can reach our cap limits within 5 years, the public and the resource will cry out that we continue for years to come in a thinning and cleaning process.

So I would hope our colleagues would join in sustaining the bipartisan compromise that is reflected in the legislation that is before us this evening.

Before I close, and because this appears to be the last amendment, I want to make one more comment in the way of an article that was written in the San Jose Mercury News by Paul Rogers and Josh Susong. It appeared, apparently, today. Let me read, very briefly, the first page of this article. I will ask that the entire article be put in the RECORD.

The dateline is: Lake Arrowhead, CA:

The oil industry had the Exxon Valdez. Nuclear power had Three Mile Island.

Wednesday, with flames menacing one of Southern California's most beloved mountain resorts, Lake Arrowhead in the San Bernardino Mountains risked becoming forestry's equivalent—a disaster so overwhelming it could change U.S. environmental policy for decades to come.

The area, filled with overgrown, diseased and dying trees, has gained a reputation in recent years as one of the worst examples of forest mismanagement in the West.

If much of Lake Arrowhead or nearby Big Bear Lake ends up burning, fire experts said it could prompt rapid changes, including congressional orders for much more logging to thin the nation's overgrown forests. . . .

Well, we are already responding. This article is actually behind, and we are responding with the kind of bipartisan compromise that is before us tonight. But the article goes on to say:

Flames destroyed more than 300 homes near Lake Arrowhead Wednesday—

That is yesterday—

with no end in sight.

Forests there would have burned naturally every 20 years, said [a Forest Service expert]. . . . Areas that historically had 50 trees per acre now have 500 [trees per acre].

Well, the article goes on and on, but here is something that it talked about. And, of course, we have not seen the evening news tonight because fires are still burning in the Lake Arrowhead, San Bernardino forest areas.

It says:

Fire crews worked desperately to stop the advance as it moved toward 44,000 homes, 2,000 businesses and 80,000 outbuildings—property with an assessed value of $8 billion.

''This may be a landmark event. This fire could take out 20,000 homes in the next day or two,'' said . . . a professor of earth sciences at the University of California-Riverside.

And the article goes on and on.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

[From San Jose Mercury News, Oct. 30, 2003]

LAKE ARROWHEAD: FEARS OF A LANDMARK DISASTER

(by Paul Rogers and Josh Susong)

LAKE ARROWHEAD.—The oil industry had the Exxon Valdez. Nuclear power had three Mile Island.

Wednesday, with flames menacing one of Southern California's most beloved mountain resorts, Lake Arrowhead in the San Bernardino Mountains risked becoming forestry's equivalent—a disaster so overwhelming it could change U.S. environmental policy for decades to come.

The area, filled with overgrown, diseased and dying trees, has gained a reputation in recent years as one of the worst examples of forest mismanagement in the West.

If much of Lake Arrowhead or nearby Big Bear Lake ends up burning, fire experts said it could prompt rapid changes, including congressional orders for much more logging to thin out the nation's overgrown forests, a loss of public confidence in environmental groups that have resisted such logging, and billions more taxpayer dollars spent on fire protection.

Flames destroyed more than 300 homes near Lake Arrowhead Wednesday, with no end in sight.

Forests there would have burned naturally every 20 years, said Tom Bonnicksen, a professor of forest science at Texas A&M University. But with homes at risk, the blazes were regularly extinguished. Areas that historically had 50 trees per acre now have 500.

''Who's to blame? It depends on which decade you are talking about,'' said Bonnicksen.

By the 1970s and 1980s, warnings from fire experts went unheeded by homeowners' associations around Lake Arrowhead. They protected their trees to preserve property values.

''You couldn't even cut the limb off a damn tree without getting a permit,'' said Minnich. ''These people have wanted to save every leaf.''

The last sawmill in the area closed in the mid-1980s. More recently, environmentalists have pushed hard to limit logging of large trees there.

''The handwriting was on the wall several decades ago,'' said Bonnicksen. ''Anyone in forestry could forecast that the inevitable outcome would be the forest would burn down or the insects would kill it and then it would burn down.''

The U.S. Forest Service said Wednesday its policy on forest thinning has been guided by public opinion.

''People didn't move there to be next to a logging operation,'' said . . .

Fire crews worked desperately to stop the advance as it moved toward 44,000 homes, 2,000 businesses and 80,000 outbuildings—property with an assessed value of $8 billion.

''This may be a landmark event. This fire could take out 20,000 homes in the next day or two,'' said Richard Minnich, a professor of earth sciences at the University of California-Riverside.

WARNINGS OF DANGER

The loss of Lake Arrowhead would be stunning but not entirely surprising. For the past three years, fire experts have described the resort community 100 miles northeast of Los Angeles as a catastrophe waiting to happen.

Four years of drought have hammered the region. The area's weakened ponderosa pine and fir trees became infested with bark beetles, and by this summer millions of trees were dead across 350,000 acres.

Limbs fell on cars and homes. Local residents, facing county citations, paid up to $1,000 per tree to contractors in a frantic attempt to remove the tinder-like fuels. They barely made a dent.

The reason: The forests are unnaturally thick. Fire crews began putting out fires in the area in the early 1900s, when James Gamble of Proctor & Gamble built a dam to create the lake, and vacation cabins from a growing Los Angeles began to spring up in the 1920s and 1930s.

Forests there would have burned naturally every 20 years, said Tom Bonnicksen, a professor of forest science at Texas A&M University. But with homes at risk, the blazes were regularly extinguished. Areas that historically had 50 trees per acre now have 500.

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The U.S. Forest Service said Wednesday its policy on forest thinning has been guided by public opinion.

''People didn't move there to be next to a logging operation,'' said spokesman Matt Mathes.

Mathes said when the trees began to die off from bark beetle infestation, the San Bernardino National Forest increased its budget for fire-thinning from $2 million in 2002 to $12 million this year.

Charles Griego, who's been trimming trees in the area for years, left his home near Lake Arrowhead on Wednesday with his wife and three sons and a pile of family pictures.

He shook his head when he talked about the downed trees and the agencies—federal, state, anybody. ''They've known they had a problem for years,'' he said, ''and they didn't do anything.''

ANGRY E-MAILS

As the fires burned, angry e-mails began pouring in Wednesday to the offices of environmental groups blaming them for the disaster.

Monica Bond, a wildlife biologist with the Center for Biological Diversity in Idyllwild, said that although her group has appealed and sued to block a government forest-thinning operation in the Sierra Nevada, it had not done so in the San Bernardino Mountains. The trees need to be logged and removed, but large trees should be left for wildlife habitat, she said.

''Some people are shamelessly exploiting this tragedy as an excuse to log big trees in remote areas,'' she said. ''There is no need to do that.'' Bonnicksen, who has worked with the timber industry, said he supports President Bush's ''Healthy Forests Initiative,'' to thin overgrown national forests and cover the costs by allowing timber companies to take some large, old-growth trees.

''If Lake Arrowhead burns down, there will be a massive reaction,'' he said. ''It will be finger-pointing like you can't believe. I'm more interested in having us understand why it got this way, and preventing it from ever happening again.''

On the Senate floor Wednesday, Sen. Dianne Feinstein, D–Calf., held up pictures of California forests. She succeeded in convincing the Senate to pass an amendment to Bush's logging plan that would require 50 percent of thinning to be done near homes, and to provide $760 million to offset the costs.

''Look at these homes. Look at the dead and dying trees,'' she said of Lake Arrowhead. ''Does anyone believe they have a chance of surviving if this forest is not cleaned?''

Mr. CRAIG. Mr. President, what we are about to conclude tonight is a 3- to 4-year effort on the part of many folks of good will on both sides of the aisle to bring some modicum of change. This is not a giant leap forward. This is a cautious, careful step to assure that we can begin to address our forests that are overgrown, that are diseased, that are now caught up in the scenario of wildfire, as we see it playing itself out in southern California today.

Without a doubt this is a national emergency and a national crisis. We are being asked to spend upwards of $1.2 billion a year of taxpayers' money simply to put the fires out, let alone the cleanup and the restoration and the saving of watersheds and wildlife habitat.

So I would hope we could continue this process and monitor it closely. My last hope is that the work tonight can go to the President's desk, can become law, and we can say we, once again, have become reasonable and responsible stewards of our forested lands.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Thank you, Mr. President. The hour is late. I am going to be very brief.

I am opposed to this amendment. This is not an unlimited bill. It has a 20-million-acre cap. Suffice it to say, we are going to have a lot of oversight in both the Agriculture Committee and the Energy and Natural Resources Committee.

But I also thank the Senator from Iowa with respect to how he has handled this legislation. He has been exceptionally kind and helpful to me. He has had differences of opinion with me on this issue. I thank him for all of his cooperation.

Suffice it to say, Mr. President and colleagues, the West has been watching the last few days, and in a particularly contentious area, the Senate has been able to find an awful lot of common ground. Even on some of the amendments that we have had—the question of the urban interface funding initiative, whether it should be 50 percent or 70 percent—these are areas where reasonable people can differ. It is awfully easy to polarize on this issue, to drive people into rival camps, and to a great extent the Senate has avoided this.

So what is important tonight as we deal with this last substantive amendment—and then we have a couple of procedural matters, colloquies, and that sort of thing to finish—is that we recognize how important it is to get this bipartisan compromise to the President's desk.

The bill that the Senate will pass tonight is the one that I believe ought to become law, and it is absolutely critical that it be the one to get to the President so it can become law.

So I hope Senators will continue to work together on a bipartisan basis and make sure the Senate compromise does not unravel.

In addition to the Senator from Iowa, who has been so helpful throughout this process so we could expedite it, Senator COCHRAN from Mississippi, since the days that we spent those long hours in his office, Senator CRAIG, Senator DOMENICI, Senator CRAPO, and others, a lot of people thought we would never get to this night.

One person who did was the senior Senator from California who I have been so honored to have had on my subcommittee over the years. We wouldn't be on the floor tonight without the senior Senator from California who consistently, when we bumped up against an issue where we couldn't bring people together, it was the Senator from California who broke the gridlock. I want the Senate to know how much this body should appreciate the contribution of Senator FEINSTEIN. This Senator does in particular.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we are wrapping up this bill. I think everyone knows that it essentially came from the Agriculture Committee of the

Senate. Many of us thought it was going to the Energy and Natural Resources Committee, but it was ruled that it belonged more in the jurisdiction of Agriculture. I feel very good about the results. I am very pleased with Chairman THAD COCHRAN's efforts and those of the Agriculture Committee, in a bipartisan manner, producing this bill and then further negotiations to even make it better.

I am not so sure had it been sent to the Energy and Natural Resources Committee, where in years past we would have thought it should go, that we would have produced as good a bill. With the amendments that have come forth because of efforts after the bill came out of committee, it is truly remarkable that we were able to achieve this. It is almost as if the problem couldn't possibly have existed so long because of the way it has worked out. It is like an overwhelming number of Senators have come to the realization that it is time to fix a broken set of management tools for the forests of our country.

I think we have fixed them. I can tie this into the pending amendment by saying, it certainly isn't anything you are going to fix in 5 years. So for those who might have in mind that we have this bill for 5 years and then we start over, we are probably going to need 15 or 20 years of effort under this bill, with plenty of resources, to get the forests of America back where they should be. Where they ought to be is they ought to be beautiful forests, but they ought not be so susceptible to burning down. We all know that.

It is just incredible that it has taken so long to get where we are. I know what Senator CRAIG read into the RECORD a while ago from the newspaper in California because I read it a while ago. Whoever wrote it is right on. This horror that we lived through was no accident. It is the result of not doing what we ought to do because certain groups in this country didn't want it to be done—plain and simple.

They know who they are and the people know who they are. It happens that every time we turn around and talk about them, there is an excuse now that they really didn't do it; They weren't really against this; They were for fixing the forests all along; They have been for modifying our laws for decades; right?

Well, that just isn't true. We have finally come around, but it surely has taken a long time.

Anybody looking at this Nation on this one would have a real complaint about the slowness of the democratic process. Because it wasn't all of a sudden that this problem came upon us; it has been around. It has been up and down, through the hills, burning the mountains. It leaves millions of acres dry, pieces of wood standing in the air that have been infested. And then still there are people going to court, groups saying, don't cut them down.

These fires cut them down. These fires make them disintegrate. They don't even burn down; they just go poof and there goes a tree. That is about how it goes.

I have seen it. I had one that was bad. Three hundred fifty homes burned down. Probably with the number of homes and the damage, it was the second largest one. But it paled in comparison to this one.

Frankly, before these forests that are dead and should have already been cut down, before it finishes in California, there will be no room for excuses. There is going to be a whole bunch of people who will want it all solved next week, in particular those who have been in the way of fixing it. They are going to be saying: Why isn't it fixed?

We are going to have to pour in three times as much money, in my estimation, as we have been putting in. I don't know if we can find the manpower to put in the Bureau of Land Management and the forests to do the kind of work we have to do. I am not sure we can. It is such a huge job to clean up these forests that I am not sure, if you put down a timeline and said, here is where we ought to be, we would get there. We are going to have to contract it out. We will have to have all kinds of approaches to get in there and just take out all that stuff that is all over the bottom of the forests, under the trees, just waiting to burn. That is no easy job.

For those who are so worried that we were going to log the forests to death, they have watched them burn to death. We were not going to log them to death so we watched them burn to death. That is what happened.

It is high time we fix it. I don't know if I will be a conferee. Maybe they will all be off the Agriculture Committee. If I am, I can pledge that I am in a hurry. I have a lot to do, but I am in a hurry.

Everybody who goes to this conference ought to be in a hurry, not only in a hurry to get a bill but in a hurry to get a bill that can clear the Senate and get the President to sign in the shortest period of time. That is what we ought to be worried about next. It isn't so good to get this done and be at it 6 months and then find that the President doesn't like what we have done because we have changed things so much.

I thank not only Chairman COCHRAN but I thank the staff of the Agriculture Committee. They have been tremendous. We have had the luxury of working with them from our staff. But I can tell you, had it been assigned, we couldn't have done it any better with the full staff. And they have done it.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I wanted to say a few words. Actually, Senator CRAIG was one of the earliest people with whom we began to work on these issues, from the California perspective, many years ago on the Quincy Library Group. That began to develop kind of an across-the-aisle bond.

Then when Senator WYDEN became ranking member of the Subcommittee on Public Lands and Forests in the Senate Energy Committee, he really took a great interest in this subject as well. So it has been a terrific pleasure for me to work with him as well. He has carried this out in an absolutely superlative way.

I also want to thank Senator DASCHLE, Senator LINCOLN and Senator PRYOR, who have been a crucial part of this legislation, Senator MCCAIN, Senator COCHRAN, Senators CRAPO and DOMENICI. I am looking for people in the Chamber who have been part of this effort.

I hope the American people are proud of us tonight. I believe we have worked as the American people want us to work—not out of mean-spirited partisanship but rather, sitting together and working across the aisle to work out compromises. That is what this bill is. We had to cement certain compromises in order to see that the bill covered the United States fairly and also met the concerns of both sides of the aisle.

This bill is funded. It is about double the amount of money that we have had in the past to treat those lands that are at high risk of catastrophic fire. The House bill is not funded. Additionally, this bill leaves intact a collaborative citizen participation process in an administrative review procedure. It leaves intact the ability for judicial review, but it truncates it in a way that allows us to move more aggressively on the 20 million acres that are encompassed in this bill.

It is interesting to me to hear people say: Oh, they are just going to log all the forests. In fact, that has never been the case. There has always been a set number. In this bill, it is 20 million acres. We have 54 million acres across the United States that is at the highest risk of catastrophic fire. In my State alone, we have 8.5 million acres. It is going to take a new mindset for people if we are going to be able to do what we need to do.

Since Senator CRAIG mentioned the Old Fire, which is currently burning in California, I just wanted to give you all a brief update. Currently, I have my State director at the command center in San Bernardino. I just want to report that with respect to the Old Fire, which is the huge fire they thought would consume all of Lake Arrowhead and a number of other threatened mountain towns where there are 50,000 to 60,000 residential homes, they have had a good day today. It began to rain this morning, the fog is in, and the air remains moist. They couldn't see the smoke for the fog, and for the first time on the fire lines, there is a sense of optimism that these heroic crews are going to be able to get a hold on this fire. Most importantly, they were able to bulldoze a line ahead of that fire. Over five hundred homes have been lost in that particular fire so far. Hopefully, there will not be many more

lost, and, hopefully, within a matter of a few days that huge fire can be put under control.

As we know, the town of Julian, which is a gold mining town in the San Diego area, has eight firefighters. All eight firefighters fighting these fires have lost their homes. One distinguished firefighter, Steven Rucker, who came down on mutual aid from the city of Novato in northern California lost his life. I think we all salute him.

There is an enormous lesson in these devastating fires currently burning in my home State, and it is that the land has to be managed. The forests have to be managed. We have to do the right thing for our constituents. We are pushed and we are pulled by conflicting interests. I believe the Senate version of this bill is a good bill. It is a good bill from the interests of the public, and that is what has to count in this matter.

I thank the Chairman of the Agriculture Committee, Senator COCHRAN, who has been instrumental in leading this effort; Senator DOMENICI, my friend and colleague, and Senator HARKIN, the ranking member on the Agriculture Committee. I hope my colleagues will join me in supporting this bill.

I thank the chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I wish to close out my amendment. There were a lot of speeches, but not too many on my amendment.

I would like to bring it back a little bit, anyway. I again point out that the pending amendment is one that basically says we are going to authorize it, but we are going to authorize it for a period of time.

I say to my good friend from Oregon—and he is my good friend—I know he and others worked so hard on this bill and got a good compromise. I understand that, but I don't think that putting a time on this bill violates any compromise. As I pointed out, earlier bills have had a 5-year time limit.

I know my friend from Idaho talked about monitoring, the fact we monitor bills. Of course, we monitor bills. There is that old saying: Nothing focuses one's attention like the hangman's noose. When you find that something is expiring, that is when a committee starts to act, review, and get into it, perform its responsibilities.

It is in that nature I have offered this amendment. I don't think it does anything to hurt the bill or change it. It doesn't change one thing in the bill. All it says is at some point down the track, 5 years—I picked 5 years because that was in earlier bills—the appropriate committee—in this case the Agriculture Committee—will reauthorize it.

Sometimes a reauthorization goes through by unanimous consent. That may be the case with this bill. I don't know. Maybe if this bill works as everyone says it will, it might go by unanimous consent or maybe we will want to change something. At least it will force the committee to do something at that time, and that is in the nature of why I offered this amendment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I will be very brief. I know Members are here waiting for a vote. I also have to rise in opposition to the amendment. When we first began crafting the legislation in the Agriculture Committee, of which I chaired the Forestry Subcommittee, our first thought was to have no limit on time and no limit on acreage because, frankly, this is a good bill and it provides good management techniques we ought to utilize until we can devise better ones for our forests.

However, in the compromise through the negotiation process, as we were working to make this a strong bipartisan bill and bring it together, we agreed to a 20 million acre cap. I believe that 20 million acre limit is very modest compared to the risk we face. We need to put a perspective on this. The fact is the estimates are that there are 100 million acres at risk in America today, and this bill has a 20 million acre limit.

If anything, we need to be talking about how to consider whether we need to expand the application of this bill rather than to retract it or put more limits on it because we have worked in a bipartisan fashion to put together a good compromise that is going to be good for our forests and good for the people who live near the forests.

I conclude by also thanking those who worked with us to make this truly a bipartisan effort: The chairmen of the two committees, the Agriculture Committee, Senator COCHRAN, and the Energy Committee, Senator DOMENICI; my colleague from Idaho, who is the chairman of the Forestry Subcommittee on the Energy Committee, and Senator LINCOLN, who is the ranking member on my subcommittee who worked so closely with me to draft the first piece that became the underlying language from which we then built this compromise. She has worked very hard and very effectively to make this all happen; Senator FEINSTEIN and Senator WYDEN, who came in and worked with us, with a true and sincere interest to make this a true and strong bipartisan effort; Senator MCCAIN and Senator KYL from Arizona, who became involved; Senator BAUCUS and Senator BURNS from Montana; and Senator THOMAS from Wyoming—all of whom were very integral in working to help make this a broad, successful, bipartisan effort. I am sure I have left some out.

The reason I go through this is to, once again, reiterate how this is the way people in America want the political process to work. They want us to find common ground and build good commonsense solutions to issues that cross party lines and get to the issue on principle rather than on partisanship or personal attacks. That is what this bill is about.

As I move to table this last amendment, I will announce that we will then be going forward after that with a managers' amendment and to final passage. I think tonight we are going to have a very big victory for America.

Mr. REID. Will the Senator yield?

Mr. CRAPO. Yes, I yield.

Mr. REID. Can we voice-vote the managers' package?

Mr. CRAPO. I believe we could.

I move to table the Harkin amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

I remind Senators, per instructions from both sides of the aisle, this will be a 20-minute vote.

The question is on agreeing to the motion to table amendment No. 2045. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Alabama (Mr. SHELBY) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from Connecticut (Mr. LIEBERMAN), are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

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

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

The result was announced—yeas 61, nays 31, as follows:

[Rollcall Vote No. 427 Leg.]

YEAS—61

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Miller
Baucus	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Feinstein	Pryor
Breaux	Fitzgerald	Roberts
Brownback	Frist	Santorum
Bunning	Graham (SC)	Sessions
Burns	Grassley	Smith
Campbell	Gregg	Snowe
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Collins	Johnson	Thomas
Cornyn	Kyl	Voinovich
Craig	Landrieu	Warner
Crapo	Lincoln	Wyden
Daschle	Lott	
Dayton	Lugar	

NAYS—31

Akaka	Carper	Graham (FL)
Bayh	Conrad	Harkin
Biden	Corzine	Inouye
Bingaman	Dodd	Jeffords
Boxer	Dorgan	Kennedy
Byrd	Durbin	Lautenberg
Cantwell	Feingold	Leahy

Levin	Reed	Schumer
Mikulski	Reid	Stabenow
Murray	Rockefeller	
Nelson (FL)	Sarbanes	

NOT VOTING—8

Clinton	Kerry	Nelson (NE)
Edwards	Kohl	Shelby
Hollings	Lieberman	

The motion was agreed to.

AMENDMENT NO. 2046

Mr. COCHRAN. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 2046.

Mr. COCHRAN. 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 printed in today's RECORD under ''Text of Amendments.'')

Mr. COCHRAN. Mr. President, this is an amendment containing technical changes to the bill and amendments in behalf of the following Senators: Senator COLLINS, Senators CORZINE and SPECTER, Senator CANTWELL, Senator LEAHY, Senators LUGAR and HARKIN, Senator ENSIGN, and Senator ALLARD, all of which have been approved by the managers on both sides.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendments are agreed to.

The amendment (No. 2046) was agreed to.

Mr. CORZINE. Mr. President, I want to take just a few moments of the Senate's time to discuss a provision included in the manager's amendment that will authorize acquisition of open space in the Highlands Forest that runs through New York, Pennsylvania, Connecticut and my state of New Jersey.

First of all, I express my great appreciation to the managers of this bill, Senators COCHRAN and HARKIN, for agreeing to include this amendment. I also recognize and congratulate Congressman RODNEY FRELINGHUYSEN for his success in getting an identical version of this bill passed unanimously by the House Resources Committee yesterday. Congressman FRELINGHUYSEN and I have worked together closely on this matter, and I know he has worked hard for many years on behalf of the Highlands and has played a key role in bringing needed conservation funds to the area.

The amendment included in the managers' package is a modified version of S. 999, the Highlands Stewardship Act, which I introduced earlier this year with Senators LAUTENBERG, SCHUMER, CLINTON, DODD, LIEBERMAN and SPECTER. The goal of this bipartisan legislation is to preserve one of the last open space treasures in our densely populated region, the Appalachian Highlands Forest.

The Highlands region stretches from northwestern Connecticut, across the lower Hudson River valley in New York, through my State of New Jersey and into east-central Pennsylvania. It encompasses more than two million acres of forest, farms, streams, wetlands, lakes and reservoirs. It also includes such historic sites as Morristown National Historic Park, where George Washington had headquarters during the American Revolution, and the United States Military Academy at West Point.

The value of the natural, recreational and scenic resources of the Highlands cannot be overstated. In a study of the New York–New Jersey Highlands region alone, the Forest Service found that 170 million gallons are drawn from the Highlands aquifers daily, providing quality drinking water for over 11 million people. 247 threatened or endangered species live in the New Jersey–New York Highlands region, including the timber rattlesnake, wood turtle, red-shouldered hawk, barred owl, and great blue heron. According to the U.S. Forest Service, over 14 million people visit the NY–NJ Highlands for outdoor recreation, more than Yellowstone National Park and our most heavily visited natural treasures.

But the values and benefits of the Highlands are not limited to the four states that share them. A 1992 study and recent update by the United States Forest Service describes the Highlands as a region of ''national significance''—one that is within 2 hours of travel for 1 in 9 Americans.

Unfortunately, the supply of federal, state, local and private money that has gone to protect the Highlands over the years has not kept pace with development in the area. According to the Forest Service, more than 25,000 acres of forest and farm land in the New York and New Jersey sections of the Highlands have been lost annually to development between 1995 and 2000, and nearly 300,000 acres of land critical to future water supplies remain unprotected.

I represent the most densely populated state in the country. The pressures we face from development are intense. In New Jersey, the Highlands region lies in close proximity to New York City and is valued for housing development. New York, Connecticut and Pennsylvania face similar development pressures. We need to do more to protect this national treasure.

The amendment that I hope the Senate will approve today is modeled after the successful federal-state partnership used to protect much of Sterling Forest, a crown jewel of the Highlands. The legislation would facilitate similar conservation partnerships to protect critical treasures threatened by sprawl throughout the region. The amendment would enable us to build upon the legacy of Sterling Forest, but it will take a strong commitment and partnership between the Highlands states and the Federal Government to safeguard this region.

The amendment calls on the governors of the four states to recommend conservation projects within certain threatened areas identified by the Forest Service. It also would authorize $100 million over the next 10 years for easements or acquisition of land within those areas. As in the preservation of Sterling Forest, the money would come from the Federal side of the Land and Water Conservation Fund.

I would note that the land and water conservation fund generally is not used for open space acquisitions in my state and the other Highlands states. That is because the fund only can support acquisitions to expand existing Federal parks, forests and recreation areas. While this works well for states with a significant amount of federal parks and forests, it does not help states like New Jersey with comparatively less Federal land. This amendment would help to make sure that New Jersey and the other Highlands states get their fair share of open space funding.

The only land to be acquired would be land owned by people who want to sell. This amendment would not force anyone to sell, nor interfere with any other property right. Nor would the amendment interfere with any local zoning ordinance or local government land use plan. Nor would it create any new federal ownership or management responsibilities. Title to the land or easement purchased would belong to the state where it is located.

Finally, the amendment is designed to conserve land that has been identified as having a high conservation value by the Forest Service and which is not currently protected from development under any existing law. This is land that serves as the habitat for animals, or provides a source for water supplies, or that is simply unusual in its natural beauty.

In conclusion, the Highlands are a national treasure, and it is critical that they be preserved. I again thank the managers for their cooperation, and their support of this legislation.

Ms. CANTWELL. Mr. President, I rise today to thank the distinguished chairman and ranking member of the Senate Agriculture Committee, Senators COCHRAN and HARKIN, for including in the managers' package an amendment I filed on the issue of wildland firefighter safety. My heart goes out to my colleagues from California and the people they represent. In Washington, we are well acquainted with catastrophic wildfires and the threat they pose to local communities. Our thoughts are with the people of California, as well as with the families of the firefighters on the job—including crews from my State who are on their way south to join in the effort.

The men and women who fight fires on our public lands serve our Nation bravely. Since 1910, more than 900 wildland firefighters have lost their lives in the line of duty. Before the California fires, I believe the toll was 26 individuals this year alone.

And this morning, we were faced with the news of the first firefighter death

from the California blazes—an 11-year veteran named Steven Rucker, who perished while trying to save a home. He leaves behind a wife and two children.

As I have read the press accounts and listened to the stories my colleagues have told about the loss of life in California over these past few days, I cannot help but recall a recent tragedy in my State of Washington. On July 10, 2001, near Winthrop in Okanogan County, in the midst of the second worst drought in the history of our State, the Thirtymile Fire burned out of control. Four courageous young firefighters were killed. Their names: Tom Craven, 30 years old; Karen FitzPatrick, 18; Jessica Johnson, 19; and Devin Weaver, 21.

Sadly, as subsequent investigations revealed, these young men and women did not have to die. In the words of the Forest Service's own report on the Thirtymile Fire, the tragedy ''could have been prevented.'' We know that firefighting is a dangerous job. But despite its inherent danger, we have a responsibility to ensure that no preventable tragedy like Thirtymile Fire ever happens again.

I would like to thank my colleague Senator BINGAMAN, the distinguished ranking member of the Senate Energy Committee, as well as Senator WYDEN, who was then chair of the Subcommittee on Public Lands and Forests. In the wake of the Thirtymile Fire, they agreed to convene hearings on precisely what went wrong that tragic day. We heard from the grief-stricken families. In particular, the powerful testimony of Ken Weaver—the father of one of the lost firefighters—put into focus precisely what's at stake when we send these men and women into harm's way. I can think of no worse tragedy for a parent than confronting the loss of a child, especially when that loss could have been prevented by better practices on the part of Federal agencies.

At the Senate Energy Committee hearing, we also discussed with experts and the Forest Service itself ways in which we could improve the agency's safety performance. And almost a year to the day after those young people lost their lives, we passed a bill—ensuring an independent review of tragic incidents such as Thirtymile that lead to unnecessary fatalities.

Based on subsequent briefings by the Forest Service, revisions to the agency's training and safety protocols, and even based on what I have heard when I have visited with firefighters over the past two years, I do believe the courage of those families to stand up and demand change has had a positive impact on the safety of the young men and women who today are battling blazes as wildland firefighters. Yet, I believe there is more that Congress can do to express our commitment. Today I offer a modest amendment that will take a few more steps in that direction.

My amendment does three simple things.

First, it will require the Secretaries of Agriculture and Interior to track the funds the agencies expend for firefighter safety and training.

Today, these sums are lumped into the agencies' ''wildfire preparedness'' account. But as I have discussed with various officials in hearings before the Senate Energy and Natural Resources Committee, it is difficult for Congress to play its rightful oversight role—ensuring that these programs are funded in times of wildfire emergency, and measuring the agencies' commitment to these programs over time—without a separate break-down of these monies.

Second, it will require the Secretaries to report to Congress annually on the implementation and effectiveness of its safety and training programs. I assure my colleagues who have not spent time dwelling on this issue, that the maze of policy statements, management directives and curricula changes associated with Federal firefighter training is dizzying and complicated.

The agencies have a responsibility to continually revise their policies in the face of new science and lessons learned on the fire line. Meanwhile, this body has the responsibility to ensure needed reforms are implemented. As such, I believe that Congress and the agencies alike would benefit from an annual check-in on these programs. I would also hope that this would serve as a vehicle for an ongoing and healthy dialogue between the Senate and agencies on these issues.

Third, it would stipulate that Federal contracts with private firefighting crews require training consistent with the training of Federal wildland firefighters. It would also direct those agencies to monitor compliance with this requirement. This is important not just for the private contractor employees' themselves but for the Federal, State and tribal employees who stand shoulder-to-shoulder with them on the fire line.

This is actually quite a complex issue about which many of us are just beginning to learn. With the severity of fire seasons throughout the country over the past 2 years—and notwithstanding the Clinton administration's efforts to hire a significant number of new firefighters as part of the National Fire Plan—the number of private contract crews hired by the agencies to help with fire suppression has tripled since 1998. According to Oregon Department of Forestry estimates, the number of contract crews at work has grown from 88 to 1998 to 300 this year, with 95 percent based in the Pacific Northwest. In general, these contract crews have grown up in former timber communities and provide important jobs, especially given the fact the agencies themselves do not at this juncture have the resources to fight the fires entirely on their own. And many of these contractors have been in operation for a decade or more and boast stellar safety records.

Nevertheless, as the number of—and need for—contractors has grown, there are more and more tales of unscrupulous employers that take advantage of workers and skirt training and safety requirements. This is a growing concern for U.S. Forest Service employees and state officials. This summer, the Seattle Times wrote a detailed feature on the issue, quoting internal Forest Service memos as well as evidence from the field.

Among the contractor practices cited in the article: Breaking safety rules and failing to warn other crews on the fire line; falsifying or forging firefighting credentials and ignoring training requirements; hiring illegal immigrants that cannot understand fire line commands—and committing various labor abuses; and rotating a single crew from fire to fire for 50 straight days—while Federal firefighters are not allowed to work more than 14 or 21 days in a row.

The article quoted from a November 2002 memo written by Joseph Ferguson, a deputy incident commander for the Forest Service: ''If we don't improve the quality and accountability of this program, we are going to kill a bunch of firefighters . . . Although there were two or three good to excellent crews on each fire, that was offset by 20 to 30 that were hardly worth having,'' Ferguson added. ''It was apparent that training for most of these crews had been done poorly or not at all.''

Paul Broyles, who heads a safety committee for the National Interagency Fire Center added that private crews he has seen have varied from ''fantastic to a he[ck] of a lot less than good and some were real safety concerns.'' He noted that while state government and feds were trying to crack down on violations associated with documentation, ''the assumption is, where there's one problem, there's probably more.''

This provision is a modest beginning in addressing the challenges posed by integrating private and Federal contract crews—and doing it in a manner that maximizes everyone's safety on the fire line. I understand that the Federal and State agencies are already attempting to push contractors in this direction, and this provision will bolster that momentum.

I had also hoped to include in this amendment a provision that would direct the General Accounting Office to conduct a study of the impacts of the President's outscourcing initiative on wildland firefighter safety. Unfortunately, that provision was opposed by my colleagues on the other side of the aisle.

Now, let me be clear. I oppose the Bush administration's outsourcing initiative. And if I had my way, I would simply declare that this initiative would not apply to the firefighting agencies. However, at the very least, I hope my colleagues will agree that we should take a close look at how outsourcing will affect the ability of

our Federal agencies to do their job when it comes to fighting wildfires and their ability to do it safely.

According to the Forest Service Council, which represents 20,000 Forest Service employees across the Nation, some 40 percent of these workers serve dual functions.

Likened to the Reserve or National Guard, they call it the ''militia'' approach—where qualified employees that perform other jobs for much of the year are dispatched as ''first responders'' on wildland fires.

From a military perspective in Iraq, we have seen the importance of the National Guard and Reserve in supporting our military efforts. No one here in Congress would contemplate outsourcing the Guard and Reserve.

I hope my colleagues would recognize that it is completely unclear how the outsourcing initiative, with its emphasis on contracting out certain types of jobs, would impact the need for Forest Service employees to perform these collateral duties. I am concerned that the outsourcing initiative will seriously erode the agencies' capacity to fight fires—just as the sponsors of this bill argue these fires are becoming most intense.

Likewise, I have serious concerns that it will disrupt the chain of command on the fire line, especially in instances in which the Forest Service could lose some of its most experienced firefighters as a result of outsourcing. These are my concerns.

While I understand that there were objections on the other side of the aisle to including the GAO study provision—and we have thus removed it from this amendment, to move forward on the other important provisions—I guess we are lucky that such a study does not actually require legislation. I plan to work with a number of my colleagues to request just such a report form the GAO, because I believe it is important we thoroughly understand the way outsourcing would impact Federal agencies' ability to fight fires and fight them safely.

And so I hope my colleagues will support this simple amendment. Ultimately, the safety of our Federal firefighters is a critical component of how well prepared our agencies are to deal with the threat of catastrophic wildfire.

Congress owes it to the families of those brave firefighters we send into harm's way to provide oversight of these safety and training programs.

We owe it to our Federal wildland firefighters, their families and their State partners, and to future wildland firefighters.

My amendment will provide this body with the additional tools it needs to do the job. I thank my colleagues for supporting this amendment.

ADMINISTRATIVE REVIEW PROCESS

Mr. WYDEN. Could the Senator from Mississippi confirm that with respect to section 105(c)(3), it would be the Agriculture Committee's intent that if the agency fails or is unable to make information timely available during the administrative review process, the court should evaluate whether the administrative review process was inadequate for claims or issues to which the information is material?

Mr. COCHRAN. The Senator's understanding is correct.

Mr. FEINGOLD. Mr. President, I intend to support H.R. 1904, as amended by the Senate. I do so, however, with significant reservations about the bill, and its benefits for Wisconsin, and I want to describe my concerns in detail. Forest fire management is a critical issue for my home State of Wisconsin and for the country. Forest fires burned on approximately 7 million acres across 15 States during last year's fire season, the second worst in 50 years. Fighting those fires cost taxpayers about $1.6 billion. It also cost 23 firefighters their lives. This year's fire season is expected to be as bad as last year's. And though Wisconsin has escaped the season unharmed, my State did face a higher than normal risk of fire this summer due to the relatively dry weather we had the year before.

Moreover, forests are important to Wisconsin economically. Our businesses depend on them as do our recreation and tourism industries. The primary and secondary wood products industry is the second largest employer in Wisconsin and, according to the Wisconsin Division of Forestry, my State leads the Nation in 2002 in the production of fine papers, sanitary paper products, children's furniture, and millwork. Forest resources in Wisconsin are a primary tourism attraction for both residents and visitors.

Given the role and importance of forests in Wisconsin, I wish that the bill focused more on the forests of the Upper Midwest. I am particularly concerned that the bill passed by the House focuses too strongly on the implementation of recommendations made by the Western Governors regarding forest health.

It is worth noting that the Senate has considered these kinds of emergency legislative measures to address forest health in the recent past. As many will recall, an emergency timber salvage rider was attached to and signed into law by President Clinton as part of the 1995 rescissions bill, legislation supposedly designed to reduce Federal expenditures. The salvage rider was extremely controversial, and my constituents were very concerned about its implementation in terms of its fiscal cost, the loss of critical wildlife habitat and endangered species, and the precedent that it set for lawmaking and the separation of powers in this country. The salvage rider suspended the Endangered Species Act, the National Environmental Policy Act, the National Forest Management Act, and ''all other applicable Federal environmental and natural resource laws,'' such as the Clean Water Act.

I opposed the rider because it was too restrictive in scope. The public was blocked from the legal process through which decisions affecting their national forests are made. All sales under the salvage rider were exempt from the administrative appeal process, and judicial review was severely limited to sales deemed ''arbitrary and capricious.''

So I think it is wise to be careful in crafting this legislation, lest we risk taking too extreme a step in our efforts to address forest health. I agree that the Congress should enact legislation to protect our Nation's forests from catastrophic wildlife and disease. Overall, I think that the substitute offered for title I of the bill by Senators COCHRAN, FEINSTEIN, WYDEN, DASCHLE and others, is an improvement over the underlying bill. I have also supported a number of amendments to try to narrow the bill's scope and improve its provisions. It is my hope that the conferees will adhere to the provisions approved by the Senate when they develop a final bill.

Mr. JOHNSON. Mr. President, today the Senate is considering legislation that will go a long way toward reducing the fire risk to communities throughout the western United States. The Senate is set to pass bipartisan legislation that authorizes federal land managers to treat up to 20 million acres of at-risk public lands while empowering communities with the resources and tools to protect lives and property.

The catastrophic fires in California are only the most recent demonstration of how the Forest Service, state and local communities, and private landowners must actively manage the Nation's forestlands. In South Dakota, fires have endangered the communities of Deadwood and Keystone in recent years, burning nearly one out of every 10 acres of the Black Hills National Forest. I am very supportive of the bipartisan response of the U.S. Senate toward passing aggressive forest legislation.

During the last 2 years, the Congress has debated and discussed the need to actively manage our forestlands, with particular emphasis toward protecting the wildland-urban interface, home to millions of individuals and hundreds of communities. The Black Hills is a stark example of interface and intermix communities, with a patchwork of private landowners scattered through the 1.3 million acre forest. Public land managers and communities need the tools and resources to reduce fire risk, restore forest ecosystems to a more natural balance and protect a vitally important renewable resource. It is overdue—overdue to end the debate and pass legislation.

I believe that the agreement crafted today will address many of the challenges facing public forestlands. There has been a great deal of debate from those on both sides of the spectrum as to the shortcomings and compromises made to craft the Senate bill. I agree that the bill is not perfect, but in

crafting the compromise agreement, the Senate has put forward a bipartisan proposal that will enhance the long-term health and sustainability of forestlands.

The Senate plan authorizes fuel reduction projects on up to twenty million acres of National Forest System lands and enhances local participation. In the plan, communities can develop ''community wildfire protection plans'' to identify areas for hazardous fuel reduction and other treatments necessary to protect the community from wildfire. The collaborative process established in the Senate bill will identify and prioritize fuel treatments and recommend the types and methods of projects on federal and non-federal lands. This provision is a key feature that empowers local communities to craft the proper response to the threat of wildland fire specific to their local areas.

The plan put forward today will allow the Forest Service to focus on its core mission of managing our forest for multiple uses and ease the crush of bureaucratic and administrative appeals. This fall during a tour of the Black Hills, I witnessed the progress made from recent fuel reduction projects thinning insect ravaged trees, and believe more should be done to reduce fire risk throughout the West. I will vote for the Senate compromise because it will finally replace endless talk with constructive action. I encourage the House of Representatives to join the administration in supporting the Senate bill and quickly passing this important and historic plan.

Mr. ENZI. Mr. President, we have all heard the expression many times—''A picture is worth a thousand words.'' If that is so, I don't think there is any question that the pictures of the wildfires in California are speaking volumes and they have had a dramatic impact on all of the us in the Congress and around the country .The fires continue to burn out West, and the toll continues to mount. The amount of forest land up in flames, the homes destroyed, the lives lost and the people forever changed by what they have experienced will never be known. One thing that is very clear, however, is the importance of taking every possible step to ensure that we minimize this kind of frightening destruction in the future.

It is bad enough that we have had to witness the devastation in California—and I would be remiss if I didn't take a moment to express our appreciation and our gratitude to the brave people who are fighting the fires there without regard for their own safety. They are true American heroes, and we will be keeping them in our prayers.

Take that feeling that comes from seeing all that destruction and despair in California and imagine that you were seeing the reality of a threat that faces you every day of your life. Imagine you wake up every day filled with the fear of knowing that your home, your job, your family, your heritage, and your community could be wiped out in a heartbeat. Imagine the commitment you would have to protecting your family and your cherished possessions, only to be told that you can't do much about it because somebody, far away, whose home is not facing the same kind of threat has decided you aren't worth the effort.

You might think I am exaggerating the problem, but the fact is there are more than 100 million acres of Federal forests lands that now exist under an unnaturally high risk of catastrophic wildfires and large scale insect and disease outbreaks because of unhealthy forest conditions.

For years now, we have been trying everything we can to reduce the risk and make our forests safer and more fire resilient. Every time we have tried, we have had the same response: more environmental reviews, more litigation, and more trees that increase instead of reduce the threat to the land around them.

We now have the images to confirm that our concerns were not fairy tales. We were not just speaking as alarmists, but as people faced with a very real threat.

This situation is particularly acute in western forests where more than 60 years of aggressive fire suppression programs have removed fire as a mitigating factor in maintaining forest health. As a result of these well-meaning efforts, many of our forests suffer from an unnatural accumulation of vegetation on the forest floors. Dense undergrowth, combined with increasingly taller layers of intermediate vegetation have turned western forests into deadly time bombs.

Unlike healthy fires of the past that thinned out the underbrush and left the large trees to grow larger, modern wildfires quickly climb the dense vegetation like a ladder until they top out at the uppermost, or crown, level of the forest and race out of control as catastrophic fires. Because of their high speed and intense heat, these ''crown fires'' leave an almost sterile environment in their wake. After a crown fire, nothing is left behind; no trees, no wildlife, and no habitat to speak of—with few microorganisms left to rebuild the soil.

Vegetation manipulation, including timber harvest, is therefore necessary to restore our forests, particularly in the West, to conditions that are more resistant to catastrophic disturbances and that are within acceptable ranges of variability. Scientific studies, including the Sierra Nevada Ecosystem Project, SNEP, report, state that timber harvest is a tool that can be used to enhance overall forest resilience to disturbance. The SNEP report states, for example, that ''logging can serve as a tool to help reduce fire hazard when slash is treated and treatments are maintained.'' If conducted on a large enough scale and in a controlled manner, timber harvests can restore our national forests to a point where fire can be returned as a healthy part of the environment.

However, any proposal that prohibits all forms of commercial timber harvest, regardless of the objective, indiscriminately removes an efficient and valuable tool from land managers for restoring forest conditions to a more resilient and sustainable state.

I am tired of sawmills and timber harvesting being seen as ogres. I had a brainstorming session with employees of Wyoming Sawmills and talked about healthy forests. I found them all to be concerned people who can increase the amount of expertise that is used in forest management and can do it in a way that helps our forest managers save money. These employees showed me what can be done with scrub trees in making innovative composite construction housing materials. I am talking about using small trees and stems that were once considered junk trees and were stacked in the forests and burned.

Using the innovative approach developed by Wyoming Sawmills employees is good stewardship. It would be wrong to accuse them of wanting to clear cut the forests. They know what healthy thinning is, and they know what a forest should look like. They know that their livelihood relies on good practices.

So far we have been lucky in that some of our most dangerous areas in Wyoming have not yet caught fire. One area I am particularly concerned about is just east of Cody on Wyoming's Shoshone National Forest. It lies just next to Yellowstone National Park. It provides crucial habitat to wolves, grizzlies, whooping cranes, elk, bison, mule deer and other animals that spend part of their lives in Yellowstone National Park. The area is also home to a very severe pine beetle infestation that threatens to ignite and cause extreme damage to the park, the forest and surrounding communities.

Other areas in Wyoming have not been as fortunate. I heard a report just a few weeks ago that a number of significant Native American archeological sites no longer exist in Wyoming's Wind River Mountains. When a fire swept through them earlier this year, it didn't just destroy habitat, but it also took some of the last remaining examples of wikiups and wooden sheep traps that were built by Wyoming's Sheepeater Indians. Their handiwork that reflected their place in our history is now gone and only exists in a few pictures that were fortunately taken before the fires swept it all away.

For me, this is an issue that has its roots back in the days when I was a Boy Scout. At the time, I was working on one of the requirements for the rank of First Class that had to be reached if I were to earn my Eagle Scout Award. To be successful, I had to start a campfire with no more than two matches. I got to be very good at starting campfires and was well known for winning

water boiling contests at scout camporees. There are a number of tricks people develop in starting campfires, and I had my own system that helped me win, but no matter who you are or what your trick might be, there are three basic elements to every fire: oxygen, fuel, and heat.

Oxygen comes from the air and is readily available. Fuel is found in the wood, particularly dry wood that burns easily when enough heat is applied. Heat comes from a spark, a match, or possibly just friction. The best way to apply enough heat to start a successful campfire is to properly organize the wood in a way that allows the flames to climb up from the bottom of the firepit where you put the smaller, quick-burning sticks and tinder—to the larger, longer burning logs in much the same way as someone would climb a ladder, one rung at a time.

To start a successful fire, I began by carefully putting my wood shavings at the bottom of the fire—this would be my light tinder or first rung of the fire ladder. I then built a small tee-pee of sticks over my tinder as my second rung, and then added larger and larger sticks until I had my largest pieces of wood on top where they could draw the heat from the flames of the intermediate sticks below them. If I did everything correctly, I could start my fire and get a can of water to boil before anyone else did.

You might wonder what this little story of mine has to do with the current state of our national forests.

If we were to head out into the forest right now, and we took a good look around at the density of the ground all around us, we would see that they are laid out just like the campfires I was trained to build and start when I was a Boy Scout. At the bottom of every forest lies a collection of small, dried-out bushes, leaves and fallen bark. Over this pile of tinder is the next rung of the forest fuels ladder which is made up of small to intermediate trees. These intermediate trees are then crowded in below the larger and older trees that make up the top rung or crown of the forest fuels ladder.

This problem wasn't always as bad as it is now. There was a time when Mother Nature and the Native Americans took care of thinning our forests by regularly starting wildfires. Because the fuel loads weren't allowed to grow as dense as they are today, the fuel ladder didn't reach all the way up to the big trees. Fires would burn up the tinder and thin out the intermediate and dead and dying trees. This promoted biodiversity, kept the intensity of the forests down and, in times of drought the competition for limited water resources was dramatically less than it is today. We now have forests that historically have had 40 or 50 tree stems per acre that are now over 200 stems per acre. This is a 300-percent increase. We aren't able to use widespread fire anymore because of the danger it presents to homes, as you are seeing right now in California.

When a fire starts in forests this dense, it quickly climbs the fuel ladder and races out of control. These crown fires are all but impossible to stop. The heat generated from all rungs burning at once sterilizes the soil and leaves nothing but desolation in its wake. This is only made worse with the added factor of drought. By adding to the mix stands of dead trees that are as dry and volatile as the tinder on the forest floor you can just imagine the threat this kind of fire could have on the forests and their surrounding communities.

It is a much better conservation practice, therefore, to step in and duplicate the effect historic, healthy fires had on our forests by using what is called mechanical thinning. This is a practice where our land management agencies can hire experienced timber companies to remove the dense underbrush and carry out the smaller and intermediate trees, thereby leaving a forest that is healthier, more biodiverse, more fire resilient and with a better mix of older and younger trees.

The alternative is to allow Mother Nature to step in and conduct one of her catastrophic clear cuts, and when Mother Nature does a clear cut, she doesn't respect riparian zones or raptor nesting sites, or homes.

Clearly that is a scenario we must make every effort to prevent.

As we do, just imagine how you would feel if you were here today while your family was back home, living in a house that stood in the shadow of one of those forests that is ready to explode in a blaze of flames.

Unfortunately, you don't have to imagine what that would be like anymore. We have seen what it would be like in the pictures of the fires that continue to threaten southern California.

What we have to do now is work toward a goal we should all support—ensuring no one else has to face another wildfire blazing out of control through their homes and neighborhoods because of a policy we could have but did not change.

Mr. BURNS. Mr. President, I want to speak today about the need to pass the Senate's bipartisan amendment to H.R. 1904, the Healthy Forests Restoration Act.

Today there are over 190 million acres of forests at risk of devastating wildfire. The situation is the result of the general degradation of the health of our forests. This degradation is the direct result of past poor management practices, which have resulted in our forests being more susceptible to disease, insect infestation, and hazardous fuels accumulation. These conditions have resulted in at least 10 years of devastating wildfires and the reality that if we don't do something to address these conditions we will see decades of these devastating fires.

The decision we must be willing to make is to change the direction of management, because from where I am sitting, the current method is just not working, and it has not for the last 30 years.

Most people don't realize how much money we spend every year on litigation. Last year alone, taxpayers spent $21 million just on Forest Service litigation. And that doesn't count all the paperwork and time spent on trying to make every project litigation-proof. We know this process is stuck, and it's inefficient, and we're spending a lot of money foolishly, when we could instead be spending it on the ground improving the health of our forests.

Add to that the dollars we spend on fighting fires every year, which can easily reach into the billions. The costs associated with the suppression of these wildfires reaches into the millions per fire, and the billions annually—the cost is high partly because we have allowed the health of the forests to deteriorate to such poor condition. However, the cost of fire suppression is not the only cost associated with disease, insects, and wildfires. There are equally high costs associated with the loss and damage of wildlife and fishery habitat, clean air, and problems associated with the silting of rivers and streams, loss of critical infrastructure, and the loss of tourism.

We must not let the debate over forest health degrade into a political debate of cutting timber. There are people who simply have an objection to cutting down trees, but I wonder why it's all right to burn them down?

The Forest Service timber sale program is the smallest it has been since the 1940's. We are losing more trees, wildlife habitat, and critical healthy watersheds to fire, disease, and insects than we impact through timber sales. Yet, we continue to stand by and do nothing to stop the destruction.

The environmental community can no longer appeal and litigate every project designed to remove hazardous fuels, treat disease, and eradicate insects under the guise of protecting the habitat of fish and wildlife; yet turn a blind eye on the damage that insects, disease, and fire are doing to these same habitats.

We must provide the Federal land managers with the tools needed to address the extreme conditions of our national forests. We must address the issues associated with delays as a result of appeals and litigation.

We have before us a bill that reflects a bipartisan effort to finally provide the land managers with the necessary tools. It reflects a bipartisan effort to streamline the NEPA process, expedite judicial action, treat the wildland-urban interface along with other high risk areas, and address the urgent need to combat the spread of insects and disease in our forests nationwide.

It is time for this body to set aside partisan politics and stand up to the public's expectation that we act responsibly and quickly pass this legislation. We ought not to disappoint the

public and we ought not to be responsible for continuing to put our national forests at increasing risk.

Mrs. BOXER. Mr. President, this week, as the California wildfires continue to rage, scorching more than 720,000 acres of land, destroying more than 2,600 homes, and taking the lives of at least 20 people, we have learned the costs of not taking the proper steps to protect our vulnerable communities and forests.

Last April, I wrote to the President and asked him to declare three of our southern counties disasters areas due to bark beetle infestation. There were 12 of us from both parties who asked for fuels reduction to ease our dangerous situation. Unfortunately, that disaster designation did not happen.

In July, I introduced a bill with Senator LEAHY, the Forestry and Community Assistance Act, that would have helped protect our forest and communities from wildfires. The bill would have authorized funding for wildfire prevention projects including thinning, cutting of dense underbrush, and prescribed burning.

The Leahy-Boxer bill would have authorized $1.25 billion for wildfire prevention projects on National Forest System lands, $1.25 billion for projects on Bureau of Land Management lands, and $2.5 billion for projects on tribal, private and State lands. The bill would have required that 85 percent of the funds be given to wildfire prevention projects within one-half mile of communities that are at risk for wildfire, and projects that are necessary to protect a municipal water supply system.

That is the bill I wish we were passing today. We are passing a bill that is far weaker, but it is better than the House bill.

It explicitly authorizes projects that protect at-risk communities, watersheds, and lands with insect infestation.

The bill also provides that 50 percent of the funds authorized for wildfire prevention projects be used toward at-risk communities. Unfortunately, my amendment to increase this percentage to 70 percent failed.

Of particular significance to California, the bill directs the Department of Agriculture to conduct a program encouraging systematic information gathering on insect pests that have caused large-scale damage to forests, including the bark beetle.

Also, I am pleased that the Senate passed my amendment requiring the National Institute for Occupational Safety and Health, NIOSH, to monitor the long-term health conditions of firefighters who fought in my area declared a Federal disaster.

I am also pleased the Senate passed my amendment requiring that the Environmental Protection Agency, EPA, monitor the emission of hazardous pollutants in the air in disaster areas. The provision requires that the EPA accomplish this by providing each of its regional offices with a mobile air pollution monitoring network, and publish its findings on EPA's website daily until the danger has subsided.

This bill could have been made better if we had passed several amendments that I supported. These included: a Bingaman amendment to allow the Forest Service to borrow funds from the General Treasury for firefighting once its funds have been expended. Currently, once the Forest service depletes its funds, it must borrow from other accounts within the Forest Service's budget to pay for firefighting; the Murray amendment to ensure old growth trees on all lands are protected; the Cantwell amendment to require that in undertaking efforts to prevent wildfires, all possible alternatives be considered; and the Harkin amendment to sunset the legislation after 5 years, allowing Congress to review how well the program is doing.

Despite the fact that I wanted a stronger bill, I have decided to support the bill before us, because, while not perfect, it will help make our communities safer.

Mr. BAUCUS. Mr. President, Senator MCCAIN and I intended to offer an amendment to H.R. 1904 to establish a permanent revolving fund to address the annual problem of funding emergency fire suppression needs—a problem that essentially robs funds from the very fuel reduction projects H.R. 1904 is designed to promote.

When I was in Montana this summer, I visited with some of the firefighting teams near Glacier National Park. It was absolutely amazing to see the organization and coordination that goes into fighting these fires. We had folks from Federal, State, and local agencies and local volunteer fire departments; local loggers; teams from Australia and New Zealand; and private contractors all working together to protect lives and property.

I can't tell you how impressed and overwhelmed I was by the dedication and professionalism of the firefighters on the ground. These first-rate men and women earned the deep respect and gratitude of the residents of many Montana cities and towns, particularly in West Glacier. I know that my colleagues saw much the same thing in their states, and we are all seeing it now in California.

But, this extraordinary and superior fire-fighting effort costs money—$305 million spent in Montana alone this year to fight the fires that blanketed my state. And as is too often the case, the Forest Service and Bureau of Land Management were once again strapped for fire suppression funds during extreme fire conditions. They had to borrow from other program funds to get the job done in Montana and other states this summer.

The Forest Service and Department of Interior borrowed $860 million last fiscal year to pay fire suppression costs. While recent supplemental funding for the agencies will repay some of these accounts, the agencies will still be short $170 million. Some Forest Service accounts will not be repaid, including accounts to rehabilitate burned areas. This is enormously counterproductive. And, it wastes scarce federal resources. This state of affairs cannot continue.

We have to be smarter about managing this situation in the future. Since we can't accurately predict wildfire suppression needs each year when we provide for appropriations, we need a special funding strategy to account for extreme fire years. The alternative is extreme disruption to Forest Service and Interior budgets and day-to-day responsibilities, important work deferred or canceled, and jobs lost.

Senator MCCAIN and I believe we have a responsible solution that is a fair, reasoned, and balanced approach to the problem. It's time we all faced up to our responsibilities to provide adequate and stable funding to the Forest Service and Interior for fire suppression efforts, while ensuring minimal disruption to their current programs and projects and encouraging these agencies to keep their costs under control.

However, Senator MCCAIN and I will not offer our amendment because Senator CRAIG and others have agreed to work with us, and with Senator BINGAMAN, to find a solution to this problem as soon as possible. I would like to see H.R. 1904 pass quickly, and I have no interest in delay. I appreciate Senator CRAIG's recognition of the problem and commitment to address it.

Mr. MCCAIN. I commend Senator BINGAMAN for his thorough analysis of the budgetary impediments to effective federal action to protect communities and our public forest lands from catastrophic wildfire. I am in agreement with many of the points that he makes because of what I have learned from numerous people in Arizona who have extensive hands-on experience with forest management and wildfire issues.

With the compromise reached on Title I of 1904, we struggled to find common ground in our understanding of the nature of the problem in each of our states. However, the budget issues and inadequacy of funding that Senator BINGAMAN has discussed has not been addressed in this legislation. The practice of borrowing program funds to fight wildfires will continue to undermine our efforts to increase protection of communities in the wildland-urban interface and enhance forest health on at-risk public lands.

Everyone involved in these endeavors at the federal, state, and local levels agrees that bankrupting essential program activities until they can be replenished at a later time with a supplemental is self-defeating. There is no disagreement on this score, it's simply a matter of putting the right funding mechanism in place to accomplish the objective of preserving the integrity of the forest land management agencies' programs.

It is my understanding that Senator CRAIG and Senator BINGAMAN have

come to an agreement that the Senate Energy and Natural Resources Committee will carefully consider this issue early next year. I look forward to following these proceedings to develop effective measures to ensure that the federal agencies have adequate resources to maintain essential program activities as well as fighting wildfires that occur with increasing frequency. I thank my colleagues for their commitment to addressing this widely recognized budgeting problem to allow our mutual community protection and forest restoration objectives to be achieved.

Mr. CRAIG. As I told Senator BINGAMAN, I agree that this is a serious issue and I have been working hard on resolving the problem myself. I appreciate the concerns of Senator BAUCUS and MCCAIN and thank them for not offering their amendment. This issue will be my top priority once we finish the healthy forests bill. I pledge to work with Senator BAUCUS, Senator MCCAIN and the Chairmen and Ranking Members of all the relevant committees to find a workable solution.

Mr. BURNS. I join my colleagues in noting the magnitude and urgency of this issue. As chairman of the Interior Appropriations Subcommittee, which funds wildland firefighting, I know firsthand how disruptive this borrowing cycle can be on federal agencies. Public lands states like my home State of Montana are at risk for both ends of the fire disaster when accounts are not repaid quickly. As we work toward a solution, I believe it is important that we work with the Administration and the relevant Congressional Committees such as the Budget Committee. We should also address the very real concern that firefighting costs continue to escalate year after year. Congress needs to better understand why costs per acre continue to rise and how we can reverse that cycle. Efforts by the Wildland Fire Leadership Council and their current review of firefighting costs can help us with this challenge and we can use their knowledge as a foundation for our future policy decisions.

Mr. DORGAN. Mr. President, I agree with the chairman of the Interior appropriations subcommittee, Senator BURNS, that this yearly problem of borrowing and paying back must be addressed. Those discussions need to include the relevant authorizing committees, the Budget Committee, and, of sources, the Appropriations Committee. As the Ranking Member of the Interior subcommittee, I would be pleased to work with my colleagues any way that I can.

Mr. BAUCUS. I thank all of my colleagues for their commitment to this issue.

Mr. COCHRAN. Mr. President, I thank all Senators who worked hard to put this bill together. They have all been mentioned by each other a number of times. I am grateful for everybody's contribution to this effort. It has truly been a joint effort on both sides of the aisle, across committee lines, across regional lines, and for that I am very grateful. I think we can all be proud of the work the Senate has done this evening.

I also have to mention the work of our staff members. Our great staff includes Hunt Shipman, who is staff director in the Agriculture Committee, and the following staff members who worked hard on this project: Lance Kotschwar, West Higginbotham, Doug MacCleery, Graham Harper, Dave Johnson, as well as the staff of the Senate Energy Committee under the chairmanship of Senator DOMENICI.

I hope all Senators will support the final passage of the bill.

I ask for third reading of the bill.

The PRESIDING OFFICER. The question is agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

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

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

The bill was read the third time.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on final passage of the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

Mr. MCCONNELL. I announce that the Senator from Alabama (Mr. SHELBY) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

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

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

The result was announced—yeas 80, nays 14, as follows:

[Rollcall Vote No. 428 Leg.]

YEAS—80

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

NAYS—14

Bayh	Dodd	Leahy
Biden	Durbin	Reed
Cantwell	Harkin	Rockefeller
Carper	Jeffords	Schumer
Clinton	Kennedy	

NOT VOTING—6

Edwards	Kerry	Nelson (NE)
Hollings	Lieberman	Shelby

The bill (H.R. 1904), as amended, was passed.

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

Mr. COCHRAN. I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the amendment to the title is agreed to.

The title was amended so as to read:

An Act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.

Mr. MCCONNELL. Madam President, I move to reconsider.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant 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.

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

Feinstein amendment No. 1977, to clarify the definition of HIV/AIDS prevention for purposes of providing funds for therapeutic medical care.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 1966

Mr. MCCONNELL. Mr. President, I ask for the regular order with respect to the DeWine amendment.

The PRESIDING OFFICER. The regular order has been called for, and the DeWine amendment is once again the pending question.

Is there further debate on the amendment?

The Senator from Ohio.

Mr. DEWINE. Mr. President, Members of the Senate, there are very few times when we have the opportunity to come to the floor when we know that the vote we will cast will save hundreds of thousands of lives.

The amendment we have before us will do that. I am very pleased that we have reached an agreement on the amendment that Senator DURBIN and I have offered to provide an additional $289 million for the fight against global AIDS, malaria, and tuberculosis.

Mr. President, this money will clearly save lives. Adopting this amendment is the right thing to do, and I want to thank so many of my colleagues for their support and their own efforts to fight the global AIDS epidemic.

First, I thank my colleague from Illinois, and the cosponsor of this amendment, Senator DURBIN. Senator DURBIN and I have traveled to Haiti. I have had the opportunity to watch Senator DURBIN hold children who have HIV who are very sick. I have seen how compassionate he is, how much he cares.

This is the third time Senator DURBIN and I have come to the floor and offered amendments to add additional funds to this fight against AIDS. I thank my colleague for his great work.

I thank my colleague, the majority leader, Senator BILL FRIST. No one knows more about this problem. No one has done more about this problem. Many of us had the opportunity, this past August, to go on a trip with Senator FRIST to Africa. It was an educational trip for all of us.

BILL FRIST is a teacher. He is a doctor. He is a leader. He has done a great deal, and I salute him for his great work.

I also thank Senator RICK SANTORUM, who is a compassionate individual and who is passionate about this cause. It was RICK SANTORUM who first began working with the leadership and who first suggested, frankly, the formula that is in front of us today; he came up with these numbers. I salute him for his work.

I thank Senator MITCH MCCONNELL and Senator LEAHY for bringing a very good bill to the floor. This bill will do a tremendous amount of good around the world.

It truly is an instrument of our foreign policy and also provides the resources to help save many, many lives around the world.

Finally, let me thank Senator TED STEVENS for his leadership in this area. We would not be on the floor tonight with this matter worked out without TED STEVENS' work. Let me say, for the Members of the Senate who do not already know this, this is not the first time that TED STEVENS has come forward and provided the necessary money to deal with the AIDS problem. This is, to my knowledge at least, the third time that I am personally aware of that Senator STEVENS has done so. TED STEVENS is someone who is compassionate and who cares. I salute him and thank him.

I thank my colleagues for bringing us to this point. It is significant that today in Columbus, OH, the President of the United States at noon today spoke very eloquently about this problem. He has taken the lead in our efforts to deal with really one of the greatest tragedies of our era. He, once again, spoke about the problem of AIDS. More importantly, he spoke about our obligation and our duty. This is what he said in Ohio today:

> We have duties in this world. When we see disease and starvation and hopeless poverty, America will not turn away. This great, mighty nation is leading the world in confronting a terrible disease on the continent of Africa. This nation is bringing the healing power of medicine to millions of men and women and children now suffering with AIDS. This great land is leading the world in this incredibly important work of human rescue.

I salute President George Bush for his vision and his leadership in this area.

I conclude by thanking everyone for their good work. This is the right thing to do. This will save lives. We will never know the people whose lives this amendment will save. We will not meet them. We will not see them. But we can rest assured, there will be many, many lives saved by what we do tonight.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Ms. SNOWE. Mr. President, I rise today to support the pending amendment by Senator DEWINE to add an additional $289 million to our efforts to combat HIV/AIDS. I am pleased to be able to support this amendment because of the agreement reached to offset this critical spending need within the existing budget.

This funding could not come at a more crucial time, as the continent of Africa faces a most severe crisis. I agree with the President that ''in the face of preventable death and suffering, we have a moral duty to act.'' The United States is beginning to do its part in the battle against HIV/AIDS. In this bill alone, we are providing nearly $1.4 billion for the President's new HIV/AIDS, tuberculosis, and malaria initiative, $250 million of which is available for a contribution to the global fund. The bill also provides $150 million for the President's International Mother and Child HIV Prevention Initiative and $700 million for the Global AIDS Initiative. With this amendment, we will be committing over $2.2 billion toward the global fight against AIDS.

Just 2 short years ago, the Global Fund to Fight AIDS, Tuberculosis, and Malaria was simply an idea that was endorsed by President Bush and U.N. Secretary General Annan. As we stand here today, it has become a reality. President Bush pledged the founding $200 million for the global fund, and our pledge has since risen to $1.6 billion out of the total of $4.7 billion in pledges made to date worldwide. The United States has already provided $623 million to the global fund, more than one-third of total contributions to date. While I am proud of our commitment, I am also disturbed by the lack of commitment from other nations. This is not just a U.S. issue, it is a global issue, and it requires a global response.

U.N. Secretary General Kofi Annan told the Security Council that:

> by overwhelming the continent's [Africa's] health and social services, by creating millions of orphans, and by decimating health workers and teachers, AIDS is causing social and economic crises which in turn threaten political stability . . . in already unstable societies, this cocktail of disasters is a sure recipe for more conflict. And conflict, in turn, provides fertile ground for further infections.

The world recognizes that this has become more than a disease facing the people of Africa, it has become a threat to national security and regional stability. This is a serious epidemic in Africa, capable of toppling foreign governments, touching off ethnic wars and undoing decades of work in developing free-market democracies abroad. In addition, as the U.S. becomes more and more involved in the fight against AIDS, it must also recognize that the methods of contraction need to be addressed on a broader level. Our leadership on AIDS needs to be matched by our efforts on education, gender discrimination, economic development, and conflict resolution.

These are all reasons why I have supported providing the countries of sub-Saharan Africa with the means to provide its people with education, prevention techniques, and health care. In May, I was proud to support passage of H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

This comprehensive program has the potential over the next decade to provide life-extending drugs to at least 2 million infected people, give human care to 10 million HIV sufferers and AIDS orphans, and prevent 7 million new HIV infections. The overwhelming bipartisan support for that legislation demonstrates the priority of this need, and with this amendment we take an important step toward meeting the U.S. commitment under that bill. The millions of people in sub-Saharan Africa and around the globe affected by AIDS deserve no less.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 1966.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI), the Senator from Mississippi (Mr. LOTT), and the Senator from Alabama (Mr. SHELBY) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. CARPER), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON), is attending a family funeral.

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

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

The result was announced—yeas 89, nays 1, as follows:

[Rollcall Vote No. 429 Leg.]

YEAS—89

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

NAYS—1

Hutchison

NOT VOTING—10

Carper	Jeffords	Nelson (NE)
Domenici	Kerry	Shelby
Edwards	Lieberman	
Hollings	Lott	

The amendment (No. 1966) was agreed to.

Mr. DURBIN. Madam 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. 2047

Mr. DURBIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. DASCHLE, Mr. CORZINE, Mr. BINGAMAN, and Ms. STABENOW, proposes an amendment numbered 2047.

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

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

The amendment is as follows:

(Purpose: To increase assistance to combat HIV/AIDS)

At the appropriate place, insert the following:

SEC. ____. For an additional amount for the Global AIDS Initiative, $589,700,000, to remain available until September 30, 2006, for programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, and malaria, which may include additional contributions to the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

Mr. DURBIN. Madam President, first, I commend Senator DEWINE of Ohio. He is an extraordinary person and an extraordinary colleague. It has been my good fortune to work with him on an amendment relative to this issue of global AIDS. Senator DEWINE, by my rough calculation between us, I think we may have added up to $400 million to the fight on global AIDS just with the passage of the last amendment and the two previous efforts, and I commend him. He has worked ceaselessly to get this done, and he has done so well. I was happy to add my name to his effort. He did all the work. He deserves all the credit.

I ask my colleagues now to consider this amendment. For every dollar the last amendment will use to save a life in the war against AIDS, malaria, and tuberculosis, this amendment will provide $2. For every life that can be saved with Senator DEWINE's amendment, this amendment, if passed, will add two more lives that will be saved.

I will tell my colleagues what we do. What we take is the President's promise of $15 billion over 5 years, which comes out obviously to $3 billion per year, and make that our goal in terms of this appropriations bill.

That means adding, to the amount that we just passed, some $589 million. That will bring us to the $3 billion figure that was promised by the President, that was endorsed by the Senate, and, frankly, we will keep our word and our promise to the world. More important, this money is needed, and it is needed desperately right now.

Some have argued that there are a lot of sick people in this world but they can't absorb all this money, these hundreds of millions of dollars that have been sent their way. I urge those who make that statement to consider the following.

CARE is one of the finest charities in the world. My family supports it and many of us do as individuals. Peter Bell, who is the head of CARE, sent a letter to President Bush just a few weeks ago. This is what he said about the need for full funding to $3 billion:

There are hundreds of organizations, secular and faith-based, ready to expand their response to the HIV/AIDS pandemic. CARE, for example, has spent 15 years fighting HIV/AIDS, working with host governments, international organizations, and local partners. We currently support HIV/AIDS projects in 37 countries around the world with a total annual budget of almost $15 million. If funding were made available, we would double or triple the size of our HIV/AIDS programming. I believe the same is true for many other AIDS organizations.

That is what Peter Bell wrote to President Bush from the CARE organization just a few weeks ago.

Some of you are familiar with the organization World Vision. You can't watch one of their programs without having your heart torn to shreds. These wonderful people involved in World Vision around the world are working day and night with the most poor people on Earth. Richard Sterns sent a letter to President Bush just a few weeks ago. This is what he said:

Let me assure you, Mr. President, we have the capacity to make a difference now and build for the future. The absorptive capacity is made up of a number of different players, national and local governments, community based organizations, a strong and widespread faith community, and international NGOs.

He then closed by saying this:

It is my opinion that within these various delivery systems, $3 billion in aid can be effectively delivered to those who desperately need it now.

Richard Sterns, president of World Vision.

This Senate has considered this issue. In July, 78 Members of this body—78 of us—voted in a sense-of-the-Senate resolution for full funding up to the authorized level of $3 billion for AIDS. We said in that sense-of-the-Senate resolution we would stand by that number, even if it meant exceeding the levels authorized in the budget.

I can go through my entire statement, but the hour is late. I will not do that to you because I think you all understand it. Let me just say, if there is an argument that the money I am asking for is outside of the appropriations bill, let me remind you, the amendment we just passed was outside of the appropriations bill as well.

If there is an argument that we really don't owe $3 billion, let me tell you, the world thought our pledge was $3 billion. These heads of charitable organizations around the world are telling us that is what they understood the American commitment to be, and we are almost $600 million short this year.

Let me also add, if the argument is to be made that this money cannot be spent, the experts in the field, the men and women who risk their lives every day in the poorest places on Earth, have told us over and over again they need the money and they need it now.

I close with a reference to something I have been thinking about for some time. There was a movie which most of us have seen called ''Schindler's List.'' You will never forget that movie as long as you live. And you remember that this man in Nazi Germany did everything he could think of—trickery, smooth talking, and guile—to save the lives of Jewish people destined for concentration camps. His success was so

great that at the end of the movie, they showed in that factory the hundreds, maybe thousands, of people whose lives had been saved.

As he was about to leave them when the war was over, there was that final scene which none of us can forget. They turned to Schindler to give him a ring, a gold ring made out of the fillings of their teeth, in appreciation for what he had done to save so many lives. He broke down in tears, and he said in that movie:

I should have done more. I should have done more.

That is where we are tonight. The DeWine amendment has moved us positively toward almost $300 million in this fight against global AIDS. But we should do more, and we can do more.

My colleagues, please, stand together tonight with our promise from our President on this global AIDS epidemic, a bipartisan promise that brings out the best in America. Let us leave with this bill saying: We kept our word. We stand behind you and we are prepared to lead the world. Let us provide the money and never have to say at some future time: We should have done more.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Let me say for the information of all Senators, the Senator from Nevada and I have been working on how to finish up tonight. I am not going to ask consent yet, but the plan is as follows: To stack three votes, first a vote on or in relation to the Durbin amendment, then on or in relation to the Bingaman amendment, then on or in relation to the Feinstein amendment. After that, we expect to be able to handle everything else by voice vote, including final passage.

Mr. REID. I ask unanimous consent that that be the case, there be no limitations as to time on that but there be no—no limitations as to time.

I would ask if my friend would modify his request. I have spoken to Senator FEINSTEIN, Senator DURBIN, and Senator BINGAMAN. If we could have it in inverse order, Senator FEINSTEIN first, then Senator DURBIN, and then Senator BINGAMAN?

The PRESIDING OFFICER. The Senator from Vermont?

Mr. REID. Would that be OK with the Senator?

Mr. MCCONNELL. I say to my friend that seems fine.

Mr. LEAHY. Reserving the right to object—and I shall not object—there was a discussion you may recall. I also suggested that when we do that, the penultimate vote and the final vote be 10 minutes.

Mr. REID. That is very reasonable. I so modify my request. I hope the manager does on the other side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, I also congratulate the Senator from Ohio as well as the majority leader for the tremendous work they have done on this issue in crafting a compromise that will keep within the budget. This DeWine amendment did keep within the budget and meeting the need that is out there in Africa and the Caribbean to address the greatest health crisis that maybe the world has seen.

I respect the Senator from Illinois. I share his passion for trying to do more. But I think we need to look at what, No. 1, our commitment was and, No. 2, what is the best and most prudent way of going about building the capacity, meeting the needs in a responsible way to all involved.

Let me talk first about what our commitment is. The commitment by the President, when he announced his plan—this was before the bill passed the House and Senate and was signed by the President—was to spend $15 billion over the next 5 years and ramp up as capacity would ramp up within those 12 countries in Africa and the 2 in the Caribbean. As capacity would ramp up, we would ramp up funding.

That makes sense for those who have traveled to Africa. I had the opportunity to meet with Ambassador Tobias today, who is in charge of the AIDS effort in Africa. I also had a chance to meet with Richard Feachem, who is in charge of the Global Fund, this afternoon.

I can tell you that while, yes, there are lots of organizations out there, to suggest there is the capacity at this point to take on the amount of money that is being contemplated here I think overstates the case, at least according to the experts, the people who are in charge of distributing this money. In fact, the administration makes a very strong argument that the money that was added to the DeWine amendment may not be able to be spent within the fiscal year. But we believe if there is a potential that that could happen, we would rather put a little bit more money there, just in case they do find that there can be some sort of expansion beyond what they, at this point in time, believe is possible.

We provided that cushion for the administration, and $300 million is not a small cushion. It is a fairly substantial increase in the amount of bilateral aid that is going to be provided by the United States—about a 15-percent increase.

I suggest that we provide that cushion which allows for the expectations of the administration to be on the low side, and be able to grow, if necessary. Obviously, we don't want them to spend money if it is not going to be spent efficiently; it will not really help. We want them to be good stewards of the funds and be able to spend that money to provide treatment, provide prevention, and provide it for taking care of both the old and dying and those who are near death and those who are young.

I suggest that the DeWine amendment accomplishes everything the Senator from Illinois wants to accomplish. The reason, by the way, it accomplishes what the authorization says is because there is now $2 billion for bilateral aid in the appropriations process this year. That is what the authorization says—$2 billion in bilateral aid, and up to $1 billion in matching from the Global Fund.

Let us look at the Global Fund. I just met the Director of the Global Fund. The contribution pledged for next year, as of this moment, is $100 million which was announced yesterday. So it is up to about $770 million. In the appropriations bill that we are going to pass, it is $400 million. Actually, it slightly exceeds the pledge that is in the authorization. For every two dollars of international aid there would be one dollar of U.S. aid. If you take roughly $800 million, it is actually less because $400 million meets the pledge that we said we would provide in the authorization.

To make the suggestion that we haven't in principle met it is just not right.

That is how we came up with the number that was in Senator DEWINE's amendment that was cosponsored by Senator DURBIN. We have met our obligations to the Global Fund. We have met our obligations in the authorization to provide $2 billion in bilateral aid even though the administration doesn't believe we can spend $2 billion efficiently and effectively.

I think we have pushed the envelope. The administration only pledged $200 million to the Global Fund. We have $400 million. We doubled the commitment that the administration said they would provide. We doubled it because we wanted to meet expectations. We have done so.

I suggest that we have met our obligation for bilateral aid. We have met our obligation for the Global Fund.

If, in fact, later when we get into 2004 and the Global Fund ends up raising more money—we have fiscal year 2005, which starts in calendar year 2004—at the end of 2004, and we did provide some more money to increase the match at the end of next year, a lot of money comes in from the other countries on a calendar basis. So we have an opportunity if we need to come up with more money to meet our match in the 2004 calendar year.

But there is no need to further bust the budget or try to bust the budget on something where we have made our commitment in the authorization and exceeded the commitment that the President made when he announced the $15 billion over 5 years. The President is wise. We would be wise if we are going to make the $15 billion commitment. I don't think anyone in this Chamber would argue that $1 spent in 2004 after 4 years of building up capacity, efficiency, and effectiveness is going to be more efficiently and effectively spent than putting more money in year 1. I don't think one can make that argument. We may be able to

build capacity quickly and less efficiently and costly, but that money would be used more wisely and efficiently in later years where we can put more money in the hands of people who get those needed drugs and needed care in a much more efficient and broadly based way.

I think we have struck the compromise. I hope the Members of this Chamber will know that in good faith. I appreciate what the Senator from Illinois is doing. I have great sympathy for his cause, but I think we have struck the balance here and I hope this Chamber will vote accordingly.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I rise in strong support of the Durbin amendment.

First, I thank my colleagues and friend from Illinois for his passion and his eloquence and his persistence over and over on the floor, speaking up for those around the world who have no voice in this Chamber and who desperately need our help.

I also congratulate Senator DEWINE for his leadership in getting us up to this point.

We are talking about 8,500 people being killed by disease every day—8,500 people today, 8,500 people tomorrow, 8,500 people the next day, and 6,500 in Africa alone. We are seeing HIV/AIDS produce 14,000 new infections every day, and 9,500 which occur in Africa.

If that doesn't tell us there is a sense of urgency to do all that we can do, I don't know what does. When we look at the facts of the more than 30 million people in Africa alone with HIV, only 50,000 have the medicine they need—we hear over and over again from the organizations in Africa that they have the capacity; they just need the resources; they just need our help.

There is no question when you look at the number. Less than 1 in 20 pregnant women have access to services to prevent mother-to-child transmission. The numbers are going on and on.

I urge colleagues to step up and support the promise that we made a few months ago—the promise that we made of $3 billion a year over 5 years, a total of $15 billion, and join together to send a message that we understand the sense of urgency from the people around the world who are so desperate for our help.

I remember just a couple of weeks ago on the Senate floor when we were talking about the Iraqi supplemental and reconstruction, I spoke about delaying a portion of the reconstruction dollars because it was clear from all of the evidence and studies that only $6 billion to $8 billion could be spent the first year. We wanted to divert some of those dollars in another direction for things here at home. We were told on the Senate floor that we needed to keep our full commitment, whether or not the capacity was there, and that we needed to immediately let them know what they had to work with so they could move as quickly as possible. I suggest this is no less; I believe the capacity is there now.

The reality is we need to let the people around the world, and the people of Africa and Americans who are working there desperately trying to make a difference and save lives, know that we in Congress will keep our commitment on behalf of the people of our country.

We are talking about a relatively small amount of dollars for saving literally thousands and thousands of lives.

As the Senator from Illinois said, we have a responsibility to do what we can do. We don't want to be in a position of looking back when the picture is clear about what has been going on and say where were we when we had the chance to save as many lives as possible.

The Durbin amendment needs to be passed, and it needs to be passed now.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Madam President, I first want to thank my colleague, the Senator from Ohio, for the incredible work he has done. He has been tireless and steadfast on this issue. I was proud to be a cosponsor of his amendment.

I thank my colleague, the Senator from Illinois, for his passion on this issue. I have the greatest respect for what he is trying to accomplish.

Today, I had an opportunity to meet with Ambassador Tobias. We talked about this issue of capacity. He said he was in a warehouse—either in Botswana or South Africa—but he was in a warehouse. The warehouse was full of antiretroviral drugs. They were close to their expiration date. These drugs had been donated by a company. The drugs were there but they didn't have the capacity to get them all out. Those drugs were in danger of being wasted.

We were in South Africa this summer. I was with Leader FRIST and others and dealing with the issue of AIDS. There are 5 million people in South Africa who are HIV positive. There are approximately 20,000 receiving antiretroviral treatment.

We visited Anglo Gold, one of the largest gold mines in the world. They made a commitment to each and every employee to cover the full cost of treatment. Money is not the issue. They believe they have perhaps 30,000 employees HIV positive. They were hoping to get in the first year 10 percent, 3,000 to come in for treatment. They have a third of that and less to date. They said to us: The money is not the issue; we do not have the capacity to do it right. You have to do it right.

I will fight very hard to keep our commitment of $15 billion over 5 years. As my colleague from Pennsylvania said, we have met our commitment that is in the authorization of $2 billion by the DeWine amendment. We have met our commitment to the global fund. We are meeting our commitment. We are doing it the right way. We are going to have to ramp up. The needs are great.

In my own experience, having visited Africa, the capacity is not there. You simply cannot throw money at a problem. We have to do the right thing. We are doing the right thing by the commitments we have made by supporting the DeWine amendment. I oppose the Durbin amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. TALENT). The Senator from Vermont.

Mr. LEAHY. Mr. President, it is interesting, before I came to the Senate, I recall seeing headlines saying the Congress passed an authorization to do this or an authorization to do that; $100 million to improve the environment somewhere, authorized $1 billion to do this. It was not until I got here that I realized that does not do anything. We could authorize $5 trillion for polio vaccine tonight, but if we did not appropriate some money, it is nothing.

In ''Henry IV,'' Part I—if the Senator from West Virginia were here, he could set me—Part I, Act 3, Scene 1, we all remember that scene very well.

Glyndower says to Hotspur: I can call spirits from the vasty deep.

Hotspur answers: Why, so can I, so can any man; But will they come when you call for them?

We have authorized the money and the President and everybody else had wonderful speeches. I commended him, praising him. He met with all the various religious leaders and everyone else and went to Africa and talked about what we have promised. That was the authorization.

Now it is time to call for the money from the vasty deep. We can find $87 billion we had to send immediately to Iraq with absolutely no indication of whether the capacity was there to spend it when questions were asked. They were never answered. Included were items such as $6,000 telephones that could be bought for $600 in neighboring countries, and so on. But we just told them, we will build the capacity.

What the Durbin amendment, combined with the DeWine amendment—and I was a cosponsor of the DeWine amendment as I am of the Durbin amendment—if you put them together, then we do fulfill the commitment that the President of the United States very rightly said this country would do.

I have traveled to Africa. I have traveled to Haiti, Vietnam, China, and elsewhere. I have seen how AIDS is spreading. Other Senators on both sides of the aisle have seen the same. When you see that these additional funds can be effectively used, we have to ramp up. In all my travels, all my conversations with foreign leaders and public health experts, I have never met anyone who believes the money provided by this amendment could not be well spent today, not a year from now.

I have seen some of the vaccines that some companies donate, just about at their expiration date. Then they take a full tax writeoff even though it will not be used.

Everyone who is working in the field to stop AIDS believes we need the additional funds today.

That is why I praised the President when he promised them. That is why I will support the senior Senator from Illinois tonight to help in carrying out the promise that President Bush made.

You cannot argue $3 billion is too much to spend effectively in combating AIDS in 14 countries. That is not what the United States Leadership Against Aids Act says. Besides, why limit our efforts to 14 countries when five times that many countries are being ravaged by AIDS? Why ignore the other two dozen countries in Africa? Why ignore Russia or China or India where AIDS is spreading out of control? India is going to swamp virtually everywhere else with an AIDS crisis the way it is spreading. China, Russia, we have strategic interests there.

It is a false argument to say we cannot do this. Frankly, when you are the wealthiest nation on Earth, the most powerful nation on Earth, I believe it is an immoral argument. It is not just a fact that we in the United States are threatened by the spread of AIDS in other countries. We actually have a chance to do something about it. We have a chance to do something about it in countries where the yearly income is less than some of us have spent on an evening out with dinner, a show with our spouses; actually, where a yearly income is less than we spend on the time it takes for us to have this debate in most places.

It is in the 14 countries. If we could isolate AIDS to 14 countries, we should sing ''Glory, Hallelujah.'' We cannot. There are dozens of countries that need help, that need to have people trained. We should provide the equipment to support a national prevention and treatment program. Ask anyone who is working those countries. They will tell you.

To argue that we do not have the capacity is not based on fact. It is not based on reality. It is not based on public health. I worry that argument is made because they do not want to spend the money. We are spending an awful lot more money to fight AIDS today than if we faced up to this problem two decades ago, but people did not want to. We wasted two decades. Twenty-five million people died in part because we and others failed to act. People died during that time. It is a population equal to 50 times my own State. Actually it is in population about 50 times the State of the distinguished Presiding Officer.

I commend the Senator from Illinois. I wish the White House would not oppose this amendment. What the Senator from Illinois is trying to do is to call them from the deep, call up the money to back up what the President has promised. The President has been rightly praised by religious leaders, by heads of state, by well-known entertainers such as my good friend Bono, from Ireland, for promising this money. So the White House should not stop us now that they have had the praise, now that everyone has stood up and said the President was right. Now we should not have the White House coming in through the backdoor and saying, don't vote for the money. We want to make the promise. We do not want to spend the money.

I hope everyone will stop and think. We could spend this money. The President was right to promise it. We are right to back the President's promise.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I do not know if there are any other Members who wish to seek recognition on this amendment. If they do, I will wait to speak last.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I wish to clarify a point the Senator from Vermont made about the White House.

I think if the Senator from Vermont will go back and look at the White House's proposal, and how much money they said they would spend when they put the proposal forward—which I think the Senator from Vermont rightly said was praised by the international community—the Senator from Vermont will discover that the President's proposal had less than $3 billion in the first year, actually roughly $2 billion in the first year, and then over the course of the following 4 years it was ramped up to in excess of around $4 billion.

So I think to suggest that the administration announced a plan with one hand and then somehow pulled back with the other is not accurately reflected by the record in this case.

The White House has been clear from the beginning as to what they have believed was the capacity for spending appropriately within the 14 countries they have outlined in the plan. They have stuck to that plan. They have insisted the numbers they put forth in the first place are accurate.

I share the Senator's concern that number may be low, and that is why I worked with Senator DEWINE and Senator FRIST to come up with some additional funds, some $400 million, to see if we could do more bilateral aid as well as provide more money for the global fund. We have accomplished that.

But I just want to set the record straight. The administration has announced their policy, which was warmly received by the international community, a community that understands that the capacity now is not what it will be 5 years from now as a result of the efforts of this administration, and that the money then can and should be ramped over a period of time based on the efficient capacity to be able to distribute, for example, the antiretroviral drugs the Senator from Minnesota talked about today that are sitting in a warehouse with an expiration that is nearing, with no ability to get those drugs out.

That is the current state in many areas in Africa. And to suggest that because the administration recognizes there is a failure of capacity of any areas in Africa is somehow coldhearted or, more importantly, that it has reneged on its promise does not accurately reflect what happened. It does not, in any way, in my opinion, accurately reflect the tremendous compassion and leadership which the administration and this President have shown on this issue.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I would like to close. Would the Senator from Vermont like to be recognized?

Mr. LEAHY. If I could.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I just took this from the quotes of what the President said on July 12 in Nigeria:

> The people of Africa are fighting HIV/AIDS with courage. And I'm here to say, you will not be alone in your fight. In May, I signed a bill that authorizes $15 billion for the global fight on AIDS. This week, a committee of the House of Representatives took an important step to fund the first year of the authorization bill. And the Senate is beginning to take up debate.

He then stated:

> The House of Representatives and the United States Senate must fully fund this initiative, for the good of the people on this continent of Africa. . . .

So I went to what it was the President had signed, the authorization bill of which he spoke. He called upon us to fully fund it, but what it said in the authorization was $3 billion for the first year.

I spoke with the President about this. I told him I thought we could use the money. It is what he in his speech in Africa called upon the Congress to do. He said he would sign this authorization bill, which authorized $3 billion the first year, and he is calling upon us now to carry out our part. He has done his part. He wants us to carry out our part to fund it.

Well, we are trying to carry out our part. I also worked with the Senator from Ohio and the Senator from Illinois, as did Senator MCCONNELL, to find the extra money. It is more money. We have just voted for more money than what the White House said we needed when the bill first came up.

I am glad they are not resisting that extra money. I commend the White House for that. I commend Senator MCCONNELL, Senator DURBIN, and Senator DEWINE for working so hard to find it. But the fact is—the fact is—we have to build capacity. Capacity does not happen overnight. We can use the $3 billion. There is no question, it can be used. Every health official in the world would tell you that. We can use the money. We ought to get it into the pipeline. We ought to spend it.

The President was right. I took the floor of the Senate and praised him

when he spoke of the need for this. I praised him publicly, and I praised him privately when I spoke with him about it.

So that is what it is we are trying to do.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, very briefly, and because I know we are about to hear closing comments on this amendment, I have two unanimous consent requests.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2691

Mr. President, I ask unanimous consent that on Monday, November 3, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of the conference report to accompany H.R. 2691, the Interior appropriations bill, provided that there be 60 minutes of debate equally divided between the chairman and ranking member of the subcommittee, and following the use or yielding back of the time, the Senate proceed to a vote on adoption of the conference report on Monday, at a time determined by the majority leader, after consultation with the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 150

Mr. FRIST. Mr. President, I ask unanimous consent that at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of S. 150, the Internet Tax Moratorium, but not before November 6.

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

The Senator from Nevada.

Mr. REID. Mr. President, if the majority leader has finished, I ask unanimous consent that there be 2 minutes equally divided before each of the subsequent votes following the vote on the Feinstein amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I would further ask, just as a matter of inquiry—I know Senator DURBIN is about to wrap up the debate on his amendment. Senator FEINSTEIN told me she would speak no longer than 5 minutes. And people are calling.

Does the Senator from New Mexico have any idea how long he wishes to speak?

Mr. BINGAMAN. Mr. President, in response, I would be glad to speak for no more than 5 minutes.

Mr. REID. Mr. President, so everyone should be aware that these votes should start in the next 10 minutes or so.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, has the debate now been completed on the Durbin amendment?

Mr. REID. No. The Senator from Illinois wants to finish the debate, but he has just a few more minutes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I personally thank my colleagues. It is late. People would like to go home. I understand the weariness we all feel because it has been a long and hard week. But I hope you all understand this is not just another issue. For many of us—I think for all of us, frankly—this is an issue which is the challenge of our generation. It is the challenge of our time.

I was one of those Democrats who stood and applauded the President of the United States at his State of the Union Address. I thought he made a spectacular, historic commitment that the United States would lead the world in the fight against the global AIDS epidemic. He included tuberculosis and malaria.

Having visited some of the Third World countries that are victimized by these diseases, I stood and applauded in heartfelt support of the President, proud to be an American and proud of what he said: $15 billion over 5 years. We came back in the Senate and we decided to authorize—a Republican majority and the Democratic minority—$3 billion this year.

So this figure of $3 billion is not my creation. It is the Senate's creation. And it is a number which we ratified in July when 78 Republican and Democrat Senators said: Yes, that is what we are going to spend this year, $3 billion. Regardless of budget consequences, we will keep that commitment.

So this $3 billion figure is not one I have come up with. It is one that the President came up with. It is one that the Senate came up with.

Now, a lot has been said about capacity. Let me explain what I think is a misunderstanding here. One of the Senators said: I saw a warehouse full of vaccine that was about to expire. That is proof positive we don't need to send any more money over there because, frankly, it will be wasted. I guess that is the conclusion.

Let me read to you what the President of the United States said when he announced the global AIDS coordinator just a few months ago:

> We will set up a broad and efficient network to deliver drugs to the farthest reaches of Africa, even by motorcycle or bicycle. We will train doctors and nurses and other health care professionals so they can treat HIV/AIDS patients. Our efforts will ensure that clinics and laboratories will be built, renovated, and equipped. Child care workers will be hired and trained to care for AIDS orphans. People living with AIDS will get home-based care to ease their suffering.

This is what the President said. What we are doing with this money is not just sending medicine to warehouses. We are doing these things. The President has said we are using this money to build the capacity. Doesn't it defy logic for us to say if we need more nurses and health care professionals, it would be better to wait several years before we train them? We need them now so they can deliver the therapies and medicines necessary to save lives during the next 4, 5, and 10 years.

Shortchanging that capital investment, shortchanging that capacity investment on the front end is a guarantee these poor people will continue to die. Why would we stand by and let that occur?

The saddest thing about this amendment, the saddest thing of all is it is likely to be a partisan amendment. When you look at the rollcall, count the no votes. You are likely to see one political party, and the yes votes another political party. Of every issue in the world today which we will consider, this is the one that should not be partisan. This is the one where the President really summoned all of us to stand together in a bipartisan fashion.

I want to say one word in closing. Senator FRIST was here a moment ago. He has left the floor now. He is very busy; I understand. I have such personal admiration for Senator FRIST, though I disagree with him on a lot of political issues, but such personal admiration because this man is not only a political leader in America, he is a moral leader of the Senate. He takes his skills as a doctor to Africa, to the poorest places on earth to help the poorest people. Of all the things that could be said of BILL FRIST, no one can ever question his moral commitment to poor people. That is not only admirable and honorable, but it speaks so well of him and what we can be when all of us understand that when it comes to issues of life and death for the poorest people around the world.

Please, step aside from party label. Step aside from the moment and say: We are going to do what is necessary to save these lives so some future day we don't look back and shake our heads and say: We should have done more.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the only remaining time to be used on the Feinstein amendment be 5 minutes to be used by Senator BROWNBACK.

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

Mr. REID. Mr. President, Senator FEINSTEIN is entitled to 5 minutes.

Mr. MCCONNELL. I understand that. I am locking in the time on this side. I ask unanimous consent that the only time to be used on the Bingaman amendment be 3 minutes to be used by the senior Senator from Kentucky.

The PRESIDING OFFICER. The Senator is referring to his side?

Mr. MCCONNELL. Right.

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

Mr. MCCONNELL. With regard to the pending Durbin amendment number 2047, it increases spending by $589,700,000. This additional spending would cause the underlying bill to exceed the subcommittee's 302(b) allocation. Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Budget Act.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

AMENDMENT NO. 1977

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I believe I have 5 minutes on my amendment.

The PRESIDING OFFICER. The Senator is correct.

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 1977.

The PRESIDING OFFICER. The amendment is pending.

Mrs. FEINSTEIN. I thank the Chair.

I ask unanimous consent to add as cosponsors, in addition to Senators SNOWE and MURRAY, Senators CLINTON, JEFFORDS, and DURBIN.

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

Mrs. FEINSTEIN. Mr. President, looking at the scope of the HIV/AIDS tragedy, 40 million people are infected with HIV worldwide and 30 million of these people are from sub-Saharan Africa, approximately 70 percent of the world's total. As of 2001, 21.5 million Africans had died of AIDS, and at least 50 million new cases are projected by 2010 in five countries alone: China, Ethiopia, India, Nigeria, and Russia.

It is estimated that two-thirds of the 45 million new HIV infections expected to occur during this period could be averted with effective prevention. That is where we must go. This amendment does not aim to change the one-third earmark for abstinence until marriage. This amendment aims to provide some flexibility so that the people on the ground have the opportunity of tailoring the most effective prevention program.

The way in which we do it is, first, we reserve at least one-third of funds for the prevention of the sexual transmission of HIV, rather than one-third of all prevention funds, for abstinence-until-marriage programs.

Secondly, our amendment defines an abstinence-until-marriage program as any program that places a priority emphasis on the public health benefits of refraining from sexual activity outside of marriage.

Our amendment gives the administration, local communities, and HIV/AIDS workers on the ground maximum flexibility to design HIV/AIDS prevention strategies that are most effective in stopping the spread of AIDS.

One of the things we know, for example, is that Nevirapine, given to a pregnant woman, can stop the spread of HIV to her unborn child. In removing the one-third earmark from that program, you are able to use prevention dollars in a much wiser way.

Let me be clear: Our amendment does not strike the one-third earmark for abstinence until marriage programs. Rather, it ensures the United States can fund programs that are most successful in increasing abstinence among young people.

We believe this is a pro-abstinence, results-oriented amendment. It balances congressional priorities with public health needs. I urge my colleagues to support it.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I would like to speak in opposition to the Feinstein amendment. I have deep respect for Senator FEINSTEIN. I have worked with her on a number of issues. I respect her thinking process, her compassion, and her view. However, on this issue, I have to differ with her, and I wanted to articulate several reasons why.

No. 1, we have voted on this issue already. This issue came up earlier when we had the debate on the major initiative put forward by the administration on HIV/AIDS. This was a major issue of debate at that point in time when we were trying to get the authorizing piece of this bill through. This is the appropriations piece. But when we were trying to get the authorizing piece of the bill through, we had a major debate about this.

We had a number of people here at that time talking with us about the role of abstinence. The leading country that has been successful in the major area where we are targeting our efforts in the HIV/AIDS pandemic has been Uganda. The Ugandan model is ABC, and it leads with abstinence. The day of the vote on this, we had the First Lady of Uganda here speaking with a number of us, talking about the central role of abstinence and the historic drop in the level of HIV/AIDS that had taken place in their country.

These are very impressive numbers, best of any country around the world that has had the high infection rates. Their infection rate dropped from 21 percent to 7 percent in just 9 years. She was saying specifically it was the abstinence portion. It was the abstinence focus.

If you want to stop the spread of AIDS, the best way to do it is abstinence. She was here and speaking to us with great clarity about that issue.

We had the debate, and we voted at that point in time with a majority saying we want a certain amount of money to go for the abstinence program.

I have great respect for the Senator from California. The Feinstein amendment would take money away from the abstinence focus in this program. In effect, she would open it up to more areas and dilute the abstinence base funding so that it will be reduced. In effect, we will be changing the course we set in the authorizing language: that we want a certain amount of money, about a third of this pool, to go to abstinence, and we would be changing course and reducing that level from the authorizing language.

The administration and the Ambassador for Global AIDS Coordination, Ambassador Tobias, has written to the Senate Foreign Operations chairman, Senator MCCONNELL, in strong opposition to this amendment. He says in his final paragraph:

> Finally, the effect of this amendment would be to decrease the amount that could be spent on abstinence-until-marriage programs as a prevention model, and I believe that would not be in the interest of best public health practice.

This is the person implementing this legislation, the amount of funding we are putting forward. He thinks the money targeted by the authorizing committee is appropriate and best suited for us to meet the objectives.

Mr. President, my objective is to reduce AIDS infections around the world, and the best model is Uganda. It has gone from 21 percent to 7 percent and the lead program they did it with was abstinence. We have a proven model. We voted on this previously. I urge my colleagues, with all due respect to the Senator from the State of California, not to change minds on this issue but, rather, to stay with what we already discussed and decided on and stay with the funding levels we currently have.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator reserves the remainder of his time.

Mrs. FEINSTEIN. Mr. President, how much of my time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute 45 seconds remaining.

Mrs. FEINSTEIN. Mr. President, with respect to Uganda, I would like to read testimony from a Ugandan HIV/AIDS director before the House regarding the promotion of prevention by the President of Uganda. Let me quote this:

> For some, he promoted a message of delaying sexual debut. For others, he urged them to be faithful to one partner and to use a condom. It was his three-part message that was effective in Uganda. In my personal experience, I believe this three-part message is critical.

Currently, one-third of all prevention funds must be reserved for abstinence until marriage programs. This earmark limits the amount of funds available for other prevention programs, including preventing mother to child transmission. There are literally 5 million to 10 million orphans already from AIDS in Africa, and it is going to be much more.

All we are saying, is that the one-third earmark should not apply to programs that give a pregnant woman a 90 percent chance of preventing the transmission of AIDS to the unborn child. That is all we are doing in this amendment, providing some flexibility.

Remember this overwhelming statistic. The estimates are there will be

in excess of 20 million orphans by 2010 in Africa. There should be flexibility. Our amendment allows the people on the ground to design a HIV/AIDS prevention program that is most effective at stopping the spread of HIV/AIDS.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. BROWNBACK. Mr. President, responding to the good Senator from California, I note the abstinence funding is only 33 percent of the bill. The remaining two-thirds of the money can be used in other models other than the abstinence model. There are other funds in the bill that can't be used for other types of treatment, but we set aside a certain portion for the abstinence model because it has proven to be so effective.

The other point the Senator from California mentions is flexibility. Ambassador Tobias, who runs the global AIDS program, is opposed to this amendment because it restricts his flexibility. I quote from the letter he sent to the appropriations chairman:

> Given the various cultures, traditions, and religions that are reflected in the global HIV/AIDS epidemic, it is essential that we be enabled to work with multiple prevention approaches and partners to affect behavior change. Restricting such flexibility, as this Amendment intends, would undermine our ability. . . .

I urge a vote against the Feinstein amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I wish to take just 30 seconds to speak in support of Senator FEINSTEIN's amendment.

The issue here is not about whether we support abstinence as a method of preventing the transmission of HIV. Obviously, it is one approach, and an important one especially in countries where young girls are extremely vulnerable. Encouraging young people to postpone sexual activity until they are in a monogamous relationship is a key goal of any AIDS prevention strategy. So abstinence is one approach that we need to support along with other prevention strategies.

But the Leadership Against AIDS Act says that 33 percent of all AIDS prevention funds should be spent on abstinence programs. The question, which is not answered in that act, is how to define abstinence, because if it is defined too broadly, it will eat into funds that are crucially needed for other prevention methods, such as HIV testing, and educational and information programs about methods to prevent HIV transmission among people who are sexually active.

This amendment strikes the right balance, and I commend the Senator from California for taking on this difficult but very important issue.

I ask for the yeas and nays on the Feinstein amendment.

The PRESIDING OFFICER. The yeas and nays have already been ordered on the amendment.

AMENDMENT NO. 2048

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I call up amendment No. 2048.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. DASCHLE, proposes an amendment numbered 2048.

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

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

The amendment is as follows:

> (Purpose: To make an additional $200,000,000 available for the Global Aids Initiative and reduce the amount available for Millennium Challenge Assistance by $200,000,000)
>
> On page 22, line 7, strike ''$700,000,000'' and insert ''$900,000,000''.
>
> On page 45, line 8, strike ''$1,000,000,000'' and insert ''$800,000,000''.

Mr. BINGAMAN. Mr. President, let me start by congratulating Senator DEWINE, Senator DURBIN, and all the others who worked so hard on the earlier amendment we adopted to add some funding. The case was extremely persuasive. By adding those dollars, we will be saving tens or perhaps hundreds of thousand of lives. I agreed with that and was very strongly in support of the amendment.

The purpose of this amendment is to make an additional $200 million available for the global AIDS initiative and reduce the amount that is available for the Millennium Challenge Account by $200 million. So this is a transfer of funds from one part of the appropriations bill to another.

Let me talk first about the Millennium Challenge Account, with which we are all familiar, to help developing countries. The administration, in their budget request, asked for $800 million in new obligated funds for this Millennium Challenge Account. That was what the Secretary of State testified to in answer to a question from Senator BIDEN before the Senate Foreign Relations Committee.

Senator BIDEN asked:

> What is the estimate of obligations of $800 million in fiscal year 2004 based on?

Secretary Powell's answer:

> This is an estimate of the proportion of the $1.3 billion budget request which we expect would actually be obligated in 2004 based on the careful selection system we have set up. Thus, we do not believe it likely that all MCA money appropriated in 2004 would be obligated in the fiscal year.

Let me put up one other chart. This chart depicts graphically that the President's budget request was $1.3 billion in budget authority, but only $800 million in funds to be obligated in 2004.

The House, in their appropriations process, took the President at his word and said: OK, you want $800 million for the Millennium Challenge Account; we will give you $800 million.

We have gone an extra $200 million, although the administration itself says this extra $200 million they want for 2005 and later. They do not need it for 2004.

My amendment simply would use that money in 2004 for this AIDS problem about which we are all so concerned. The amendment is inside the budget. It is inside the appropriations caps that the subcommittee has been given.

In my view, this is a much better use of the money than just leaving $200 million in an account somewhere for the next 12 months until we get to 2005. This would be money that would be made available. I do not agree with the notion that we can just postpone and do more good with this money later on. Later on, many of the people we would like to help will be dead. The reality is we need to get this money and assistance to them as quickly as possible and follow through on the promise we have made. So I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator reserves the remainder of his time.

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, we are nearing the end of the debate. There will be three rollcall votes stacked very shortly. Senator LEAHY and I are unaware of any requests for any more rollcall votes. So I think it is safe to say that these three rollcall votes will be the last remaining rollcall votes for the night.

With regard to the Bingaman amendment, this amendment adds $200 million of an existing budget of over $2 billion to fight global AIDS. Just to put that in perspective, this amendment adds more than the entire fiscal year 1999 Clinton global AIDS funding level to this year's level on top of what we have already done. It adds $200 million for HIV/AIDS with an offset, taking away from the Millennium Challenge Account, the President's new initiative. We are spending over $2 billion already this year, as has been repeatedly stated tonight, to combat HIV/AIDS, including nearly $200 million for the Global Fund.

The Millennium Challenge Account is a new initiative that enjoys broad bipartisan support. The MCA provides foreign assistance to developing countries that are doing things the right way, from ruling justly to building free market economies.

The Senate just approved the DeWine amendment 89 to 1. That increases HIV/AIDS spending by $289 million. It is time to wrap it up on this bill, to not steal money from the Millennium Challenge Account. I urge opposition to the Bingaman amendment.

I am prepared to yield back the remainder of the time on this side and let the Senator from New Mexico wrap it up.

The PRESIDING OFFICER. The Senator yields the remainder of his time.

The Senator from New Mexico is recognized.

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

The PRESIDING OFFICER. The Senator has 1 minute 20 seconds remaining.

Mr. BINGAMAN. Mr. President, just to summarize the point, I am in favor of the Millennium Challenge Account. I am proposing that we go ahead and provide the full $800 million that the administration asks to be obligated in 2004. That is exactly what the House of Representatives did. That is exactly what we ought to do.

My only point is that we should not be giving them $200 million that they themselves—that is, the administration itself—say they cannot spend in 2004. They do not plan to spend it in 2004. That money should be made available to fight AIDS. We can do that. It does not bust the budget. It does not bust the limitations that we have on this spending bill. It is a better use of that money, and I urge my colleagues to support that amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico yields back the remainder of his time.

The Senator from Vermont.

Mr. LEAHY. I have great respect for the Senator from Kentucky and the bill that he has put together. Whatever the outcome of the vote, I will strongly support this bill. It is a good bill. Senator MCCONNELL has worked in a bipartisan manner to accommodate a number of priorities. This is one disagreement. We have hundreds of issues that we have to resolve in this bill. I think our average is pretty good.

As Senator BINGAMAN pointed out, this is not a vote for or against the Millennium Challenge Account. The MCA could turn out to be a great program. This is a vote about priorities. This amendment is fully offset. The vote is on the following question: Do you want $200 million sitting in the Treasury for a year? Or, do you want to spend if fighting HIV/AIDS?

The administration's own budget documents say that they will spend only $800 million of this money this year. Anything above this level will not be obligated until Fiscal Year 2005. This is precisely why the Republican-controlled House provided $800 million for the MCA. Secretary Powell made this point very clear when he testified before Senate Foreign Relations Committee. He was asked: ''Why can you spend only $800 million in Fiscal Year 2004?

He replied—and I am quoting—this figure is ''based on the careful selection system we will set up.'' Secretary Powell continues: This is an innovative approach with no precedent to guide us. We anticipate that it will take some time to develop the first proposals and then hone them into acceptably detailed and accountable contracts. We thus did not believe it likely that all MCA money will be obligated in the fiscal year. We would anticipate that any remaining funding would be obligated in fiscal year 2005 for programs in countries selected in fiscal year 2004.

I know that the White House will figure out a way to say they need this money. But, let me tell my colleagues a couple of other things I know. I know that this additional money will sit in Treasury—their own budget documents show this. Secretary Powell testified to this. I know we do one year appropriations around here. We will revisit this issue next year. I know there is not enough money in this bill to combat the worst public health crisis in 500 years.

The Bingaman amendment gets us more money, which is fully offset, to accomplish this important goal. I urge my colleagues to vote yes.

Also, I thank the staff members who have worked so hard on this bill. Senator MCCONNELL and I work in a bipartisan manner and so do the respective staffs. On the Republican side I thank Paul Grove, Brendon Wheeler, Robert Karem. On the Democratic side, I thank Tim Rieser, Mark Lippert, and J.P. Dowd.

The PRESIDING OFFICER. All time has expired on the Bingaman amendment.

VOTE ON AMENDMENT NO. 1977

The PRESIDING OFFICER. The question is now on agreeing to amendment No. 1977 offered by the Senator from California on which the yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Mississippi (Mr. LOTT) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. CARPER), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

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

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

The result was announced—yeas 45, nays 47, as follows:

[Rollcall Vote No. 430 Leg.]

YEAS—45

Akaka	Breaux	Conrad
Baucus	Byrd	Corzine
Bayh	Cantwell	Daschle
Biden	Chafee	Dayton
Bingaman	Clinton	Dodd
Boxer	Collins	Dorgan
Durbin	Kohl	Pryor
Feingold	Landrieu	Reed
Feinstein	Lautenberg	Reid
Graham (FL)	Leahy	Rockefeller
Harkin	Levin	Sarbanes
Inouye	Lincoln	Schumer
Jeffords	Mikulski	Snowe
Johnson	Murray	Stabenow
Kennedy	Nelson (FL)	Wyden

NAYS—47

Alexander	Dole	Miller
Allard	Ensign	Murkowski
Allen	Enzi	Nickles
Bennett	Fitzgerald	Roberts
Bond	Frist	Santorum
Brownback	Graham (SC)	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Campbell	Hagel	Specter
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Cornyn	Kyl	Thomas
Craig	Lugar	Voinovich
Crapo	McCain	Warner
DeWine	McConnell	

NOT VOTING—8

Carper	Hollings	Lott
Domenici	Kerry	Nelson (NE)
Edwards	Lieberman	

The amendment (No. 1977) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2047

The PRESIDING OFFICER. There are now 2 minutes of debate equally divided on the motion to waive the Budget Act with respect to amendment No. 2047 by the Senator from Illinois.

Mr. MCCONNELL. Mr. President, more than enough has already been said about this budget point of order. We have had this vote at least three different times this year. I hope the budget point of order will be sustained.

Mr. DURBIN. With this amendment, we raise the spending to fight the war on global AIDS, tuberculosis, and malaria to the level that the Senate promised in its own authorization bill, a level that 78 of us voted for on a bipartisan basis.

We know this is the greatest moral challenge of our time. This is our chance to keep our promise to the world to make certain that America's compassionate leadership is meaningful to people around the world.

I ask my colleagues, please, look beyond the Budget Act. Look to the fact that we have a challenge here that is worthy of our vote at this time. I hope you will support this amendment.

I reserve the remainder of my time.

Mr. MCCONNELL. I yield the remaining time to the Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, the DeWine amendment accomplished everything that is absolutely necessary to fight global AIDS at this time. It is $2 billion. The authorization stipulated fully funding the authorization of $2 billion and $400 million to match the $800 million that had been pledged by the international community. As meeting with the authorization, $1 of American for $2 of international. The $2.4

billion, which is in the bill, fully funds our AIDS commitment on the authorization and overfunds what the President requested by $400 million.

Mr. DURBIN. My friends, the authorized level is $3 billion. It is not $2 billion. The $2.4 billion we have reached with the Mike DeWine amendment still leaves us short $589 million. That is the difference this amendment makes.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion to waive the Budget Act with respect to amendment No. 2047 of the Senator from Illinois. The yeas and nays have been ordered. This is a 10-minute vote.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Mississippi (Mr. LOTT) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. CARPER), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

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

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

The yeas and nays resulted—yeas 42, nays 50, as follows:

[Rollcall Vote No. 431 Leg.]

YEAS—42

Akaka	Dodd	Leahy
Baucus	Dorgan	Levin
Bayh	Durbin	Lincoln
Biden	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Graham (FL)	Nelson (FL)
Breaux	Harkin	Pryor
Byrd	Inouye	Reed
Cantwell	Jeffords	Reid
Clinton	Johnson	Rockefeller
Collins	Kennedy	Sarbanes
Corzine	Kohl	Schumer
Daschle	Landrieu	Stabenow
Dayton	Lautenberg	Wyden

NAYS—50

Alexander	DeWine	Miller
Allard	Dole	Murkowski
Allen	Ensign	Nickles
Bennett	Enzi	Roberts
Bond	Fitzgerald	Santorum
Brownback	Frist	Sessions
Bunning	Graham (SC)	Shelby
Burns	Grassley	Smith
Campbell	Gregg	Snowe
Chafee	Hagel	Specter
Chambliss	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Talent
Conrad	Kyl	Thomas
Cornyn	Lugar	Voinovich
Craig	McCain	Warner
Crapo	McConnell	

NOT VOTING—8

Carper	Hollings	Lott
Domenici	Kerry	Nelson (NE)
Edwards	Lieberman	

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. FRIST. 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.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, for the information of all Senators, this will be the last rollcall vote tonight. Final passage will be on a voice vote. There will be no votes tomorrow. Earlier tonight, we had two unanimous consent agreements. We will say more about Monday's schedule a little bit later, but the plans are to have at least one rollcall vote Monday. It will be around 5:30 or so. That will be on the interior conference report.

AMENDMENT NO. 2048

The PRESIDING OFFICER. There is now a period for 2 minutes of debate equally divided on amendment No. 2048 offered by the Senator from New Mexico.

The Senator from Kentucky is recognized.

Mr. MCCONNELL. Very briefly, this amendment would take $200 million out of the President's Millennium Challenge Account and add it to AIDS funding. We have already had a significant amount of debate about AIDS funding. I think we have made a decision on that.

This amendment, I hope, will be opposed.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator yields back the remainder of his time.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, first, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, in the bill before us, we have $200 million for the Millennium Challenge Account that the administration says they cannot spend in 2004. They do not plan to spend it. They did not request it.

The House gave the administration $800 million for the Millennium Challenge Account. We are giving them $1 billion.

My amendment would say let's give them the same amount the House is proposing to give them, the $800 million, and let's take that extra $200 million and use that in the fight against HIV/AIDS. It is a much better use of the funds than just putting it in an account for possible use in 2005.

I urge the adoption of the amendment.

Mr. DASCHLE. Mr. President, I rise in strong support of the Bingaman amendment, which would transfer $200 million dollars from the Millennium Challenge Account into programs designed to help us fight our struggle against the spread of HIV/AIDS.

I commend my friend and colleague from New Mexico for his leadership on this critical issue. Along with several of our colleagues, the Senator from New Mexico and I traveled to South Africa, Botswana, Kenya, and Nigeria to look at this heart-wrenching challenge. And I believe his amendment is an important step toward relieving the intense suffering we saw on that trip.

Let me say, too, that I support the Millennium Challenge Account. With the crushing poverty affecting nearly a third of the world's citizens, the MCA is clearly an idea whose time has come. I support it, and that is why I worked hard to ensure that this foreign operations bill contains the legislation to create that important program.

But the bill also includes $200 million more than the President has requested and $200 million more than his Secretary of State has said he can use this year. So rather than have that money sit unused—in the face of the gravest public health crisis the world has ever known—we propose to put that money to use immediately to confront HIV/AIDs.

Less than 4 months ago, the President signed into law a bill authorizing his administration to spend $3 billion a year for the next 5 years on a comprehensive program to combat AIDS.

Congress passed this legislation in response to the President's call for action in his State of the Union Address. Unfortunately, President Bush's own budget request has fallen fall short of his promises, seeking just under $2 billion, more than $1 billion less than what he is authorized to spend.

Nearly 30 million people in sub-Saharan Africa are currently living with the AIDS virus, and the President's emergency plan for AIDS will begin to help those countries that are worst hit.

But the reason we need to invest this additional $200 million—on top of the $289 million we just agreed to—is because the President's emergency plan focuses only on Africa and the Caribbean.

Take one country not addressed in the President's emergency plan. At the end of 2002, over 4.5 million Indians were infected with HIV, making India the nation with the second-highest population of AIDS patients in the world behind South Africa. Experts there warn that the disease has spread from high-risk populations in urban areas into rural India.

As a result, the infection rate will dramatically increase, in much the same pattern it followed in sub-Saharan Africa. A recent United States National Intelligence Council report predicted that India could have 25 million of its citizens infected with HIV/AIDS by the year 2010—less than 7 years from

now. Such an incidence of this disease would mean that India will have nearly as many people living with the AIDS virus as the entire sub-Saharan African region does today.

But our investments to fight HIV in India at the moment are less than $40 million per year. By continuing that trend line, we are in effect requiring even more expensive investments within a decade.

I urge my colleagues to support the Bingaman amendment, which follows the recommendation of President Bush regarding the amount of money needed for the Millennium Challenge Account, and devotes the additional resources to a problem that demands our immediate attention.

Mr. BINGAMAN. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator yields back the remainder of his time.

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

The PRESIDING OFFICER. The yeas and nays have already been ordered.

All time has now expired. The question is on agreeing to amendment No. 2048 offered by the Senator from New Mexico. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Mississippi (Mr. LOTT) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. CARPER), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. NELSON) is absent attending a family funeral.

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

The result was announced—yeas 41, nays 51, as follows:

[Rollcall Vote No. 432 Leg.]

YEAS—41

Akaka	Dorgan	Levin
Baucus	Durbin	Lincoln
Bayh	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Graham (FL)	Nelson (FL)
Breaux	Harkin	Pryor
Byrd	Inouye	Reed
Cantwell	Jeffords	Reid
Clinton	Johnson	Rockefeller
Conrad	Kennedy	Sarbanes
Corzine	Kohl	Schumer
Daschle	Landrieu	Stabenow
Dayton	Lautenberg	Wyden
Dodd	Leahy	

NAYS—51

Alexander	Campbell	DeWine
Allard	Chafee	Dole
Allen	Chambliss	Ensign
Bennett	Cochran	Enzi
Biden	Coleman	Fitzgerald
Bond	Collins	Frist
Brownback	Cornyn	Graham (SC)
Bunning	Craig	Grassley
Burns	Crapo	Gregg
Hagel	Miller	Snowe
Hatch	Murkowski	Specter
Hutchison	Nickles	Stevens
Inhofe	Roberts	Sununu
Kyl	Santorum	Talent
Lugar	Sessions	Thomas
McCain	Shelby	Voinovich
McConnell	Smith	Warner

NOT VOTING—8

Carper	Hollings	Lott
Domenici	Kerry	Nelson (NE)
Edwards	Lieberman	

The amendment (No. 2048) was rejected.

Mr. MCCONNELL. 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.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that Senator LEAHY be listed as a cosponsor of amendment No. 2047.

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

The Senator from Kentucky.

AMENDMENT NO. 2049

Mr. MCCONNELL. Mr. President, I have a technical amendment, which includes language by Senators ALLARD and FEINGOLD to strike amendments Nos. 1995 and 2004, previously adopted, and another technical amendment by Senator SANTORUM. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2049.

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

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

The amendment is as follows:

In Senate Amendment 1968, strike the following:

On page 18, line 10, after ''Jordan'' insert the following:

, which sum shall be disbursed within 30 days of enactment of this Act.

Strike amendments 1995 and 2004 to H.R. 2800, which were adopted by unanimous consent on October 28, 2003.

At the appropriate place in the bill, insert the following:

INTERNATIONAL MILITARY TRAINING ASSISTANCE FOR INDONESIA

SEC. . (a) Subject to subsection (b), none of the funds appropriated under the heading ''INTERNATIONAL MILITARY EDUCATION AND TRAINING'' shall be made available for Indonesia, except that such prohibition shall not apply to expanded military education and training.

(b) The President may waive the application of subsection (a) if the President determines that important national security interests of the United States justify such a waiver and the President submits notice of such a waiver and justification to the Committees on Appropriations in accordance with the regular notification procedures of such Committees.

(c) Respect of the Indonesian military for human rights and the normalization of the military relationship between the United States and Indonesia is in the interests of both countries. The normalization process cannot begin until the Federal Bureau of Investigation has received full cooperation from the Government of Indonesia and the Indonesian armed forces with respect to its investigation into the August 31, 2002, murders of two American citizens and one Indonesian citizen in Timika, Indonesia, and the individuals responsible for those murders have been prosecuted and appropriately punished.

SEC. . TECHNICAL CORRECTION RELATING TO THE ENHANCED HIPC INITIATIVE.

Section 1625(a)(1)(B)(ii) of the International Financial Institutions Act (as added by section 501 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25)) is amended by striking ''subparagraph (A)'' and inserting ''clause (i)''.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2049) was agreed to.

Mr. MCCONNELL. 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. 2023, AS MODIFIED

Mr. MCCONNELL. Mr. President, I send a modification to amendment No. 2023, offered by Senator KENNEDY, to the desk.

I understand the amendment has already been agreed to.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 2023), as modified, is as follows:

At the appropriate place, insert the following:

SEC. ____. Beginning not later than 60 days after the date of enactment of this Act, the Coordinator should make publicly available (including through posting on Internet web sites maintained by the Coordinator) prices paid to purchase HIV/AIDS pharmaceuticals, antiviral therapies, diagnostic and monitoring tests, 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.

AMENDMENT NO. 2050

Mr. MCCONNELL. Mr. President, I send an amendment to the desk by Senator STEVENS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. STEVENS, proposes an amendment numbered 2050.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the 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 democracy programs in Russia)

On page 27, line 4 after the colon, insert the following:

Provided further, That of the funds appropriated under this heading, $500,000 shall be made available to support democracy building programs in Russia through the Sakharov Archives:

Mr. MCCONNELL. I understand there is no opposition.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2050) was agreed to.

Mr. MCCONNELL. 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. 1970

Mr. MCCONNELL. Mr. President, I call up amendment No. 1970 on behalf of myself, Senator LEAHY, and Senator MCCAIN. The amendment is pending.

The PRESIDING OFFICER. That amendment has already been offered.

Mr. MCCONNELL. It is pending but not adopted. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1970) was agreed to.

Mr. MCCONNELL. 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.

THE CLEAN ENERGY TECHNOLOGY EXPORTS INITIATIVE

Mr. BYRD. Mr. President, I have long had an interest in helping to open international energy technology markets and in expanding the export of a range of U.S. clean energy technologies. In October 2002, the Bush administration, at my urging, released a nine-agency plan called the Clean Energy Technology Exports, CETE, Initiative which is intended to carry out such an effort. The participating agencies whose budgets are covered in this bill include U.S. Agency for International Development, USAID, the Export-Import Bank, ExIm, Overseas Private Investment Corporation, OPIC, and the Trade and Development Agency, TDA.

To help coordinate and facilitate that work, funds have been included in the Fiscal Year 2004 Energy and Water bill to establish an interagency center to be located at the Department of Energy in order to increase U.S. efforts abroad and encourage greater public/private partnerships for such projects. It is also important that other agencies with responsibility for foreign assistance and export promotion participate in this initiative.

I hope that the managers of this bill will work with me in conference to include language in the Statement of Managers to strongly urge USAID, ExIm, OPIC, and TDA to participate actively in the CETE Initiative. I want to be sure that these agencies contribute to the center's work, with funds in their existing budgets, to promote U.S. clean energy technologies in developing countries where the demand for energy is increasing dramatically.

Mr. MCCONNELL. I am aware of the interest of the ranking member of the Appropriations Committee, the senior Senator from West Virginia, in promoting the export of clean energy technologies, and appreciate knowing about his efforts to establish a center at the Department of Energy for this purpose.

Mr. LEAHY. I also appreciate what my friend Senator BYRD has said, and I will gladly work with him in conference in support of the language he seeks in the Statement of Managers.

GLOBAL TB DRUG FACILITY

Mrs. BOXER. I would like to thank the Senator from Vermont for his outstanding leadership on this bill and especially for his leadership on infectious disease issues. As my colleague well knows, tuberculosis is the greatest curable infectious killer on the planet. TB is also the number one killer of people with HIV/AIDS and the biggest killer of young women.

We must support the highest possible funding level for global TB programs, especially as we scale up AIDS efforts, and we must ensure that these monies have maximum impact—curing as many people of TB as possible. Ensuring access to drugs is a key component in curing TB.

Mr. LEAHY. I agree with my colleague. When countries do not have access to TB drugs, people die needlessly and when TB treatment is interrupted, this leads to the development of more deadly multi-drug resistant TB—which can cost hundreds of thousands of dollars to treat each infected person in the United States.

Mrs. BOXER. To address this issue, the Global TB Drug Facility, which is part of the Stop TB Partnership at the World Health Organization, is a remarkably successful international mechanism that is effectively providing access to high-quality anti-TB drugs in the world's poor nations. The Global TB Drug Facility procures drugs at low cost through a competitive bidding process, distributes drugs to qualified grantees, and works with Stop TB partners to ensure monitoring and evaluation.

In operation just 2 years, the Global TB Drug Facility has reduced the price of anti-TB drugs to just $10 for a full six to eight month course of treatment, and has approved grants to over 40 countries.

The Global TB Drug Facility, GDF is so successful that the World Health Organization is using it as a model for providing anti-retroviral drugs and diagnostics in its campaign to reach 3 million people with anti-retrovirals by 2005.

Yet, despite its immense effectiveness, the GDF is facing a severe funding crisis. It does not have funding to meet existing commitments next year or to make any new grants for drug purchases. It needs $50 million next year and a minimum of $25 million just to meet existing commitments for 2004. If it does not get its minimum funding, at least 1.8 million TB patients will be put at serious risk and many will die, and we will be interrupting supplies of drugs—creating the perfect conditions to develop a dangerous drug resistant strain of the disease.

H.R. 1298, The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, which was passed by the Senate and signed into law by the President, calls for ''substantially increased funding for the Global Tuberculosis Drug Facility.''

The United States provided only $2 million to the GDF in 2002 and just $3 million in 2003. As a crucial part of our global TB effort, the United States should significantly increase our support for the Global TB Drug Facility in 2004. For example, $15 million provided to the TB Drug Facility could provide TB drugs to treat over 1 million people.

INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT

Mr. MCCONNELL. Mr. President, I see the Senators from Virginia and Vermont on the floor, and am wondering if they could provide some additional information on their amendment concerning enforcement of intellectual property laws.

Mr. ALLEN. I thank the Senator from Kentucky. The Allen-Leahy amendment provides $5 million under the ''International Narcotics and Law Enforcement'' account to improve enforcement of intellectual property laws to combat piracy in developing countries. This is a very important issue, as it relates directly to our economic viability as a nation.

Mr. LEAHY. I agree with the Senator from Virginia. The lack of enforcement of intellectual property laws is a serious problem. It undermines the rule of law in other nations, and it hurts U.S. economic and cultural interests. Perhaps most importantly, it reduces incentives for Americans to be creative. And, we know that American ingenuity is a major reason that the United States is the Nation it is today.

This amendment will help address some of these problems. It will also help developing nations comply with the WTO agreement on Trade-Related Aspects of Intellectual Property Rights, TRIPS, and other intellectual property agreements, which is very important.

Some of these nations have problems meeting the most basic needs of their people, and it is safe to say that this assistance could be the difference between the enforcement of these laws or piracy continuing unabated.

Mr. MCCONNELL. I thank my good friend from Vermont. I agree with what has been said on this by the Senators from Virginia and Vermont. I think this is a good idea, and would like to

ask, for clarification purposes, a question of the Senator form Virginia. How would this money be spent and what type of assistance would be provided by these funds?

Mr. ALLEN. This amendment allows the administration to be extremely flexible in finding an approach. It could involve training, equipment, or a range of other measures.

I do not want to micro-manage this process. I want to leave this in the hands of those in the administration with expertise on this issue. I would defer, in large measure, to State Department officials, especially those posted overseas who are dealing with the problem on a daily basis, to come up with a workable strategy.

However, I do believe that this is a problem that requires a coherent plan and a coordinated approach by the United States Government. And, I believe that the State Department, in close consultation with the United States Trade Representative, USTR, and the Department of Commerce, should formulate a detailed strategy for the use of these funds before they are obligated.

Other agencies, such as the Patent and Trademark Office, the Department of Homeland Security, the Department of Justice, and the Library of Congress, have expertise on this issue. They can be extremely helpful in implementing these programs, especially with respect to training individuals from developing nations.

Mr. MCCONNELL. This sounds like a very reasonable approach.

Mr. LEAHY. I agree.

Mr. REID. Mr. President, I want to thank my colleagues, especially Senator LEAHY, Senator MCCONNELL, and Senator DASCHLE, for supporting an amendment that was cleared. The amendment will help one of our closest neighbors—the country of Mexico.

We recently approved billions of dollars to begin rebuilding the nation of Iraq and to maintain order in Afghanistan. We approved this aid not only so the people of Iraq and Afghanistan can enjoy the benefits of a free and democratic society; we also approved it because we know it's in our interest to create a stable situation in those countries.

The same thing goes for our southern neighbor, with whom we share a 2,000 mile border, and where economic conditions are particularly bad right now.

Desperate people take desperate measures, and many people in Mexico are desperate. A few years ago, Mexico seemed on the verge of an economic breakthrough. But today, Mexico's growth rate is half what it was in the 1990s. More than half of all Mexicans—over 50 million people—have an annual income of less than about $1,400. Almost one-fourth of all Mexicans have an annual income of about $720—less than $2 per day.

There is little hope for these people in the Mexican countryside, where coffee prices have plummeted and where homes and land values are falling because of a badly broken system of private property ownership. So these desperate people take desperate measures. Maybe they flee to Mexico City—but there isn't much hope there either. Most refugees from the country side wind up in crowded shantytowns, breathing foul air, and living in filth. Maybe they remain on the land, but instead of raising coffee, many turn to illegal crop production, which facilitates a dangerous trade in drugs that poisons our own cities. Perhaps they will put their lives in the hands of unscrupulous ''coyotes'' who promise to lead them across the desert to the land of plenty. If they don't die trying, they reach the United States, where they place an added burden on our security officials and social services.

I do not condone illegal immigration. But I understand that desperate people do desperate things, and that desperate conditions in Mexico affect the United States.

This amendment extends a helping hand to our neighbor. It provides $10 million for micro credit lending, small business and entrepreneurial development, aid to small farms and farmers, many who have been affected by the collapse of coffee prices, and it calls for programs to support Mexico's private property ownership system, which is in dire need for repair.

The money appropriated pursuant to this amendment won't solve these problems overnight, but we have to start somewhere. Our neighbor needs help, and we can't turn a blind eye.

This is not a handout. It is a commitment to free market-based programs that will spur long-term development and growth in the rural areas of Mexico. By extending a hand to our neighbor, we are also keeping our own Nation strong and secure. I again want to thank my colleagues for supporting this measure.

Mr. MCCONNELL. Mr. President, we all understand and appreciate the importance of information technology. Many of us now regularly use our ''blackberries'' to communicate with each other and staff on the workings of this body. I want to take a moment to highlight the efforts and vision of Voice for Humanity to utilize information technology—specifically audio digital technology—to maximize the effectiveness of HIV/AIDS awareness and other important development issues abroad.

Using low-cost digital tools, Voice for Humanity proposes to convey HIV/AIDS awareness, prevention, treatment, and medical training among nonliterate and oral communicating populations in developing countries. The devices, which fit into the palm of your hand, can provide standardized information to any one group or individual in any language. And the best part is, information can be regularly updated and changed using regular FM radio technology.

The applications of this technology are endless. During elections, this technology can provide critical information to remote parts of a developing country on the basic tenants of democracy and election rules and regulations. Anyone who has observed elections in a transitioning country knows that confusion over process on election day—by voters and poll workers—is not extraordinary. This technology ensures that everyone has the same information, in the same language, at the same time.

I will have more to say on Voice for Humanity at a later date. I intend to include language in the statement of managers accompanying the fiscal year 2004 Foreign Operations Appropriations bill ensuring support for pilot projects.

Lastly, Mr. President, last night the conferees to the emergency supplemental included $100 million for economic assistance for Jordan. This action was strongly supported by the Foreign Operations Subcommittee, and is intended to be in addition to funds made available for Jordan in the fiscal year 2004 Foreign Operations bill.

My friend from Vermont and I wanted to provide Jordan with early disbursal of funds in the pending bill because we have long recognized how good and trusted an ally we have in that country. I was just in Amman—a little over 3 weeks ago—and was again impressed by the solid relationship the United States enjoys with the Hashemite Kingdom.

The inclusion of an additional $100 million for Jordan sends the right message at the right time and provides well earned support for ongoing reforms in Jordan. The technical amendment the ranking member and I offer strikes an earlier one that provided funds for Jordan on an accelerated basis—instead, Jordan's total allocation for economic assistance in fiscal year 2004 will include the budget request for $250 million, and an additional $100 million in the supplemental.

Mr. MCCONNELL. Mr. President, in conclusion, I thank Senator LEAHY and his very capable staff, Tim Rieser and Mark Lippert, and, of course, Chairman STEVENS and his able staff director, Jim Morhard, for his continued support of the subcommittee, and particularly for the additional global HIV/AIDS program allocation.

I also thank USAID counsel Bob Lester who puts in long hours working alongside the subcommittee putting these bills together. I thank Brendon Wheeler and my assistant, Robert Karem, who accompanied me on a recent trip to Iraq and Afghanistan, and Paul Grove, chief counsel of the subcommittee. He has been with me off and on for a number of years. He has done a spectacular job. He had to balance both the emergency supplemental conference downstairs and the foreign operations bill upstairs and chronic sleep deprivation at the same time, and he did all that with admirable poise and remarkable intellectual ability. I appreciate his very fine work.

The PRESIDING OFFICER. If there is no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

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

The bill (H.R. 2800), as amended, was passed.

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

Mr. REID. 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.

The PRESIDING OFFICER. Pursuant to the previous order, the Senate insists on its amendment and requests a conference with the House.

The Presiding Officer appointed Mr. MCCONNELL, Mr. SPECTER, Mr. GREGG, Mr. SHELBY, Mr. BENNETT, Mr. CAMPBELL, Mr. BOND, Mr. DEWINE, Mr. STEVENS, Mr. LEAHY, Mr. INOUYE, Mr. HARKIN, Ms. MIKULSKI, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, and Mr. BYRD conferees on the part of the Senate.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

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

GOLDEN GAVEL AWARD

Mr. FRIST. Mr. President, the Golden Gavel has long served the Senate to mark a Senator's 100th presiding hour and continues to represent our appreciation for the time these dedicated Senators contribute to presiding over the United States Senate, a very important duty. On the evening of Friday, October 17th, Senator JOHN SUNUNU reached his 100th hour of presiding. As a Presiding Officer, his dedication and dependability are to be commended. I am truly grateful for his willingness to preside as scheduling conflicts arise especially on the not-so-popular Fridays and Mondays. He and his enthusiastic scheduling staff make every effort to do their part to carry their share of the presiding load with a smile. It is with sincere appreciation that I announce the second recipient of the golden gavel award for the 108th Congress, Senator JOHN SUNUNU.

TRIBUTE TO E. LINWOOD ''TIP'' TIPTON

Mr. MCCONNELL. Mr. President, I rise today to honor my friend E. Linwood Tipton. Tip, as he is known by friends, will have devoted 38 years of his life to the dairy industry upon his retirement later this year.

Growing up on his family's farm in Missouri, Tip's interest in agriculture developed at a young age. He attended the University of Missouri where he earned a bachelor's degree in Agriculture and a master's degree in Economics. After serving his country as an officer in the U.S. Army Finance Corp, Tip returned to the dairy industry where his talent and leadership were recognized and he quickly advanced.

In 1987, Tip was appointed president and CEO of the Milk Industry Foundation and the International Ice Cream Manufacturers Association. Under his direction, the International Dairy Show began in 1988 and evolved into the Worldwide Food Expo, an event that currently features over 1,000 exhibitors from 150 different countries. He also created Dairy Forum, a major annual conference for dairy producers and processors. In 1990, he rallied the milk industry to form the International Dairy Foods Association, IDFA, an organization that encompasses the Milk Industry Foundation, the National Cheese Institute, and the International Ice Cream Association. Tip's innovative ideas and strong leadership have stimulated the growth of IDFA. Tip led the way in the creation of the extremely successful ''Milk Mustache'' and ''Got Milk?'' marketing campaigns.

His knowledge of the dairy industry and the economy has encouraged Secretaries of Agriculture and U.S. Trade Representatives of both political parties to seek his counsel. In 1984, President Reagan appointed Tip to the National Commission on Agricultural Trade and Export Policy. He has been active on Capitol Hill by testifying numerous times before congressional committees and initiating the annual Capitol Hill Ice Cream Party.

Nondairy organizations have also benefited from Tip's leadership. He founded the International Sweetener Colloquium so sugar and sweetener-using industries could assemble and discuss sugar policy. Tip is a past president and chairman of the board of the National Economists Club and the National Economic Education Foundation. He also has been active in the D.C. community by serving on the ''Main Street'' restoration project's board of directors.

Tip is truly a visionary in the dairy industry. From regulating dairy food retail packaging to implementing marketing campaigns, he has delved into every aspect of the dairy business. Tip's leadership should be commended and, therefore, I ask each of my colleagues to join me in honoring this remarkable man's dedication to the food industry, his community, and his Nation.

TRIBUTE TO BILL AND MEREDITH SCHROEDER

Mr. MCCONNELL. Mr. President, I pay special tribute to two individuals whose foresight inspired a mecca in America's Heartland. Bill and Meredith Schroeder's interest in quilts has led to an exciting and beneficial business venture for the City of Paducah, KY, and the surrounding area. In 1984, the Schroeder's founded the American Quilter's Society, AQS, after discovering the need for worldwide recognition of the beauty of quilting as an art form and as a statement of our history and society.

The Schroeder's created a multi venue environment to promote the art and craft of quilting. Through the American Quilter's Society, they established a membership organization with participants from every U.S. State and territory, as well as from 80 countries. They created the AQS Quilt Show & Contest, the largest cash-juried contest in the world. Held each April in Paducah, KY, now recognized as ''Quilt City USA®'', the annual show brings millions of dollars to the tourism industry of western Kentucky. In 1991, the Museum of the American Quilter's Society opened. The museum has hosted hundreds of thousands of quilters and quilt lovers, and has enjoyed a history of growth and development.

Bill and Meredith Schroeder are extraordinary individuals who had a vision and worked hard to bring it to fruition. In appreciation for the Schroeder's commitment to fostering the respect of the general public for quilts and quilt makers, and for their unselfish desire to develop the economy of western Kentucky, I ask my fellow colleagues to join me in recognizing the outstanding contributions they have made to their community, to Kentucky, and to our Nation.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

● Mr. EDWARDS. Mr. President, I was not present for the vote on S. 139, the Climate Stewardship Act of 2003. Had I been present, I would have voted ''yea.''●

FOREST FIRE UPDATE

Mrs. FEINSTEIN. Mr. President, I rise today to give the Senate an update on the wildfires sweeping across Southern California—as the Senate continues to debate legislation to change our Nation's forest policy.

The situation in my State is at a critical juncture. If the weather continues to improve—as it is expected—then firefighters may be able to get a handle on the fires which continue to burn. This would be good news indeed.

I would also like to report that FEMA will shortly be announcing 6

permanent field sites where victims of the fire can go for assistance and 4 additional mobile sites.

It is critical that the FEMA centers get opened as soon as possible—so that the help gets where it is needed most.

There are nine large fires currently raging in the State—all of which have caused considerable damage.

In total, these fires have burned over 650,000 acres—about the size of Rhode Island. Twenty people have been killed. This includes a firefighter from Marin County who was killed by a fast moving wall of fire associated with the Cedar fire. Twenty-four hundred homes have been lost in five counties, and thousands more structures have been burned.

There are some 13,000 firefighters waging a battle against the fires. True to form, these firefighters have given everything they have to put out the fires and are exhausted.

Our thoughts and our prayers go out to these men and women—and to the family of the firefighter who died—we know that these firefighters are doing everything possible to save lives, homes, and private property.

Let me now go through some of the fires to let you know what is happening.

The Cedar Fire in San Diego has become the largest wildfire in California history. It has burned 250,000 acres—and 6 days old, it is only 15 percent contained. Thus far, 22 injuries have been reported as a result of this fire, and 7 civilian fatalities confirmed by the San Diego Sheriff's Department. Additionally, 1,300 Structures have been destroyed.

The fire has destroyed 90 percent of the town of Cuyamaca, and today, it threatens the communities of Pine Hills, Mt. Laguna, Ramona and Julian. Plans to aggressively protect the historic town of Julian are in place. Overnight, 300 structures were destroyed in Cuyamaca and Harrison.

The Old Fire in San Bernardino is also burning out of control and continues to pose a major threat to Lake Arrowhead, Big Bear, and other mountain communities. This fire also began 6 days ago. It has consumed 60,000 acres thus far and is only 10 percent contained.

Massive resources have been expended to fight this fire, including 2,175 firefighters, 10 helicopters, 40 fire crews, 280 engines, and 7 air tankers.

There have been three injuries to date and two civilian deaths. Conservative estimates suggest that 550 residential structures and 10 commercial structures have been destroyed. But this is just the tip of the iceberg.

There are 50,000–60,000 homes and 2,000 commercial properties in the area threatened by this fire. More than 50,000 people have been evacuated from communities like Lake Arrowhead and Big Bear. Firefighters are doing what they can to protect these communities from going up in flames, but this is difficult because of the thousands of trees killed by the Bark Beetle, which have become kindling in this fire.

The Grand Prix fires also continues to rage in San Bernardino, near the community of Fontana. This fire has consumed 70,000 acres, destroyed 60 residences and 60 other structures, and has resulted in 27 injuries. This fire began 10 days ago, and is 40 percent contained. Today, 1,600 firefighters, 12 helicopters, 42 fire crews, 159 engines, and 30 bull dozers are committed to this fire.

It is hoped that weather conditions will allow firefighters to get better control of this fire today.

Moving North, the Simi fire threatens the community of Stevenson Ranch. The good news with this fire is that it did not move into the canyons and cut a path toward Malibu. But when the wind shifted, the fire turned toward a sub-development on the northern end of Los Angeles County.

This fire has consumed 105,560 acres and destroyed 16 structures and 64 other buildings. Thus far, there have been 5 injuries as a result of this fire, and the fire is only 35 percent contained.

Now, firefighters are trying to keep this fire away from homes and have thus far been successful. Today is a critical day for this fire. Cooler temperatures may allow a fire line to be completed along Potero Canyon, and this would go a long way toward bringing this fire under control.

Like the other fires, massive resources have been deployed to fight this fire, including: 1,389 firefighters, 9 helicopters, 236 engines, 6 air tankers, and 27 bulldozers.

The Piru fire continues to burn in Ventura county, near the community of Fillmore.

Thus far, 62,000 acres have been consumed, and the fire is only 30 percent contained.

The fire began a week ago, has caused 20 injures and destoyed 8 structures.

But this fire remains dangerous. The fire is moving towards fuel-laden areas in the Los Padres National Forest, and we have to watch this one closely.

The Padua fire—near Claremont, CA—is smaller than the other ones, but it has caused considerable damage nonetheless.

Latest reports show that it has burned almost 10,000 acres, and the good news is that it is 50 percent contained.

This fire has caused 15 injuries, destroyed 59 structures, and threatens 500 homes in the community of Mt. Baldy.

The resources directed at this fire include 691 firefighters, 17 fire crews, 80 engines, and 4 bulldozers.

Some good news from the Whitmore fire, near Shasta, CA.

This fire which has burned approximately 1,000 acres is 80 percent contained. There have been no injuries as a result of this fire, and it is expected to be contained today.

It is my great hope that this happens.

Good news also with the Tuk Fire, 10 miles east of Orick, CA, south of Crescent City.

This fire has burned only 315 acres and is 80 percent contained. Officals are hoping that this fire will be fully contained today as well.

The mountain fire, which burned just under 10,000 acres in Riverside, CA, has been 100 percent contained.

Fire officials will continue to complete burnout operation in near the fire edge, and pending favorable weather, should be completed soon.

This fire was serious—it caused 6 injuries and 61 structures.

Fire crews and equipment are coming in from other States. The governor of New Mexico has offered equipment, and I understand that other States have offered help as well.

As crews become weary and fatigued, it will be increasingly important to get reinforcements from other States—and I will do what I can to make sure this happens.

In terms of victim assistance, help is on its way. As I mentioned, FEMA will be establishing four permanent centers in affected communities, and four mobile centers.

Additionally, if any Californian needs help, they can call my San Diego or Los Angeles office, and we will do anything we can to ensure that they get the appropriate assistance.

This is a terrible time for Californians, but in times of crisis, people pull together and do what they can to help one another.

It is my hope that these fires can be quickly contained—with limited casualties and loss of property.

This event has truly been a wake up call, and I hope that we learn how critical it is to manage our lands, to ensure that catastrophic fires like these can be prevented.

BREAST CANCER AWARENESS MONTH

Ms. COLLINS. Mr. President, October is National Breast Cancer Awareness Month, and, as the month is coming to an end, it is appropriate that we take some time to celebrate the progress we have made against this devastating disease and, at the same time, acknowledge how much further we have to go.

Breast cancer has taken a tremendous toll on far too many Americans and their families. There are very few people in this country who haven't lost a family member, friend or coworker to this cancer. More than 200,000 women will be diagnosed with breast cancer this year alone, and, regrettably, about 40,000 of those diagnosed will die from the disease. Across the country, one woman in eight will develop breast cancer at some point during her life. While we have made great progress, we must continue to work to find new and more effective ways of preventing, detecting and treating breast cancer.

Astoundingly, of the 3 million American women who are living with breast

cancer, an estimated 1 million don't know it. Regular screenings and early detection remain the most effective ways to combat breast cancer and improve a woman's chances for successful treatment and survival. It is therefore critical that we take steps to make early detection more common.

For this reason, I am a strong supporter of the Centers for Disease Control and Prevention's National Breast and Cervical Cancer Early Detection Program, which has provided important cancer screening services at low or no cost to more than three million low-income American women who otherwise might not have been able to afford these critically important tests. The Maine Breast and Cervical Health program is funded through this program and provides screening and diagnostic services at 300 sites across the State. Since its inception, more than 20,500 screenings have been conducted through this program in Maine, and 151 cases of breast cancer have been diagnosed. As one Maine woman observed, ''This screening program was an answered prayer. I had been concerned about having to skip checkups lately, but there was no way to come up with the money any time soon. I will gladly tell all of my friends about this and will gladly return for follow-up.''

Screening must be coupled with treatment if it is to save lives, and that is why I also cosponsored legislation to provide the treatment necessary to save the lives of the women who are diagnosed with cancer through this program. Since the screening program is targeted to low-income women, many of those screened do not have health insurance and many more are under-insured. The Breast and Cervical Cancer Treatment Act, which has been signed into law, gives states the option of providing treatment through the Medicaid program for woman diagnosed with breast or cervical cancer through this screening program. I am pleased to say that Maine is one of 45 states that have elected to take advantage of this option.

Promising research is leading to major breakthroughs in preventing, treating and curing breast cancer. There simply is no investment that promises greater returns for Americans than our investment in research, and I have been a strong proponent of congressional efforts to double our investment in biomedical research over five years. Last year, the National Institutes of Health spent $640 billion on breast cancer research. This year that figure grew to nearly $700 million.

I was also pleased to join my colleague from California, Senator FEINSTEIN, in introducing the National Cancer Act of 2003, which sets out a comprehensive national plan to combat cancer, with substantial and regular increases in the National Cancer Institute's budget. The legislation also includes important provisions to increase access to cancer screening, clinical trials, cancer drugs, and high quality cancer care. I am hopeful that continued funding increases will allow us to accelerate our efforts to find better treatments, a means of prevention, and ultimately a cure for devastating diseases like breast cancer.

As National Breast Cancer Awareness Month comes to a close, we should celebrate life and the progress we are making in the fight against this disease. With determination and patience, we can limit the terrible impact of the disease and bring hope to millions of women and their families.

In closing, I would like to take a moment to acknowledge the tremendous leadership of the senior Senator from Maine on this issue. Senator SNOWE has been a tireless champion and advocate, and has led the battle against breast cancer, first in the House and now in the Senate, on a number of fronts ranging from increased breast cancer research funding at the National Institutes of Health and Department of Defense to landmark legislation prohibiting discrimination on the basis of genetic information. We should all be grateful for her efforts.

Ms. STABENOW. Mr. President, this week marks the close of National Breast Cancer Awareness Month, and today is a time for many of us to reflect on how cancer has touched virtually every American's life. According to the American Cancer Society, one in two men and one in three women will be diagnosed with cancer. We have made important advances in treating cancer victims, but we are not yet at our ultimate goal of finding a cure.

I am pleased to announce that my alma mater, Michigan State University, is one of the leaders in finding a cure for breast cancer. Michigan State was one of only four institutions nationwide to receive a grant from the National Institute of Environmental Health Sciences and the National Cancer Institute to study the prenatal-to-adult environmental exposures that may predispose a woman to breast cancer.

But this is just a down-payment in ending breast cancer. It is generally believed that the environment plays some role in the development of breast cancer, but the extent of that role is not understood. If we can identify those risks, we can stop the disease. More research needs to be done to determine the impact of the environment on breast cancer, which has been understudied in the past.

To do so, I urge my colleagues to support S.983, the Breast Cancer and Environmental Research Act, to ensure that this research continues. This legislation would create a new mechanism for environmental health research and provide a unique process by which centers are selected. Modeled after the Defense Department's Breast Cancer Research Program, which has been so successful, it would also include consumer advocates in the peer review and programmatic review process.

It would be amazing if the research about to be conducted at Michigan State led to a cure for breast cancer. But that dream can only happen if scientists, doctors, and others have the right resources. Let's continue to fight the war against cancer.

Ms. MIKULSKI. Mr. President, this week marks the close of National Breast Cancer Awareness Month. During the month of October, dedicated advocates, breast cancer survivors, and health professionals commemorate the tremendous progress we have made in the fight against breast cancer, as well as raise awareness about the progress we hope to make in the future.

In the last 10 years, we have accomplished many things. We have increased funding for breast cancer research by 700 percent, passed the Breast Cancer Research Stamp Act, which has raised more than $30 million, and made sure that Medicare and Medicaid are required to cover mammograms. We have accomplished a lot, but we must continue to fight.

Breast cancer is second only to lung cancer in cancer deaths among women. An estimated 211,300 new invasive cases of breast cancer are expected to occur among women in the United States during 2003. An estimated 39,800 women will die from breast cancer. While incidence among men is rare, we know that 400 men will also lose their lives this year to breast cancer, an area in which we still have much to learn.

I wrote the Mammography Quality Standards Act more than 10 years ago to save women's lives. Before MQSA became law, there were no national quality standards. Image quality varied widely and there were no inspections. Now, when women get mammograms, they know the equipment meets Federal safety and quality standards. Currently, I am working to reauthorize this important law before Congress adjourns.

In 1990, I fought for the Breast and Cervical Cancer Screening Program to make sure women without health insurance have access to lifesaving tests like mammograms. Also, I fought for the Breast and Cervical Cancer Treatment Act to help these women get the treatment they need if they are diagnosed with breast or cervical cancer. My colleagues and I on both sides of the aisle have worked together, especially the women Senators and the Galahads of the Senate, like Senators KENNEDY, HARKIN, GRASSLEY, and SPECTER.

For all that we have done, there is still more to do. We need to make sure women have the information they need about the importance of screenings, make sure we have the best tools and best trained doctors for diagnosis and treatment, and make sure uninsured women have access to health care. Also, we must be steadfast on research. I came to the U.S. Senate to change lives and save lives. I will continue to fight to eradicate breast cancer.

Today, I commemorate the progress we have made and look towards the future. I will keep fighting to make sure

women's health is on the agenda, and breast cancer survivors, and the health professionals can make a difference in the lives of thousands of women. Each one of us can make a difference. Together we make change.

Ms. MURKOWSKI. Mr. President, every 3 minutes, a woman somewhere in the United States is diagnosed with breast cancer.

Every 12 minutes, the same disease steals away another person's mother, wife, companion, or friend.

According to the National Cancer Institute, breast cancer is the most common form of cancer among women in the United States, and second only to lung cancer as the leading cause of cancer deaths.

In my home State of Alaska it was predicted that another 300 women this year would hear their doctor tell them ''you have breast cancer''.

I don't personally know the thoughts that run through these women's minds at that moment, but I think the best thing that we can do is to make sure that the next thing that doctor can say is ''you caught it early enough—we can cure it.''

Medical science says that the key to beating this cancer is early detection and early intervention. That's why it's vitally important for women to be aware of this disease.

Women need to be vigilant, and need to follow medical recommendations regarding mammograms and self-exams. We have a number of courageous women in Alaska who fought breast cancer and are sharing their experiences with other women, increasing awareness of the condition.

Alaskan survivors including Carla Williams and world-class dog musher Dee Dee Jonrowe make time in their schedules to come and advocate on behalf of those whose lives have been touched by breast cancer, and they are doing a great job of raising awareness

We must continue this fight to increase awareness not only during October, National Breast Cancer Awareness Month, but year round, and I thank my colleagues for the chance to speak about National Breast Cancer Awareness Month.

Mr. GRAHAM of South Carolina. Mr. President, I rise today to recognize this month as ''National Breast Cancer Awareness Month.'' This special month is meant to bring awareness to the continued prevalence of breast cancer and the importance of using early detection techniques to help reduce the number of women and men who lose their battle against breast cancer each year.

This year it is estimated that more than 200,000 new cases of breast cancer will be diagnosed. Through the use of early detection, many of these cases will be successfully diagnosed and treated before the cancer spreads. However, breast cancer will also claim close to 40,000 victims in this year alone.

To promote early detection of breast cancer, National Mammography Day is celebrated each October as a part of National Breast Cancer Awareness Month. This year, on October 17, many radiologists provided free or discounted mammograms in an effort to encourage more women to take part in this important screening. Mammography is an important tool to help detect breast cancer while it is still highly treatable.

Unfortunately, not all women have easy access to mammograms either because they are uninsured or their health insurance does not cover this service. Further aggravating this issue is the low reimbursement of mammograms by Medicare, and the fact that not enough assistance is available to train and recruit more radiologists to perform this vital screening. I am proud to be an original cosponsor of the Assure Access to Mammography Act of 2003. This legislation increases the Medicare reimbursement for mammograms and helps in the recruitment of radiologists to perform mammograms. I am hopeful that it will be enacted soon.

Hardly a family or group of friends has not been affected by breast cancer in some way. Events such as the annual ''Race for the Cure'' in support of breast cancer prove that there is widespread support for finding further treatment options and cures for this disease. I encourage those who are interested to visit the National Breast Cancer Awareness Month website to learn more at www.nbcam.org.

Mr. SMITH. Mr. President, today I rise to speak about breast cancer prevention, detection, and treatment, a cause I have championed throughout my career as a public servant. I am proud to be a sponsor of many bills to assist the breast cancer community in its fight to treat, prevent, and eventually eradicate this disease.

Like many Americans, my family life has been touched by the tragedy of cancer. The impact of this disease on men and women can not be overestimated. Breast cancer is the leading cancer among American women, second only to lung cancer in cancer deaths.

Each year, more than 200,000 Americans receive a diagnosis of breast cancer and nearly 40,000 die. What we must remember when confronted with these overwhelming numbers, however, is that behind each statistic is a personal story of struggle and courage. I have heard many of these stories. Today, I would like to share the story of one Oregonian fighting to survive her own disease.

Life changed for Janet Romine on August 19, 1999. On that day, this enthusiastic and energetic teacher, wife and daughter reported to her doctor for a regularly-scheduled mammogram. Unlike her previous mammograms, however, a lump was detected that required surgical biopsy. Janet wrote the story of her diagnosis for KGW Northwest News online. In recollecting the wait between surgery and receiving the biopsy results, Janet wrote: ''After the surgery, deep in my soul I knew this was not a simple little lump. I felt violated, depressed and dark as I waited for the phone call.''

In that call, Janet learned that the lump was malignant and would require surgery for its removal and 7 weeks of radiation and drug therapy. Yet, just three days after her diagnosis, Janet participated in the Komen Foundation Race for the Cure in Portland, OR. Janet's friends and teaching colleagues walked the race by her side, having added Janet's name to their banners.

Janet describes her cancer diagnosis as a beginning, and not an ending. Like the thousands of women who were diagnosed before her and the thousands of women who will follow, Janet's life changed forever.

Sadly, stories of coping and courage are no longer rare. However, there is some good news: the mortality rate from breast cancer has declined 2 percent each year for the last 10 years. It is imperative that we fight to continue this trend by supporting increased funding for breast cancer research, prevention, detection and treatment programs.

Mr. VOINOVICH. Mr. President, I rise today to talk about awareness and prevention of breast cancer. My wife Janet and I have always made the early prevention and detection of breast cancer a top priority. During my tenure as Governor of Ohio, the State became one of only four States to create an office within my administration devoted solely to women's health issues. The Office of Women's Health continues to address women's health needs such as early prevention and detection of breast cancer and recommends actions such as legislation or policy development.

I am so proud of Janet who is a champion of detection and prevention procedures to combat breast cancer and that as First Lady she was successful in lobbying the Ohio Legislature to designate the third Thursday in October as Ohio Mammography Day. This year was Janet's eleventh year traveling throughout the State on this day to stress the importance of early breast cancer detection.

For all of Janet's work to promote early prevention and screenings for breast cancer, the Ohio Breast and Cervical Cancer Coalition named an annual award after her. Janet continues to present the ''Janet Voinovich Service Award'' to recognize an individual's commitment to improving the quality of life for cancer survivors.

Yet, there is more that needs to be done to find a cure for breast cancer and I have been fighting in the Senate to encourage the National Institutes of Health, NIH, to take advantage of new technology to undertake innovative research in this field.

One research initiative that could give women a critical tool in the prevention of breast cancer is the study of environmental effects on the occurrence of the disease. Some studies have suggested that environmental factors

like diet, pesticides and electromagnetic fields could play a role in the growth of breast cancer. Yet, to date, there have not been enough comprehensive research initiatives to draw conclusions.

For this reason, in the 107th Congress and again this year, I cosponsored the Breast Cancer and Environmental Research Act to create eight centers throughout the Nation to study the link between environmental factors and breast cancer. While we continue to work on this bill in the Senate, I am so pleased that the NIH and the National Institute of Environmental Health Sciences, NIEHS, have taken the first step in creating four centers for this purpose. I was so proud to be at the University of Cincinnati earlier this month to announce that the University along with the Cincinnati Children's Hospital Medical Center had been chosen to receive a NIH grant to establish one of the four centers. The University of Cincinnati and Children's Hospital have a long history of contribution to the quality of life and health in the Greater Cincinnati region and nationwide, and I am encouraged about the work that is being done to determine the factors that cause breast cancer. We must work to make sure that quality research initiatives like this one continue.

That is why I recently joined my colleagues in a letter of support for the reauthorization of the Breast Cancer Research Stamp program. Since 1998, sales of the stamp have generated more than $34 million for breast cancer research at Federal research facilities. In fact, the Breast Cancer Stamp is the most successful semi-postal in history, and I am confident that its reauthorization will continue to help fund lifesaving breast cancer research over the next several years.

Until we find a cure however, Janet and I will continue to do what we can to promote awareness of breast cancer and help ensure that early detection procedures are available to women who need them most.

Mr. WYDEN. Mr. President, the American Cancer Society estimates that in 2003, there will be 2,600 new cases of breast cancer diagnosed among women in Oregon and that 500 women will die of breast cancer in Oregon. October is Breast Cancer Awareness Month, so it is important that we take stock of where we are in preventing, detecting and treating this disease.

All women are at risk of breast cancer, but when this cancer is found in its early stages, the 5-year survival rate approaches 100 percent. Screening exams are especially important because through early detection, women, in partnership with their health care providers, can significantly reduce deaths due to breast cancer.

A recent study published in the Archives of Surgery found that more cases of breast cancer were detected in women taking part in an Oregon breast cancer screening program than in women who were not part of the program. The Oregon Breast Cancer and Cervical Cancer Program began in 1996 and is a statewide screening program for low-income women with little access to medical services. In this study, Oregon Health Sciences University researchers evaluated 15,730 women who had a total of 23,149 mammograms and 20,396 breast exams between January 1, 1997 and December 31, 2001. The study found the screening program had a detection rate of 12.3 breast cancers per 1,000 women, which is greater than rates of other screening programs. The women in this study diagnosed with breast cancer also had a 97-percent rate of compliance with suggested therapies for their cancer.

Working together, many groups have found that they can maximize their resources and develop more effective partnerships to reach health care consumers and providers in Oregon. Despite the excellent job that is being done, we need to continue to foster this activism and continue to find new ways to fund innovations in detection and treatment and to make them accessible to all women.

In Oregon, the American Cancer Society, the Susan G. Komen Breast Cancer Foundation, the Y.W.C.A, and the National Black Leadership Initiative on Cancer, are just a few of the leaders in the community who have worked together and with other organizations to reach out to women in Oregon and their families to improve the health status of women in my home State. I want to thank them for their efforts in helping Oregon families have better information and awareness about this disease as well as helping women as they go through treatment.

I have always been a staunch supporter of Federal funds for breast cancer research, and I will continue to do so. It is gratifying to know we have come so far and to see how we can make progress in fighting this form of cancer.

NOMINATION OF MICHAEL GARCIA

Mr. HATCH. I appreciate Senator COLLINS, Chair of the Governmental Affairs Committee, entering into a colloquy on a matter that concerns the Judiciary Committee. In particular, our colloquy involves the nomination of Michael Garcia to be Assistant Secretary of Homeland Security. Following our statements, I will seek a unanimous consent agreement to refer Mr. Garcia's nomination to the Judiciary Committee.

All committees derive their ''respective jurisdictions'' from Senate Rule XXV, among other sources. As such the Governmental Affairs Committee, in its responsibility for the ''organization and reorganization of the executive branch of the Government,'' played a crucial role in establishing the new Department of Homeland Security. I would like to compliment Senator COLLINS on her leadership and the significant improvements that have resulted in our nation's security since September 11th.

Also, under Senate Rule XXV, the Committee on the Judiciary has jurisdiction over ''Immigration and naturalization.'' It is important for the immigration and naturalization functions which have been transferred from the Department of Justice and other law enforcement agencies to the Department of Homeland Security to remain under the jurisdiction of the Judiciary Committee.

With the formation of three new bureaus for immigration policy in the Department of Homeland Security, countless situations—from day-to-day immigration services and enforcement to long-term border security planning—will arise in which legislation affecting these bureaus and oversight of these bureaus is an essential role of the Judiciary Committee. I appreciate my colleague taking the time to clarify the confirmation process of Mr. Garcia and the commitment to Senate Rules XXV and XXVI, Section 8 as it affects the Judiciary Committee's jurisdiction.

Ms. COLLINS. I appreciate the Senator's comments and I look forward to working with him. I would also like to assure him that I do not believe the Governmental Affairs Committee's jurisdiction affects in any way the Judiciary Committee's jurisdiction over immigration and naturalization matters, as set forth in Senate rule XXV. The Governmental Affairs Committee was responsible for the Homeland Security Act of 2002 which created the new Department of Homeland Security. The committee has conducted wide-ranging and vigorous oversight of the Department and, this year alone, has reported out six bills that address homeland security concerns. In total, the Governmental Affairs Committee has held over 30 hearing on homeland security matters, thus reflecting the paramount role it plays with respect to these matters.

The committee also has handled the nominations of almost all of the Department's nominees. On June 5th of this year, our committee held a hearing on Mr. Garcia's nomination. We reported his nomination to the full Senate on June 17th. We then agreed to a referral of Mr. Garcia's nomination to the Judiciary Committee. I understand that my colleague, the distinguished Chairman of the Judiciary Committee, now seeks a second referral of the nomination in order to complete its work thereon. I have no objection to my colleagues' request.

Mr. HATCH. I thank the Chair of the Governmental Affairs for her comments and efforts on this matter.

IN HONOR OF THE MEMORY OF PAUL WELLSTONE

Mr. FEINGOLD. Mr. President, I would like to take a moment to remember our friend Paul Wellstone, who died a year ago this month. All of us

feel his loss so acutely here in this body. But his voice still echoes in this Chamber, and his spirit and fierce dedication to justice live on. What so many of us loved about Paul was that unparalleled passion he had for doing what was right. That still inspires me today, as it inspires so many others. And it is just one more reason to be thankful to Paul, and to honor his memory.

I think of Paul often as issues come before the Senate about which he cared so deeply. Earlier this month, as we observed Mental Illness Awareness Week, I thought of all Paul did to advocate for mental health parity throughout his time here, and what a vital contribution he made to getting affordable medical treatment to people suffering from mental illnesses. I have been proud to support this issue when it has come to the floor, and last week I joined the entire Democratic caucus in urging the majority leader to take up and pass the Senator Paul Wellstone Mental Health Equitable Treatment Act of 2003. We must ensure that mental illnesses are treated the same way as other physical illnesses by insurers.

Paul also fought to stop U.S. companies that move their headquarters to ''tax haven'' countries to avoid paying U.S. taxes from getting Federal procurement contracts. I am proud to be a part of the effort to move that forward. I also am proud to help carry on Paul's work in the fight for a good public education for every child. Paul believed, as I do, that every child is entitled to a good education no matter his or her circumstances in life. He called this ''equality of opportunity.'' I was proud to work with him on the issue of standardized testing. He and I agreed that over-testing of our public school students is not the cure-all for public education. I hope that my efforts to return authority for decisions about how often to test students to the States and local school districts will, in some small way, build upon Paul's legacy of fighting for a level playing field for all students.

These are just a few of the causes Paul worked on, and just a few of the ways that he lives on in this body, and in the lives of the countless Americans he touched through his lifetime. We can still hear his voice echo in this chamber, urging all of us on to build a more just world. Let us honor Paul's memory by heeding his words, and carrying on the great work of our dear friend.

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.

I will describe one such crime that took place in El Paso, TX. In April 2002, police qualified the murder of Hector Arturo Diaz as a hate crime. Mr. Diaz was shot in the back by an acquaintance, Justen Hall. At the time, Mr. Diaz, a transvestite, was dressed in female clothing.

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. By passing this legislation and changing current law, we can change hearts and minds as well.

10TH ANNIVERSARY OF UNITED STATES HOLOCAUST MUSEUM

Ms. CANTWELL. Mr. President, tomorrow, the United States Holocaust Memorial Museum will mark its 10th anniversary. More than 6,000 Holocaust survivors and family members will visit the museum this weekend to help commemorate the museum's important contributions. Together, these men and women comprise a living legacy of the Shoah. By sharing their memories, these courageous survivors can help ensure that such evil is never again perpetrated against any people, anywhere.

America is a land of immigrants, and our history demonstrates that we are stronger because of our diversity, not in spite of it. But we can only live up to the promise of our diversity if we recognize the inherent rights and freedom of all human life. One of the most powerful ways we can remind each other and our children about the importance of this fundamental principle is to ensure that the Holocaust is never forgotten.

For that reason it is fitting that the Holocaust Memorial Museum is located on the National Mall. Visitors to this cherished landmark can see the Declaration of Independence, the Wright brothers' glider, and some of America's most treasured art; all of them vivid reminders about the capacity of the human spirit and the promise of mankind. Yet it is just as important to teach young people and remind adults about one of the darkest chapters of human history. Although the Holocaust was a terrible tragedy that stained all humanity, it must never be hidden from view.

The Holocaust Memorial Museum plays a special role in teaching our children and grandchildren about this dark chapter in world history. This haunting permanent memorial will ensure that future generations will learn about this tragedy.

Survivors and liberators of the Holocaust have a unique opportunity to share the stories of this awful period. I thank them for having the courage and dignity to survive the horrors of the Holocaust, and for having the bravery to share their experiences with others so that it may never happen again. Their contributions will help all of us build a better America and a better world.

U.S. POLICY TOWARD CUBA

Mr. BAUCUS. Mr. President, I rise today to address an issue of great concern to me—the ban on travel to Cuba.

Last week, the Senate scored an important victory in the fight to bring common sense to U.S. policy toward Cuba. We voted by a wide margin—59 to 36—to suspend enforcement of the travel ban. The House approved the same amendment in September, also by a wide margin.

The wide margin of victory reflects the majority of Americans who want an end to the travel ban.

Over the weekend, editorial writers from a diverse range of newspapers noted and applauded our victory: the Wall Street Journal, the New York Times, the Chicago Tribune, and the Orlando Sentinel-Tribune.

Let me offer just a few quotes: the Chicago Tribune says:

> In an age of very real terrorist threats, Cuba hardly makes the list. For the Department of Homeland Security to redouble its efforts and tie up more money and personnel in enforcing the travel ban against Cuba—as the president proposed two weeks ago—is an incredible waste of resources.

The New York Times points out:

> The proper response to such outrages as the Castro regime's roundup of dissidents and writers earlier this year is to seek to overwhelm the island with American influence.

And the Orlando Sentinel argues:

> The ban on U.S. travel is futile, self-defeating, a waste of scarce resources and inconsistent with other American policies.

These papers spoke out in favor of the Senate's actions because they recognize that the current policy has been a failure and because they know that engagement with Cuba is the best and most effective way to bring democratic change to Cuba.

In my view, the Cuba travel provisions should not even be subject to conference. The House and Senate have passed the same amendment; there is nothing for conferees to discuss.

There are many Members of this body who have worked hard to ease the embargo. Any Treasury-Transportation conference report that does not include the Senate and House-passed language is unacceptable, and we will look at all procedural options to stop this from happening.

That said, I fully expect this amendment to become law. Despite recent incorrect reporting, none of the supporters of this legislation believe that we can't accomplish our goal of lifting the Cuba travel ban.

And I have to say here that I do not believe the President will veto this bill. Of course, the Cuba provisions have overwhelming support, but the appropriations bill itself passed the Senate 90 to 3. The administration knows a veto could be easily overridden.

I do believe that pro-embargo forces see the writing on the wall. Momentum to end the embargo is clearly building. We have had a year filled with success.

Several months ago, Senators ENZI, DORGAN, and I introduced legislation, S. 950, that would permanently lift the travel ban. There are 31 cosponsors of that legislation, and we are adding new cosponsors this week.

The Foreign Relations Committee has committed to vote on that legislation by the end of the year, and I expect the committee to approve it by a large majority.

Recent polls indicate that most Americans oppose the travel ban. In fact, even most Cuban Americans—historically supportive of the embargo—favor lifting the ban.

So the Senate and the House votes are only the latest rebuke of an outdated policy.

Thirteen of the 16 Senate appropriators on the Subcommittee were supportive of the Cuba amendment. And I am confident they will work hard to keep this provision. But I also know they will be under some pressure. I urge them to stand up to those who might try to defy the will of the Congress.

I ask unanimous consent to print in the RECORD the aforementioned editorials.

There being on objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 27, 2003]

HAVANA CLUB

The Bush Administration, more than most, contains people whose families have paid a personal price for the horror that is Cuban communism. Which is why it's a little unfair, after last week's Senate vote to lift the U.S. travel ban to Cuba, to dismiss the White House objections merely as worry that signing such language would hurt the President's re-election chances in Florida.

Yes, the Cuban-American vote is a big deal, as Bill Clinton recognized when he courted Miami's anti-Castro community and cash in his election runs. And given that the Senate vote approving the lifting of the travel restrictions was less than the two-thirds required to override any veto, we'd be surprised if the White House doesn't make good on its threat. But the tension here reflects what is a genuine argument among conservatives over what is the best way to bring Fidel Castro down.

Otto Reich of the National Security Council staff and Housing Secretary Mel Martinez believe that lifting such restrictions will breathe financial life into a decaying regime. Some of our free market friends in Congress, notably Arizona Republican Jeff Flake, argue that after 40 years of an embargo Fidel is still sitting pretty. So it's time to try something different.

We fall into the latter group, not least because one of the problems with the existing travel ban is that it is applied selectively. Privileged groups of people—academics, journalists, Cuban Americans and left-leaning Christian groups—can and already do travel to Cuba. Jimmy Carter travels there and CNN more or less treats it like a state visit.

But we're also impressed by Oswaldo Paya, leader of Cuba's homegrown answer to Poland's Solidarity movement, who wants to see the U.S. embargo lifted. Mr. Paya points out that the heart of the Cuban crisis isn't the partial embargo the U.S. has imposed on Cuba but is the total embargo Fidel has imposed on his own people: the limits on their speech, their ability to go to church, to run their own enterprises, and so on.

As Mr. Flake has written, Fidel's three most obvious failures are ''breakfast, lunch and dinner.'' The more Americans are able to travel to Cuba, the more will be able to see for themselves the suffering that Fidel and his commissars have wrought.

[From the Orlando Sentinel, Oct. 25, 2003]

LIFT BAN ON CUBA TRAVEL

Our position: Removing restrictions on U.S. travel would expose Cubans to free ideas.

The U.S. Senate took a courageous and correct stand on Cuba policy last week.

Fifty-nine senators defied a veto threat from President George W. Bush in voting against the ban on U.S. travel to Cuba. Like a majority of U.S. House members, those senators realize that the ban is—if anything—counterproductive.

The ban is political rather than practical. It pleases many Cuban-Americans in Florida, but it and other hard-line measures haven't dislodged dictator Fidel Castro.

Restricting the freedom of U.S. citizens to travel to Cuba limits the communist island's exposure to American ideas. It also helps conceal the extent of repression in Cuba from Americans. Those are both big favors for Mr. Castro.

The greatest threat to any totalitarian government is the free flow of information. That explains why independent journalists and librarians were targeted in the Castro government's brutal crackdown on dissidents earlier this year.

Enforcing the ban on U.S. travel to Cuba also ties up limited resources in both the Homeland Security and Treasury departments. Those resources would be better directed toward fighting terrorism.

Predictably, the White House criticized the Senate vote, saying it would ''provide a helping hand to a desperate and repressive regime.'' But Mr. Bush's hard line on Cuba is contradicted by his continuing engagement with China, another repressive communist regime.

The ban on U.S. travel to Cuba is futile, self-defeating, a waste of scarce resources and inconsistent with other American policies. It's past time to lift it.

[From the New York Times, Oct. 25, 2003]

CONGRESSIONAL RESOLVE ON CUBA

Though normally inclined to follow their president's lead on foreign policy, many Congressional Republicans have now broken ranks on Cuba. By a wide margin, the Senate joined the House on Thursday in voting to ease travel restrictions to Cuba, just two weeks after President Bush vowed to toughen sanctions on the government of Fidel Castro and enforce them more energetically. The renegade Republicans apparently think that Mr. Bush's approach is dictated less by a coherent vision than by electoral concerns involving anti-Castro Republican voters in Florida.

This Congressional resolve is commendable. Four decades of sanctions have allowed Mr. Castro to portray himself, both at home and abroad, as a victim of Yankee imperialism. Mr. Castro would probably be as disappointed as his adversaries in Florida to see the sanctions lifted.

That is one reason he has a knack for provoking a backlash anytime there is a chance of a change in the status quo, which may be the best of all words for Mr. Castro. The dollars sent home from Florida relatives and the money spent by European tourists have kept the rickety Cuban economy afloat since the Soviet collapse. At the same time, sanctions imposed by the United States have kept democratizing influences at bay and provided the regime with a justification for its authoritarian ways.

The proper response to such outrages as the Castro regime's roundup of dissidents and writers earlier this year is to seek to overwhelm the island with American influence—corporate and cultural—and with American tourists and other private visitors. This is the approach we take in trying to democratize other nations.

The Senate's measure, an amendment to a $90 billion spending bill to finance the Treasury and Transportation Departments, is identical to a provision approved overwhelmingly by the House. Such agreement means it will be hard for Republican leaders to try to kill the amendment behind closed doors. That leaves the possibility of a presidential veto, though the White House cannot relish the idea of holding up government spending to placate parochial interests in Florida, no matter how powerful. As the main beneficiary of this failed policy, Mr. Castro may want to call Mr. Bush and encourage him to get that veto pen ready.

[From the Chicago Tribune, Oct. 27, 2003]

CONGRESS' MESSAGE ON CUBA

Cues that it's time for the United States—and particularly the Bush administration—to abandon the 40-year-old embargo on Cuba got considerably louder on Thursday, when the Senate voted 59–36 to life the ban on travel by U.S. citizens. The Senate measure is identical to one passed by the House a month ago.

The White House, tuned to an altogether different wavelength, threatens to veto any bill loosening the economic and travel sanctions against Cuba. Two weeks ago, President Bush—surrounded by a supportive group of Cuban exiles from Miami—announced measures to tighten the economic noose around the island.

It's no secret that the president wants to nail down the votes of the fervidly anti-Castro Cuban-American community.

But at what cost? Congress supports lifting the embargo, and so do many conservative Republican politicians and business interests—particularly in the Midwest. It is time to end the Cold War sideshow of the Cuban embargo.

Never has the American obsession with Cuba seemed so out of proportion or self-defeating, particularly for a Republican administration, as it does now. This is a question of national interest, not the political interests of the tiny but vociferous Cuban-American community.

Thursday's vote in the senate, on an amendment to the Transportation and Treasury spending bill, was important for several reasons. It showed a significant policy shift in the Senate since 1999, when the upper chamber rejected lifting the travel restrictions on 55–43 vote.

Supporters this time included 19 Republicans, including several from farm states such as Kansas, Oklahoma and Texas. Sen. Dick Durbin voted for the amendment. Sen. Peter Fitzgerald voted against it.

Fitzgerald ought to pay attention. Lifting the travel ban is a critical step toward eventually lifting the U.S. embargo on Cuba and opening the door for more trade. Illinois firms such as Archer Daniels Midland Co. benefit from increased sales of foodstuffs to Cuba, so far conducted on a cash-only basis. Last year total exports to Cuba reached nearly $140 million, but it is estimated if all restrictions were lifted, that figure could increase significantly. Cuba would get better prices—Texas' rice is far closer than China's—and American farmers, strapped for markets, could benefit too.

In an age of very real terrorist threats, Cuba hardly makes the list. For the Department of Homeland Security to redouble its

efforts and tie up more money and personnel in enforcing the travel ban against Cuba—as the president proposed two weeks ago—is an incredible waste of resources.

This legislation is likely headed to conference committee, where GOP leaders must make sure the Cuba language doesn't mysteriously disappear. Congress ought to make clear its resolve to end the pointless flogging of Cuba. The embargo only intensifies the misery of the long-suffering Cubans while shortchanging U.S. economic and political interests. That makes no sense at all.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO MRS. LILLIAN S. ROBINSON

● Mr. BUNNING. Mr. President, I pay tribute and congratulate Mrs. Lillian S. Robinson of Mt. Sterling, KY on her selection as a 2003 Experience Works Time Award honoree.

Mrs. Robinson was nominated for this award for her dedication to the educationm of the children of Kentucky. A youthful 83, she serves as the assistant director of the Community Education Program in Montgomery County, where she organizes volunteer programs including Pee Wee Basketball, the Cookie Candy Club and Parent-Child Tea.

The citizens of Kentucky are fortunate to have the leadership of Mrs. Robinson. Her example of dedication, hard work and compassion should be an inspiration to all throughout the Commonwealth.

Congratulations, Mrs. Robinson for receiving the 2003 Outstanding Older Workers award. You have my most sincere appreciation for your work and I look forward to your continued service to your of our Commonwealth.●

CONGRATULATIONS TO THE FRENCHBURG JOB CORPS

● Mr. BUNNING. Mr. President, I pay tribute and congratulate the members of the Frenchburg Job Corps of Mariba, KY on their ''Make A Difference Day'' program.

The Frenchburg Jobs Corps conducted a wide-ranging program of community service in Northern Kentucky. From cleaning parks to building handicap accessible ramps to visiting the elderly, these Kentuckians truly made a difference on October 24, 2003.

The citizens of Kentucky are fortunate to have the leadership of the Frenchburg Job Corps. Their example of dedication, hard work, and compassion should be an inspiration to all throughout the Commonwealth.

They have my most sincere appreciation for this work, and I look forward to their continued service to Kentucky.●

CARL AND FLORENCE CONTER'S 60TH WEDDING ANNIVERSARY

● Mr. KOHL. Mr. President, I rise today to honor Carl and Florence Conter, lifelong residents of Wisconsin, on their 60th wedding anniversary. The country dance they met at began their life together blessed with family and friends to celebrate these years.

The couple was married at Holy Cross Catholic Church in Mishicot on November 6, 1943. Florence joined Carl on his family homestead in Two Creeks where he was born and lived for 85 years. It remained an active dairy farm until the late 1960s. Recently they have moved to Mishicot.

Today, many years after that first country dance at which they met, their story continues. Their children have grown up to be successful adults themselves, providing Carl and Florence with three grandchildren and four great grandchildren. Family life and faith has been a rewarding and sustaining part of their long relationship. Carl supports Florence in her advocacy of senior citizen issues. They both enjoy playing sheepshead and belong to several card clubs.

I join their many friends and their family in celebration as we honor Carl and Florence Conter on their 60th wedding anniversary. They are the very best Wisconsin has to offer, and I wish them continued joy and happiness.●

JAMES ''JACK'' MEEHAN: IN MEMORIAM

Mrs. BOXER. Mr. President, I rise to share with my colleagues the memory of a remarkable man, James ''Jack'' Meehan of Santa Cruz, CA, who died on Saturday, October 25, 2003. Throughout his life he compiled an extraordinary record of devotion to his family, his community and our Nation. Jack was an 84-year-old longtime Santa Cruz resident, former Santa Cruz City Planning Commissioner and Santa Cruz Port District Commissioner, pilot, space industry pioneer, community volunteer and beloved husband, father and grandfather.

Jack was born and raised in Brooklyn, NY. He married Brenda McGourty in 1942 and she remained his devoted partner for 57 years until her death in 1999. Jack and Brenda had three children: daughter Diana and sons Terry and Tom.

He served as an Army air corps pilot in Europe during World War II. After his plane was shot down, Jack's bravery helped him successfully evade capture. We will always be grateful for Jack's heroic service defending our Nation, our freedoms and our way of life.

During the 1950s, Jack put his aviation skills to use as a Viking rocket designer and tester in New Mexico. He was a pioneer in this field because the Viking rocket was a precursor to the Vanguard rocket which launched America's first satellite.

In 1959, Jack and his family settled in beautiful Santa Cruz. Jack tested satellites at Lockheed Martin in nearby Sunnyvale. He continued to pilot small planes until he gave that up in 1977. But of course, Jack's irrepressible spirit kept him very active, and he began boating in the Monterey Bay. Like everything Jack did, he gave boating his all and joined the Coast Guard Auxiliary, assisting in sea rescues. He also taught weather forecasting and radio communications.

In 1981, he was appointed to the Santa Cruz Port Commission, a position to which he was twice re-elected over the next 17 years. He also served as a Santa Cruz City Planning Commissioner.

After Jack retired, he was a devoted volunteer for the Santa Cruz County Red Cross. He built HAM radio systems, travelled and practiced his French language skills. Recalls his son Tom, ''Sports cars, TV's, HAM radios and computers were all puzzles to be unwrapped with his tools and insight.''

His daughter Diana commented, ''I most admire that he was brave and loving. He was romantic, tender and funny with my mother. He was a caring father.'' Throughout his life, Jack was constantly helping anyone in need. As one friend and neighbor explained of Jack and Brenda, ''they always served the community.''

Jack had a wonderful sense of humor. Even when he was sick and in the hospital, his caregivers would leave the room smiling because of his joking. ''He had a quick wit that was kind, playful and relentless. He had a distinctive Jack Meehan laugh and you could find him in airports and crowded restaurants by that laugh,'' remembered son Terry. Added son Tom, ''Whenever asked about his favorite time of life, he would always respond 'right now, and in the future.'''

James ''Jack'' Meehan is survived by his daughter Diana, sons Terry and Tom and six grandchildren. He was an exceptional man.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

At 12:29 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1720. An act to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, establishing, and updating

patient care facilities at Department of Veterans Affairs medical centers, to provide by law for the establishment and functions of the Office of Research Oversight in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

H.J. Res. 75. Joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 1516. An act to provide for the establishment by the Secretary of Veterans Affairs of additional cemeteries in the National Cemetery Administration; and

H.J. Res. 52. Joint resolution recognizing the Dr. Samuel D. Harris National Museum of Dentistry, an affiliate of the Smithsonian Institution in Baltimore, Maryland, as the official national museum of dentistry in the United States.

The enrolled bills, previously signed by the Speaker of the House, were signed on today by the President pro tempore (Mr. STEVENS).

At 5:59 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. 3365. An act to amend title 10, United States Code, and the Internal Revenue Code of 1986 to increase the death gratuity payable with respect to deceased members of the Armed Forces and to exclude such gratuity from gross income.

ENROLLED JOINT RESOLUTION SIGNED

At 7:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker of the House has signed the following enrolled joint resolution:

H.J. Res. 75. Joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

The enrolled joint resolution, previously signed by the Speaker of the House, was signed on today by the President pro tempore (Mr. STEVENS).

At 7:27 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes.

At 8:53 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 30, 2003, she had presented to the President of the United States the following enrolled bills:

S. 470. An act to extend the authority for the construction of a memorial to Martin Luther King, Jr.

S. 926. An act to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies.

The enrolled bills previously signed by the Speaker of the House, were signed on today, by the President pro tempore (Mr. STEVENS).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 1663. A bill to replace certain Coastal Barrier Resources System maps (Rept. No. 108–179).

H.R. 274. A bill to authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Blackwater National Wildlife Refuge (Rept. No. 108–180).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1395. A bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 2004 through 2005 (Rept. No. 108–181).

S. 1402. A bill to authorize appropriations for activities under the Federal railroad safety laws for fiscal years 2004 through 2008, and for other purposes (Rept. No. 108–182).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1720. A bill to provide for Federal court proceedings in Plano, Texas.

By Mr. HAGEL, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. Con. Res. 58. A concurrent resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of stalking in the United States and supporting the goals and ideals of National Stalking Awareness Month.

EXECUTIVE REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

The following executive reports of committees were submitted on October 29, 2003:

By MR. GREGG for the Committee on Health, Education, Labor and Pensions.

*Robert Lerner, of Maryland, to be Commissioner of Education Statistics for a term expiring June 21, 2009.

*Naomi Churchill Earp, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2005.

*Leslie Silverman, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2008.

*Stuart Ishimaru, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2007.

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

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Air Force nomination of Maj. Gen. Victor E. Renuart, Jr.

Air Force nomination of Lt. Gen. Richard V. Reynolds.

Air Force nomination of Maj. Gen. Charles L. Johnson II.

Air Force nomination of Maj. Gen. Garry R. Trexler.

Army nomination of Maj. Gen. Franklin L. Hagenbeck.

Army nomination of Maj. Gen. Joseph L. Yakovac, Jr.

Army nomination of Maj. Gen. David W. Barno.

Marine Corps nominations beginning Brig. Gen. Tony L. Corwin and ending Brig. Gen. Thomas L. Moore, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Marine Corps nominations beginning Col. John R. Allen and ending Col. Thomas D. Waldhauser, which nominations were received by the Senate and appeared in the Congressional Record on January 9, 2003.

Marine Corps nomination of Col. James L. Williams.

Navy nominations beginning Rear Adm. (lh) Michael K. Loose and ending Rear Adm. (lh) Robert L. Phillips, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2003.

Navy nomination of Read Adm. (lh) Robert Ryland Percy III.

Navy nomination of Capt. Henry B. Tomlin III.

Navy nomination of Capt. Gary A. Engle.

Navy nomination of Capt Mark A. Hugel.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning Martin Alexis and ending Jerome E. Wizda, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2003.

Air Force nomination of Michael A. Mansueto.

Air Force nomination of Ronald C. Danielson.

Air Force nomination of Jefferson L. Severs.

Air Force nomination of Lesa M. Wagner.

Air Force nomination of Francis D. Pombar.

Air Force nomination of Alan T. Parmater.

Army nomination of Michael P. Vinlove.

Army nominations beginning Donald A. Black and ending Debra S. Long, which nominations were received by the Senate and appeared in the Congressional Record on October 14, 2003.

Army nominations beginning Douglas B. Ashby and ending Terry C. Washam, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003.

Army nominations beginning Curtis J. Alitz and ending Marshall F. Willis, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003.

Army nominations beginning Debra E. Burr and ending Janice B. Young, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003.

Army nominations beginning Lionel Baker and ending Warren S. Wong, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003

Navy nominations beginning John A. Adcock, Jr. and ending Joseph Zuliani, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003.

Navy nominations beginning Michael C. Beckette and ending Robert S. Thompson, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003.

Navy nominations beginning James C. Taylor and ending Jeffery S. Young, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2003.

Navy nomination of Jeffrey D. Dickson.

By Mr. HATCH for the Committee on the Judiciary.

Dora L. Irizarry, of New York, to be the United States District Judge for the Eastern District of New York.

William K. Sessions III, of Vermont, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2009.

David L. Huber, of Kentucky, to be United States Attorney for the Western District of Kentucky for the term of four years.

(Nominations without an asterick were reported with the recommendation that they be confirmed.)

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. HOLLINGS (for himself, Mr. BREAUX, Ms. SNOWE, Mrs. BOXER, Mr. GRAHAM of South Carolina, Mr. CHAFEE, and Mr. REED):

S. 1798. A bill to provide for comprehensive fire safety standards for upholstered furniture, mattresses, bedclothing, and candles; to the Committee on Commerce, Science, and Transportation.

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

S. 1799. A bill to encourage the development and promulgation of voluntary consensus standards by providing relief under the anti-trust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. SARBANES, and Mr. CORZINE):

S. 1800. A bill to amend the Higher Education Act of 1965 to enhance literacy in finance and economics, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself, Mr. CORZINE, Mr. SCHUMER, and Mr. DAYTON):

S. 1801. A bill to promote the economic security and safety of victims of domestic and sexual violence, and for other purposes; to the Committee on Finance.

By Mr. JOHNSON:

S. 1802. A bill to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians; to the Committee on Indian Affairs pursuant to the order of May 27, 1988, to the Committee on Banking, Housing and Urban affairs for a period not to exceed 60 days.

By Mr. ENZI:

S. 1803. A bill to expand the applicability of daylight saving time; to the Committee on Commerce, Science, and Transportation.

By Mr. BREAUX (for himself, Mr. LOTT, and Mr. HOLLINGS):

S. 1804. A bill to reauthorize programs relating to sport fishing and recreational boating safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. Res. 255. A resolution supporting the National Railroad Hall of Fame, Inc., of Galesburg, Illinois, in its endeavor to erect a monument known as the National Railroad Hall of Fame; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mrs. FEINSTEIN, and Mr. BROWNBACK):

S. Con. Res. 78. A concurrent resolution condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 168

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 168, a bill to require the Secretary of the Treasury to mint coins in commemoration of the San Francisco Old Mint.

S. 420

At the request of Mr. EDWARDS, his name was added as a cosponsor of S. 420, a bill to provide for the acknowledgement of the Lumbee Tribe of North Carolina, and for other purposes.

S. 557

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 566

At the request of Ms. MIKULSKI, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 566, a bill to amend the Public Health Service Act to provide for Alzheimer's disease research and demonstration grants.

S. 623

At the request of Mr. WARNER, the name of the Senator from Pennsylvania (Mr. SPECTER) 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. 632

At the request of Mr. CRAIG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 632, a bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular disease.

S. 894

At the request of Mr. WARNER, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Colorado (Mr. ALLARD), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Minnesota (Mr. COLEMAN), the Senator from Idaho (Mr. CRAIG), the Senator from Idaho (Mr. CRAPO), the Senator from New Mexico (Mr. DOMENICI), the Senator from Connecticut (Mr. DODD), the Senator from New Hampshire (Mr. GREGG), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Utah (Mr. BENNETT), the Senator from Missouri (Mr. BOND), the Senator from West Virginia (Mr. BYRD), the Senator from North Dakota (Mr. DORGAN), the Senator from Florida (Mr. GRAHAM), the Senator from Nevada (Mr. REID) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 950

At the request of Mr. ENZI, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 950, a bill to allow travel between the United States and Cuba.

S. 976

At the request of Mr. WARNER, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate

the 400th anniversary of the Jamestown settlement.

S. 1180

At the request of Mr. SANTORUM, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1180, a bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit.

S. 1246

At the request of Mr. ROBERTS, the name of the Senator from Louisiana (Ms. LANDRIEU) 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. 1298

At the request of Mr. AKAKA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor 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. 1595

At the request of Mr. KERRY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1595, a bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax with respect to employees who participate in the military reserve components and are called to active duty and with respect to replacement employees and to allow a comparable credit for activated military reservists who are self-employed individuals, and for other purposes.

S. 1664

At the request of Mr. COCHRAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1664, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to extend and improve the collection of maintenance fees.

S. 1736

At the request of Mr. ENZI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1736, a bill to promote simplification and fairness in the administration and collection of sales and use taxes.

S. 1780

At the request of Mr. BIDEN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1780, a bill to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors.

S. 1794

At the request of Mr. SANTORUM, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1794, a bill to suspend temporarily the duty on electron guns for cathode ray tubes (CRT's) with a high definition television screen aspect ratio of 16:9 and other parts used in plasma and LCD televisions.

S. 1795

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1795, a bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures.

S. CON. RES. 73

At the request of Mrs. FEINSTEIN, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. Con. Res. 73, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

S. CON. RES. 75

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Con. Res. 75, a concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued to promote public awareness of Down syndrome.

S. RES. 202

At the request of Mr. CAMPBELL, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932-33.

S. RES. 244

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) 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 name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor 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. 1977

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 1977 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. HOLLINGS (for himself, Mr. BREAUX, Ms. SNOWE, Mrs. BOXER, Mr. GRAHAM of South Carolina, Mr. CHAFEE and Mr. REED):

S. 1798. A bill to provide for comprehensive fire safety standards for upholstered furniture, mattresses, bedclothing, and candles; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, this Congress has worked towards providing the brave men and women who fight fires the funds and material to better perform their crucial tasks. We all saw brave members of the fire service sacrifice their lives to rescue people from the World Trade Center. But we do not see firefighters in every town in America risking their lives every day to save lives and homes from the ravages of fire. I lost a home to a severe fire, and I saw the herculean efforts of my local firefighters to save it. Too many people die or suffer grievous injuries from home fires. During a recent visit with the firefighters from my home State of South Carolina, they told me that in spite of their best efforts, nearly 40 people die each year from home fires.

In my conversations with fire services across the country, I hear two things. First, the departments need funds for equipment and training. With the Firefighter Investment and Response Enhancement grant program, we are on our way to getting these people the resources they need to do their job. There is more work to do, but this grant program is a start. Second, and most troubling, is that the best-equipped and best-trained fire departments cannot out race most home fires.

A recent FEMA-commissioned study from the National Fire Protection Association reported that 65 percent of our fire departments cannot respond within 4 minutes of receiving an alarm. The fire that engulfed the nightclub in Rhode Island is an unfortunate example of what we are dealing with in regard to fire fighting and fire safety. The fire department arrived within 5 minutes of the fire starting, which is exceptionally fast, yet 100 people died that night. Most of them died within 2 minutes of the fire starting.

Addressing the equipment and training of the fire service is one very important component to fighting fires. We've begun to address this need in recent years with the Firefighter Investment and Response Enhancement

(FIRE) Act, which I co-sponsored and helped move through the Commerce Committee in 2000. This established the FIRE grants that have helped local fire departments across the country acquire the equipment and training to improve their operations. I've also worked with Senator CHRIS DODD, D–CT, on the Staffing for Adequate Fire and Emergency Response (SAFER) Act, which would provide the funding to hire 75,000 new firefighters. The legislation is modeled on the success of the COPS program.

But the soundproofing materials that fed that fire in Rhode Island are identical to ingredients used in furniture in our homes. Indeed, the majority of fire deaths occur in homes. So we must address the underlying causes of home fires, the fuel that feeds them. We need to reduce the ignition potential of household items.

In 1998, residential fires killed 2,660 Americans, and injured 15,260. Senior citizens over 70 and children under 5 are at the greatest risk of dying in a fire; children under the age of 10 accounted for 17 percent of fire-related deaths in 1996. Fires also cause $3.5 billion in residential property loss each year.

It is in this context that Senators JOHN BREAUX, D–LA, OLYMPIA SNOWE, R–ME, BARBARA BOXER, D–CA, BYRON DORGAN, D–ND, LINDSEY GRAHAM, R–SC and I introduce the American Home Fire Safety Act. The Act would establish minimum combustibility standards for mattresses, upholstered furniture, candles and bed clothing. American manufacturers already have cost-effective technology to improve the safety of these products, and are ready to make products that meet the higher standards.

The United States Consumer Product Safety Commission already has the authority to set fire safety standards for these products. Yet, despite overwhelming evidence that new standards would save lives, the Commission has been slow to address this issue. There are some who ask for more time for the Commission to work on this issue. More than 20 years have passed since the Commission has addressed product fire safety. There is no more time to waste.

We have taken great care to select standards that were developed with the best available science and broad input from scientists at NIST and ASTM, fire safety officials, industry and consumers. The Act explicitly asks the EPA to ensure that nothing done in the pursuit of fire safety would harm Americans in other ways. The standards in the Act will improve safety and over time will save many lives.

Companies have the technology right now to address fire safety in an economically responsible way. The number of lives we lose now to home fires can be dramatically reduced by the standards in this legislation. I ask for your support in making this a reality.

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. 1798

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 ''American Home Fire Safety Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) There were 12,800 candle fires in 1998, resulting in 170 deaths, 1,200 civilian injuries, and $174,600,000 in property damage.

(2) In 1998, mattress and bedding fires caused 410 deaths, 2,260 civilian injuries, and $255,400,000 in property damage.

(3) The United States mattress industry has a long history of working closely with safety officials to reduce mattress flammability. For the past 25 years, mattresses have been subject to a Federal flammability standard that requires mattresses to resist ignition by smoldering cigarettes.

(4) Nevertheless, in 1998, fires involving mattresses and bedding accessories (which include pillows, comforters, and bedspreads) caused 410 deaths, 2,260 civilian injuries, and $255,400,000 in property damage.

(5) In many such fires, the bedding accessories are the first products to ignite. Such products have a material impact on the fire's intensity, duration, and the risk that the fire will spread beyond the room of origin.

(6) Upholstered furniture fires were responsible for 520 deaths in 1998, with little statistical change in the number of fires and deaths since 1994.

(7) While the fire death rates for upholstered furniture fires have dropped during the period 1982 through 1994 for both California and the entire Nation, death rates in California, which has stricter standards, have dropped by a larger percentage than the nation as a whole.

(8) Children, the elderly, and lower income families are at higher risk of death and injury from upholstered furniture fires caused primarily by the in creasing incidents of children playing with matches, candles, lighters, or other small open flames.

(9) In view of the increased incidents of fire, it is important for Congress to establish fire safety standards for candles, mattresses, bed clothing, and upholstered furniture.

(10) The Consumer Product Safety Commission is the appropriate agency to develop and enforce such standards.

(11) The Environmental Protection Agency should continue to review and determine the suitability of any materials used to meet any fire safety standard established as a result of this Act.

(b) PURPOSES.—The purposes of this Act are—

(1) to protect the public against death and injury from fires associated with candles, mattresses, bed clothing, and upholstered furniture; and

(2) to require the Consumer Product Safety Commission to develop and issue comprehensive uniform safety standards to reduce the flammability of candles, mattresses, bed clothing, and upholstered furniture.

SEC. 3. CONSUMER PRODUCT FIRE SAFETY STANDARDS.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Consumer Product Safety Commission shall promulgate, as final consumer product safety standards under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), the following fire safety standards:

(1) UPHOLSTERED FURNITURE.—A fire safety standard for upholstered furniture that is substantially the same as the provisions of Technical Bulletin 117, ''Requirements, Test Procedure and Apparatus for testing the Flame and Smolder Resistance of Upholstered Furniture)'' published by the State of California, Department of Consumer Affairs, Bureau of Home Furnishings and Thermal Insulation, February 2002.

(2) MATTRESSES.—A fire safety standard for mattresses that is substantially the same as Technical Bulletin 603, ''Requirements and Test Procedure for Resistance of a Residential Mattress/Box Spring Set to a Large Open Flame'', published by the State of California, Department of Consumer Affairs, Bureau of Home Furnishings and Thermal Insulation, February 2003.

(3) BEDCLOTHING.—A fire safety standard for bedclothing that is substantially the same as the October 22, 2003, draft for task force review of Technical Bulletin 604, ''Test Procedure and Apparatus for the Flame Resistance of Filled Bedclothing'', published by the State of California, Department of Consumer Affairs, Bureau of Home Furnishings and Thermal Insulation, October 2003.

(4) CANDLES.—A fire safety standard for candles that is substantially the same as Provisional Standard PS 59–02, ''Provisional Specification for Fire Safety for Candles'', ASTM International, as that provisional standard existed on the date of enactment of this Act.

(b) APPLICATION OF CERTAIN PROMULGATION REQUIREMENTS.—The requirements of subsections (a) through (f) of section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), and section 36 of that Act (15 U.S.C. 2083), do not apply to the consumer product safety standards required to be promulgated by subsection (a) of this section.

Ms. SNOWE. Mr. President, I rise today in support of the American Home Fire Safety Act authored by my colleague Senator HOLLINGS. I am pleased to co-sponsor this legislation along with Senators GRAHAM of South Carolina, BREAUX, BOXER and DORGAN. While the purpose of our bill is to require the Consumer Product Safety Commission to implement national standards for mattresses, upholstered furniture, candles and bedding, our ultimate goal is to save lives.

According to the Consumer Products Safety Commission and the National Fire Protection Association, in 1998, the last year for which statistics are available, American homes suffered over 330,000 fires serious enough to require a response from firefighters. In those fires, more than 2,600 Americans died and another 15,000 suffered injuries requiring medical treatment. The property loss from those fires totaled over $3.5 billion.

Of the many items first ignited in residential fires, upholstered furniture is the product most frequently involved in fire deaths (20 percent) followed by mattresses and bedding (15 percent). Among the different forms of heat involved in the ignition of fires, smoking materials accounted for 30 percent of fire deaths with candles accounting for six percent of the fire deaths, followed by lighters at five percent and matches at three percent.

Effective fire protection depends on redundancy. Public education, building

codes, smoke detectors, and automatic fire sprinklers each are important but imperfect tools where they exist—and too often they do not. The fact is that even with these tools available, more than 900 Americans—that's five of our fellow citizens every two days—die every year in fires involving cigarettes, small open flames such as candles, upholstered furniture, mattresses and bedding.

Those are the numbers—but there is a tragedy behind every one of them. Let me speak just for a moment about one such tragedy that visited my state one cold night in January of 2000. That night a young boy of six playing with a lighter ignited the sofa bed he was on and in the ensuing fire he and his two brothers—they were triplets—perished. But the tragedy doesn't stop there because one of the volunteer firefighters who responded that night, Waldo County Sheriff Robert Jones, suffered a fatal heart attack while fighting the blaze. No, Mr. President, this is not just about the numbers—although they are staggering—it is about the human tragedy.

The American Home Fire Safety Act will require the United States Consumer Product Safety Commission to enforce specific fire safety standards for each of these products. These are not new, burdensome standards—in fact, they are standards already established by the American Society of Testing and Materials or the state of California. American manufacturers of mattresses, upholstered furniture, candles and bedding have already developed cost-effective technology and processes to make these household goods less flammable than current products. Collectively—and in combination with existing fire protection technologies—we hope to save hundreds of lives, avoid thousands of serious injuries and billions of dollars in lost property.

Finally, I would like to point out that this legislation has been endorsed by the National Fire Protection Association, the National Volunteer Fire Council, the Western Fire Chiefs Association, the National Association of State Fire Marshals and numerous state Fire Chief's Associations. I urge my colleagues to support this bill to establish national standards for some of the household products at the core of residential fires. By doing so, perhaps we can spare our fellow Americans needless suffering.

By Mr. AKAKA (for himself, Mr. SARBANES, and Mr. CORZINE):

S. 1800. A bill to amend the Higher Education Act of 1965 to enhance literacy in finance and economics, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, today I am introducing the College Literacy in Finance and Economics or College LIFE Act. I would like to thank my colleagues, Senators SARBANES and CORZINE, for their cosponsorship of this important legislation.

The problem we're working to address with the College LIFE Act is simple. Our college students are many of America's best and the brightest. They hold the promise of our country in their hands and will go on to become leaders—in business, education, politics, the military, the community—any field you can name. It is wonderful that so many people are pursuing and fulfilling their dreams of higher education in numbers that I did not imagine when I was in college. In fact, as reported by the American Council on Education, total college enrollment surged by 3 million or nearly 27 percent over the past 20 years. However, I am gravely concerned, both as a member of this body and particularly as a grandparent and great-grandparent, that our young people are entering college without proper direction or good skills for money management or economic decisionmaking.

As we work on increasing access to higher education, we must give students access to the tools that they need to make sound economic and financial decisions once they are on campus. However, the lack of personal finance and economics State K–12 education standards or implementation of existing standards in K–12 education in a number of States results in many students arriving at college with little understanding of economic concepts like supply and demand or benefits versus costs, or personal finance concepts such as household money management or the importance of maintaining good credit history. Without this basic understanding, college students are not effectively evaluating credit alternatives, managing their debt, and preparing for long-term financial goals, such as saving for a home or retirement.

We can try to imagine what it's like to be a college student's shoes. A young adult leaves his home and travels thousands of miles, as do many Hawaii students attending mainland colleges, to the campus that holds his hopes and dreams. Perhaps farthest from his mind is how little spending money he has for textbooks, a new college sweatshirt, and school supplies. He gets to the campus bookstore and walks out with a bag that includes a preapproved credit card application, which he immediately fills out and mails. Months later, he has joined many other credit card-holding college student who, on average, have a credit card bill balance above $3,000. His sophomore year rolls around and, instead of conferring with his parents about the details of his renewal FAFSA for student financial aid or master promissory note, he is saddled with another $10,000 loan. According to The College Board, average college tuition and fees in 2003–04 increased to $19,710 for a four-year private institution and to $4,694 for a 4-year public institution. The same scenario repeats itself for his junior and senior years. Finally, after successfully completing all of his coursework, he graduates, finds an entry-level job, and realizes that, after servicing his debt, he has little money left for basics such as food, transportation, and rent, much less new career clothing or social outings. His lack of knowledge about how to properly use credit has led him to anxiety-causing financial missteps. With appropriate financial and economic literacy, he may have known what debt load to anticipate and made wiser financing and spending decisions while in school.

Rather, he may be on the road to true financial trouble. Dan Iannicola, Jr., Deputy Assistant Secretary of the Treasury for Financial Education, testified before a House subcommittee on Tuesday, that 40 percent of Americans say they live beyond their means, with the average American household having $8,900 in credit card debt in 2002—up from $3,200 just 10 years earlier. In 2001, more people filed for bankruptcy than graduated from college. Furthermore, the most recent Federal Reserve Bulletin reported that Americans currently pay 13.3 percent of after-tax income to service their debts, which increases to 18.1 percent when we add other recurring liabilities such as rent and auto leases. We must ensure that our youth make the right decisions to follow a better financial path, especially considering a report cited by Mr. Iannicola noting that youth spent more than $172 billion in a recent year, and figures from MarketResearch.com noting that typical 8- to 14-year-olds now spend—from allowances, jobs, and gifts—about $1,294 a year or $25 a week.

The College LIFE (Literacy in Finance and Economics) Act represents a comprehensive approach to assist upcoming generations of Americans. It proposes four new grant programs that provide resources to encourage experimentation with delivery systems—innovation methods used in or out of the classroom to increase college students' financial literacy. Another grant would allow higher education institutions to share best practices about or create personal finance courses where none exist. A third grant would assist efforts that are looking at the best ways to integrate personal finance and economic education into basic educational subjects, which is especially important as schools are facing challenges under the No Child Left Behind Act and are tempted to focus on subjects being tested for Annual Yearly Progress. The final grant would train teachers and high school counselors toward increasing financial and economic literacy in grades K–12 so that our college students are prepared when they arrive at college campuses.

The bill also proposes a pilot program for five higher education institutions to encourage students to take a personal finance course and participate in preventive annual credit counseling, working in conjunction with state or local public, private, and nonprofit entities selected by the local education

agency or the school, and measuring the effectiveness of efforts in any behavioral changes that may result. It promotes greater collaboration with and support from Federal agencies in the higher education arena with respect to economic and financial literacy. Finally, it emphasizes the importance of personal finance and economic education and counseling by authorizing these activities as allowable uses in existing Higher Education Act programs, such as TRIO, GEAR UP, and Title III and Title V Serving Institutions.

Furthermore, I intend the reach of this bill to be beyond the traditional college student. Our returning college students are a vital part of society—many who are already community leaders and breadwinners for their families who have already gained valuable work experience that they may use as they learn a new field or continue their undergraduate study in the pursuit of a graduate or doctoral degree. In addition, older adults who are entering higher education for the first time can also be lauded for their enterprising spirit in wanting to better their lives by earning an associates or bachelors degree. I anticipate that the assistance provided through the College LIFE Act will work to provided needed help to many of these students as well.

I have been working on this bill over the better part of this year with several organizations in the higher education and economic and financial literacy community. I ask unanimous consent to have printed in the RECORD after my statement letters of support for the legislation from the National Council on Economic Education, Jump$tart Coalition for Personal Financial Literacy, and Family, Career and Community Leaders of America. I thank these and other organizations for their constant efforts in this area. For example, the National Council for Community and Education Partnerships (NCCEP) supports a provision including economic and financial literacy and counseling as allowable activities for the GEAR–UP program, which provides comprehensive mentoring, counseling, outreach, and supportive services to cohorts of disadvantaged students. Emphasis on economic and financial literacy as included in the bill would complement NCCEP'S current GEAR–UP activities that underscore the importance of the college-going experience and pursuit of post-secondary education—including discussions about financial aid, debt, grants vs. loans, savings, and tax credits—and involving parents or guardians to inform them on the costs of college and how to prepare for their child's entry into college. I will continue to work with these and other organizations toward increasing literacy in finance and economics for our students before they enter higher education and once they arrive on college campuses.

I am looking forward to continuing to work with my colleagues to have the College LIFE Act passed or included in the upcoming Higher Education Act reauthorization. I encourage my colleagues' support for this bill.

I ask unanimous consent that the bill be printed in the RECORD.

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

NATIONAL COUNCIL
ON ECONOMIC EDUCATION,
Washington, DC, October 1, 2003.

Hon. DANIEL K. AKAKA,
U.S. Senator,
Washington, DC.

DEAR SENATOR AKAKA: For over 50 years, the National Council on Economic Education (NCEE), through its nationwide network of State Councils and University Centers for Economic Education, has been the nation's premier organization for promoting effective economic education, by training teachers to get basic economic knowledge and decision-making skills into the heads and hands of our young people, K–12.

NCEE's mission is to ensure the effective teaching of the real-life skills people need to succeed in an increasingly complex world: to be able to think and choose knowledgeably as consumers, savers, and investors, responsible citizens, members of the workforce, and effective participants in the global economy.

Because of our nationwide university and college base, we at the National Council on Economic Education (NCEE) strongly endorse the College LIFE (Literacy in Finance and Economics) Act.

The College LIFE (Literacy in Finance and Economics) Act, which seeks to provide university students with personal finance counseling, and to prepare teachers and high school counselors to equip our young people with personal finance knowledge and skills, could not come at a better time.

This is a time of growing public interest in personal finance education. Parents everywhere want their children to know how the world works before they go to work in it, and to possess the basic knowledge and decision-making skills that will help them to become productive and responsible citizens, employees, consumers, savers and investors. Any legislation that advances that effort in a sustained, systematic way has our support.

The NCEE is pleased to support the College LIFE (Literacy in Finance and Economics) Act. Please keep us informed of its progress.

Yours sincerely,

ROBERT F. DUVALL,
President & Chief Executive Officer.

JUMP$TART COALITION,
Washington, DC, October 9, 2003.

Senator DANIEL K. AKAKA,
Hart Building,
Washington, DC.

DEAR SENATOR AKAKA: On behalf of the Jump$tart Coalition for Personal Financial Literacy (a coalition of 150 organizations promoting personal finance education for youth), we thank you for sponsoring the College Literacy in Finance and Economics (College LIFE) Act.

The passage of this Act would signify an elevation in importance of the issue of youth financial literacy by Higher Education. The problems related to financially illiterate young adults need to be addressed. We cannot continue the ten-fold increase in young adults filing bankruptcy that we have seen in the past five years. Nor can we afford to have young adults dropping out of college due to heavy credit card debt or not understanding the importance of investing for their retirement.

In light of these distressing problems, it is imperative that we start to embed personal finance and economic education more widely into our college and university curricula. Currently the percentage of college students having the opportunity to enroll in such classes is small considering their lack of promotion and availability.

The good news is that education is the answer and the solution is found through existing resources. A wide selection of curricula (many free or low cost) in addition to teacher training networks and guest speaker supplements are available. The remaining obstacle lies in opening the doors of Higher Education to this invaluable instruction.

Therefore, Jump$tart wholeheartedly supports Senator Akaka's College LIFE Act for its emphasis on a subject and skill that is invaluable to surviving in today's complex financial marketplace.

The Jump$tart Coalition thanks you for your continuing support of financial and economic education.

Sincerely,

DARA DUGUAY,
Executive Director.

FAMILY, CAREER AND
COMMUNITY LEADERS OF AMERICA,
Reston, VA, October 29, 2003.

Senator DANIEL K. AKAKA,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR AKAKA, Family, Career and Community Leaders of America is a dynamic and effective national student organization with a membership of over 227,000 that helps young men and women become leaders and address important personal, family, work, and societal issues through Family and Consumer Sciences Education (FACS). One of those important issues is financial responsibility, which is a part of the FACS discipline.

FCCLA Advisers are FACS teachers who use the FCCLA Financial Fitness national peer education program to promote youth teaching other young people how to make, save, and spend money wisely. Its goals are to sharpen young people's skills in money management, consumerism, and financial planning; as well as provide youth an opportunity to teach others and develop financial literacy, communication, and leadership skills. This program includes educational tools and recognition for chapter projects.

We strongly support the College LIFE (Literacy in Finance and Economics) Act, as it shares the goals of the FCCLA Financial Fitness program. The importance of consumer education that FCCLA introduces to its youth will be able to be carried on to higher education with the passage of this Act. Skills learned through personal finance and economic education courses will better prepare students for success in their careers and their lives.

FCCLA is grateful to you for your enduring advocacy of financial and economic education through the College LIFE Act.

Sincerely,

ALAN T. RAINS, Jr.,
Executive Director.

S. 1800

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 Literacy in Finance and Economics (College LIFE) Act''.

SEC. 2. AREAS OF EMPHASIS.

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. AREAS OF EMPHASIS.

''In carrying out activities under this Act related to improving financial and economic

literacy, education, and counseling, the Secretary shall emphasize, among other elements, basic personal income and household money management and financial planning skills, and basic economic decision making skills, including how to—

''(1) create household budgets, initiate savings plans, and make strategic investment decisions for education, employment, retirement, home ownership, wealth building, or other savings goals;

''(2) manage credit and debt effectively, including student financial aid and credit card debt, and understand the merits of establishing and maintaining excellent credit history;

''(3) understand, evaluate, and compare fair and favorable financial products, services, and opportunities, and avoid abusive, predatory, or deceptive financial products, services, and opportunities;

''(4) complete tax returns and understand tax consequences when making certain financial decisions, such as placing an investment or purchasing a home;

''(5) identify economic problems, alternatives, benefits, and costs;

''(6) analyze the incentives at work in an economic situation;

''(7) examine the consequences of changes in economic conditions and public policies;

''(8) collect and organize economic evidence, including understanding, evaluating, and making strategic decisions using economic indicators;

''(9) compare benefits with costs; and

''(10) improve financial and economic literacy and education through all other related skills.''.

SEC. 3. COORDINATION.

In carrying out the financial and economic literacy activities authorized under this Act and the amendments made by this Act, the Secretary of Education, to the greatest extent practicable, shall coordinate such activities with the financial and economic literacy efforts of a Federal commission comprised of members from the Department of Education, the Department of the Treasury, and other entities the President, the Secretary of Education, and the Secretary of the Treasury determine appropriate.

SEC. 4. ENHANCEMENT OF FINANCIAL LITERACY AND ECONOMIC LITERACY.

The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) in section 201(a)(3), by inserting ''personal finance,'' after ''economics,'';

(2) in section 311(c)—

(A) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively; and

(B) by inserting after paragraph (6) the following:

''(7) Education or counseling services designed to improve the financial literacy and economic literacy of students and their parents.'';

(3) in section 316(c)(2)—

(A) by redesignating subparagraphs (G) through (L) as subparagraphs (H) through (M), respectively;

(B) by inserting after subparagraph (F) the following:

''(G) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents;''; and

(C) in subparagraph (M), as redesignated by subparagraph (A), by striking ''subparagraphs (A) through (K)'' and inserting ''subparagraphs (A) through (L)'';

(4) in section 317(c)(2)—

(A) in subparagraph (G), by striking ''and'' after the semicolon;

(B) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(I) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents.'';

(5) in section 323(a)—

(A) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively; and

(B) by inserting after paragraph (6) the following:

''(7) Education or counseling services designed to improve the financial literacy and economic literacy of students and their parents.'';

(6) in section 326(c)—

(A) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8), respectively; and

(B) by inserting after paragraph (4) the following:

''(5) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents;'';

(7) in section 503(b)—

(A) by redesignating paragraphs (5) through (14) as paragraphs (6) through (15), respectively; and

(B) by inserting after paragraph (4) the following:

''(5) Education or counseling services designed to improve the financial literacy and economic literacy of students and their parents.'';

(8) in section 402B(b)—

(A) by redesignating paragraphs (3) through (10) as paragraphs (4) through (11), respectively;

(B) by inserting after paragraph (2) the following:

''(3) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents;''; and

(C) in paragraph (11), as redesignated by subparagraph (A), by striking ''paragraphs (1) through (9)'' and inserting ''paragraphs (1) through (10)'';

(9) in section 402C—

(A) in subsection (b)—

(i) by redesignating paragraphs (2) through (12) as paragraphs (3) through (13), respectively;

(ii) by inserting after paragraph (1) the following:

''(2) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents;''; and

(iii) in paragraph (13), as redesignated by clause (i), by striking ''paragraphs (1) through (11)'' and inserting ''paragraphs (1) through (12)''; and

(B) in subsection (e), by striking ''subsection (b)(10)'' and inserting ''subsection (b)(11)'';

(10) in section 402D(b)—

(A) by redesignating paragraphs (2) through (10) as paragraphs (3) through (11), respectively;

(B) by inserting after paragraph (1) the following:

''(2) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents;''; and

(C) in paragraph (11), as redesignated by subparagraph (A), by striking ''paragraphs (1) through (9)'' and inserting ''paragraphs (1) through (10)'';

(11) in section 402E(b)—

(A) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(B) by inserting after paragraph (6) the following:

''(7) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents;'';

(12) in section 402F(b)—

(A) by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively;

(B) by inserting after paragraph (3) the following:

''(4) education or counseling services designed to improve the financial literacy and economic literacy of students and their parents;''; and

(C) in paragraph (11), as redesignated by subparagraph (A), by striking ''paragraphs (1) through (9)'' and inserting ''paragraphs (1) through (10)'';

(13) in section 404D(b)(2)(A)(ii), by striking ''and academic counseling'' and inserting ''academic counseling, and financial literacy and economic literacy education or counseling'';

(14) by striking section 418A(c)(1)(B)(i) and inserting the following:

''(i) personal, academic, career, and economic education or personal finance counseling as an ongoing part of the program;'';

(15) in section 428F(b), by inserting at the end the following: ''Where appropriate, such program shall include making available financial and economic education materials for the borrower.'';

(16) in section 432(k)(1), by striking ''and offering'' and all that follows through the period and inserting '', offering loan repayment matching provisions as part of employee benefit packages, and providing employees with financial and economic education and counseling.'';

(17) in section 441(c)—

(A) in paragraph (1), by inserting ''financial literacy and economic literacy,'' after ''social services,''; and

(B) in paragraph (4)(C), by striking the period at the end and inserting ''and counseling for the purposes of improving financial literacy and economic literacy.'';

(18) in section 485—

(A) in subsection (a)(1)(D), by striking the semicolon at the end and inserting '', including the merits of taking a personal finance course, if the institution offers such a course, and of the student reviewing the student's personal credit profile not less frequently than once a year;'';

(B) in subsection (b)—

(i) in paragraph (1)(A)—

(I) in clause (i), by striking ''and'' after the semicolon;

(II) in clause (ii), by striking the period at the end and inserting ''; and''; and

(III) by adding at the end the following:

''(iii) if it is determined during the counseling that the borrower is not connected to a mainstream financial institution, information about low-cost financial services and the benefits of using such services, and where and how the borrower could open a low-cost account in a federally insured credit union or bank.''; and

(ii) by adding at the end the following:

''(3) PILOT PROGRAM.—

''(A) AUTHORIZATION.—

''(i) IN GENERAL.—The Secretary shall establish a pilot program that awards a total of 5 grants to 5 different institutions of higher education that are located in geographically different parts of the United States to enable the institutions to provide annual personal finance counseling for students enrolled at such institutions.

''(ii) MINORITY SERVING INSTITUTIONS.—In awarding grants under this paragraph, the Secretary shall award not less than 2 of the 5 grants to institutions of higher education that are eligible to receive assistance under title III or title V.

''(B) APPLICATION.—An institution of higher education that desires to receive a grant

under this paragraph shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(C) USE OF FUNDS.—

''(i) COUNSELING.—

''(I) IN GENERAL.—In addition to making available exit counseling under paragraph (1), an institution of higher education that receives a grant under this paragraph shall through financial aid officers or otherwise, make available counseling to borrowers of loans which are made, insured, or guaranteed under part B (other than loans made pursuant to section 428B) of this title or made under part D or E of this title at the commencement of the borrower's course of study at the institution, not less frequently than once annually while the borrower is enrolled at the institution, and not later than 30 days after completion of the course of study for which the borrower enrolled at the institution or at the time of departure from such institution.

''(II) CONTENT.—The counseling required under subclause (I) shall include the average anticipated monthly repayments, a review of the repayment options available, the total amount of interest that would be paid over a range of possible interest rates and the amount of interest in the monthly payments, information on the availability and content of a personal finance course if such course is offered by the institution and if not already completed by the individual, and such debt and management strategies as the institution determines are designed to facilitate the repayment of such indebtedness, which may be implemented in partnership with State or local public, private, and nonprofit entities approved by the local educational agency that serves schools in the area where the institution is located, or a campus committee formed for the purpose of evaluating the qualifications of such entities. If it is determined during the counseling that the borrower is not connected to a mainstream financial institution, the counseling shall include information about low-cost financial services and the benefits of using such services, and where and how the borrower could open a low-cost account in a federally insured credit union or bank.

''(ii) PERMISSIVE USE.—Grant funds received under this paragraph may be used to pay for additional financial aid personnel or for training for existing financial aid personnel.

''(iii) STUDY.—

''(I) IN GENERAL.—An institution of higher education that receives a grant under this paragraph shall conduct a study to evaluate the impacts, if any, of the financial and economic literacy and counseling activities on students' levels of savings and indebtedness, and creditworthiness, and such activities' effectiveness in reducing the incidence of problems with handling credit, including bankruptcy filing and student financial loan default.

''(II) ASSISTANCE.—An institution of higher education may conduct the study under subclause (I) with the assistance of appropriate Federal agencies or other entities approved by the Secretary.

''(III) REPORT.—Not later than 6 months after completion of the study under subclause (I), the institution of higher education shall report the results of such study to the Secretary, the Secretary of the Treasury, the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Financial Services of the House of Representatives.

''(D) DURATION.—Grants awarded under this paragraph shall be for a period of 3 years.

''(E) AMOUNT.—The Secretary shall award grants of not more than $1,000,000 annually to each institution of higher education awarded a grant under this paragraph. The Secretary may determine the grant award amount based on the number of students to be counseled at the institution of higher education.

''(F) REPORT.—Not later than 90 days after the date of completion of the pilot program under this paragraph, the Secretary shall submit a report to Congress on the effectiveness of the program.

''(G) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph such sums as may be necessary for each of fiscal years 2005 through 2009.''; and

(C) in subsection (c), by adding at the end the following: ''Appropriate Federal agencies shall provide material developed by such agencies for the purpose of financial education, to financial assistance information personnel at institutions of higher education for the use of such personnel in financial aid counseling.''; and

(19) in section 491(d)(8), by inserting '', including those related to financial literacy activities,'' after ''resources and services''.

SEC. 5. GRANT PROGRAMS.

(a) INNOVATIVE DELIVERY SYSTEMS.—

(1) DEFINITIONS.—In this subsection:

(A) DELIVERY SYSTEM.—The term ''delivery system'' means any range of media or methods that institutions of higher education use to instruct or to convey information to the students enrolled at such institutions.

(B) ELIGIBLE ENTITY.—The term ''eligible entity''—

(i) means an institution of higher education; and

(ii) includes an institution of higher education in partnership with a public, private, or nonprofit entity.

(C) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(D) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(2) AUTHORIZATION.—From funds appropriated under paragraph (10), the Secretary shall award grants, on a competitive basis, to eligible entities to enable such entities to develop or sponsor experimental financial literacy delivery systems.

(3) APPLICATION.—

(A) IN GENERAL.—An eligible entity that desires to receive 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.

(B) CONTENT.—An application submitted under subparagraph (A) shall include—

(i) a description of the plan for the development or sponsorship of the financial literacy delivery system the eligible entity intends to support with grant funds received under this subsection;

(ii) information on the students expected to be served by such system; and

(iii) information on the means by which the effectiveness of such system will be measured.

(4) AWARDING OF GRANTS.—In awarding grants under this subsection, the Secretary shall—

(A) give priority to eligible entities that take measures to ban or discourage the proliferation of credit cards and abusive credit marketing practices on campus; and

(B) consider—

(i) the quality of the proposed financial literacy delivery system and the degree to which such system may be used as a model for adoption by other institutions of higher education;

(ii) the resources, if any, that the eligible entity intends to dedicate to the implementation of the plan for the development or sponsorship of such system;

(iii) the degree to which technology is to be used in the implementation of such plan; and

(iv) the degree to which the eligible entity will collaborate with other entities in implementing such plan.

(5) USE OF FUNDS.—An eligible entity awarded a grant under this subsection shall use the grant funds—

(A) to develop or sponsor an experimental financial literacy delivery system; and

(B) for activities that explore and assess the effectiveness of various delivery systems in delivering personal financial education and counseling to students and in increasing student personal financial literacy.

(6) OBLIGATION.—Grant funds received under this subsection shall be available for obligation for a period of not more than 4 years.

(7) TECHNICAL ASSISTANCE.—From not more than 5 percent of the funds appropriated to carry out this subsection, the Secretary shall make technical assistance available to eligible entities that receive grants under this subsection.

(8) REPORT.—An eligible entity that receives a grant under this subsection shall submit a report—

(A) on an annual basis, to the Secretary on the effectiveness of the financial literacy delivery system; and

(B) at the end of the grant period, to the appropriate committees of Congress on the effectiveness of the financial literacy delivery system.

(9) REGULATIONS.—The Secretary shall promulgate regulations to carry out this subsection.

(10) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2005 through 2009.

(b) PERSONAL FINANCE COURSE.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ENTITY.—The term ''eligible entity''—

(i) means an institution of higher education; and

(ii) includes an institution of higher education in partnership with a public, private, or nonprofit entity.

(B) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(C) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(2) AUTHORIZATION.—From funds appropriated under paragraph (8), the Secretary shall award grants, on a competitive basis, to eligible entities to enable such entities to—

(A) if such entities do not offer a course in personal finance, create a course in personal finance; or

(B) if such entities offer a course in personal finance, share best practices and related information with other institutions of higher education about successful personal finance courses.

(3) APPLICATION.—

(A) IN GENERAL.—An eligible entity that desires to receive 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.

(B) CONTENT.—An application submitted under subparagraph (A) shall include—

(i) if the entity intends to create a course in personal finance with grant funds received under this subsection, information on the number of students who could enroll in such course and the expected outcomes of the course; or

(ii) if the entity already offers a course in personal finance, information on how the institution will share its best practices with other institutions.

(4) AWARDING OF GRANTS.—In awarding grants under this subsection, the Secretary shall give priority to eligible entities that take measures to ban or discourage the proliferation of credit cards and abusive credit marketing practices on campus.

(5) OBLIGATION.—Grant funds received under this subsection shall be available for obligation for a period of not more than 3 years.

(6) REPORT.—An eligible entity that receives a grant under this subsection shall submit a report—

(A) on an annual basis, to the Secretary on the effectiveness of the personal finance course in increasing the personal financial literacy of students who complete such course; and

(B) at the end of the grant period, to the appropriate committees of Congress on the effectiveness of the personal finance course in increasing the personal financial literacy of students who complete such course.

(7) REGULATIONS.—The Secretary shall promulgate regulations to carry out this subsection.

(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2005 through 2009.

(c) INTEGRATION.—

(1) AUTHORIZATION.—From funds appropriated under paragraph (6), the Secretary of Education (referred to in this subsection as the ''Secretary'') shall award a grant, on a competitive basis, to a nonprofit organization, or a consortium of nonprofit organizations, working in partnership with relevant Federal agencies, educational organizations, and other nonprofit organizations, to study and recommend the best ways to integrate personal finance and economics into basic educational subjects.

(2) APPLICATION.—A nonprofit organization, or consortium of nonprofit organizations, that desires to receive the 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.

(3) AWARDING OF GRANTS.—In awarding the grant under this subsection, the Secretary shall—

(A) give priority to an applicant that has as its primary purpose the improvement of the quality of student understanding of personal finance and economics; and

(B) consider—

(i) the previous record of work of the applicant in improving the quality of student understanding of personal finance and economics; and

(ii) the degree to which the applicant has collaborated with other entities that have as their primary purpose the improvement of the quality of student understanding of personal finance and economics.

(4) REPORT.—Not later than 2 years after the grant funds have been distributed under this subsection, the nonprofit organization, or consortium of nonprofit organizations, that receives the grant under this subsection shall submit to the Secretary and the appropriate committees of Congress a report on the best ways to integrate personal finance and economics into basic educational subjects.

(5) REGULATIONS.—The Secretary shall promulgate regulations to carry out this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,000,000 for each of fiscal years 2005 through 2007.

(d) TEACHER AND COUNSELOR TRAINING.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ENTITY.—The term ''eligible entity''—

(i) means—

(I) an education department of an institution of higher education; or

(II) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, that has as its primary purpose the improvement of the quality of student understanding of personal finance and economics through effective teaching; and

(ii) includes a partnership of the entities described in clause (i).

(B) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(C) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(D) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(2) AUTHORIZATION.—From funds appropriated under paragraph (10), the Secretary shall award grants, on a competitive basis, to eligible entities to enable the entities to fund—

(A) preservice teacher training programs in the instruction of economics and personal finance in elementary schools and secondary schools; and

(B) programs to provide preservice and inservice training of secondary school counselors in advising students on the importance of improving their economic and personal financial literacy.

(3) APPLICATION.—

(A) IN GENERAL.—An eligible entity that desires to receive 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.

(B) CONTENT.—An application submitted under subparagraph (A) shall include information on—

(i) the number of individuals who would be served by the eligible entity if awarded a grant under this subsection; and

(ii) the expected outcomes of the proposed training.

(4) AWARDING OF GRANTS.—

(A) IN GENERAL.—In awarding grants under this subsection, the Secretary shall—

(i) give priority to eligible entities that take measures to ban or discourage the proliferation of credit cards and abusive credit marketing practices on campus; and

(ii) consider the applicant's past record of success in carrying out similar training programs.

(B) GRANTS TO ALL STATES.—For any fiscal year for which the amount appropriated to carry out this paragraph is more than $25,000,000, the Secretary shall award not less than 1 grant to an eligible entity in each State.

(5) COORDINATION WITH EXISTING PROGRAMS.—In carrying out programs funded under this subsection, an eligible entity may coordinate activities with other training programs, including programs authorized under the Excellence in Economic Education Act of 2001 (20 U.S.C. 7267 et seq.).

(6) SUPPLEMENT, NOT SUPPLANT.—Grant funds received under this subsection shall be used to supplement, and not supplant, non-Federal funds available to the eligible entity for the purpose of carrying out similar training programs.

(7) OBLIGATION.—Grant funds received under this subsection shall be available for obligation for a period of not more than 3 years.

(8) REPORT.—An eligible entity that receives a grant under this subsection shall submit a report—

(A) on an annual basis, to the Secretary on the effectiveness of training teachers and counselors in instructing and advising students on personal finance; and

(B) at the end of the grant period, to the appropriate committees of Congress on the effectiveness of training teachers and counselors in instructing and advising students on personal finance.

(9) REGULATIONS.—The Secretary shall promulgate regulations to carry out this subsection.

(10) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2005 through 2009.

SEC. 6. EVALUATION.

Not later than 6 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Financial Services of the House of Representatives, an evaluation of the range and effectiveness of financial and economic education and financial aid counseling activities of institutions of higher education, lenders, servicers, and guaranty agencies as emphasized by the Secretary of Education pursuant to section 123 of the Higher Education Act of 1965.

Mr. CORZINE. Mr. President, I am proud to join Senator AKAKA as a cosponsor of the College LIFE (Literacy in Finance and Economics) Act.

Unfortunately, when it comes to personal finances, most American college students do not have the skills they need to spend and save wisely. Most do not understand the details of managing a checking account, paying their taxes, or even using a credit card sensibly. College students must be given the tools they need to maintain good credit and make informed decisions about investments and savings so that they can ensure themselves a successful future.

The importance of financial education cannot be understated, and this bill effectively addresses this critical issue by establishing grants that would allow institutions of higher education to provide their students with personal finance counseling and planning services. The bill also contains provisions that would encourage colleges to develop personal finance courses, giving students greater access to financial education. Finally, the bill would create a three-year pilot program in five institutions of higher education across the Nation to provide annual counseling for financial aid recipients.

Financial literacy has been a priority of mine since the start of my tenure in the U.S. Senate. Indeed, I believe that financial literacy should be a lifelong goal. Last Congress, I successfully added a provision to the No Child Left Behind Act to give elementary and secondary schools access to funds that will allow them to include financial education as part of their basic educational curriculum. This Congress, I have introduced the Education for Retirement Security Act of 2003, which would provide grants to non-profit organizations and State and local agencies for programs that would enhance financial and retirement knowledge for America's seniors. The bill also aims to reduce financial abuse and fraud, including telemarketing, mortgage, and pension fraud. Finally, I am the sponsor of a bill that would provide welfare recipients with greater access to financial literacy skills in order to help them achieve self-sufficiency.

I know that Senator AKAKA has a deep interest in this issue as well, and I am honored to join him in introducing the College LIFE Act, to ensure that college students have access to the financial knowledge that they need to make the right decisions about their futures.

By Mrs. MURRAY (for herself, Mr. CORZINE, Mr. SCHUMER, and Mr. DAYTON):

S. 1801. A bill to promote the economic security and safety of victims of domestic and sexual violence, and for other purposes; to the Committee on Finance.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1801

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Security and Financial Empowerment Act'' or the ''SAFE Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—ENTITLEMENT TO EMERGENCY LEAVE FOR ADDRESSING DOMESTIC OR SEXUAL VIOLENCE

Sec. 101. Purposes.
Sec. 102. Entitlement to emergency leave for addressing domestic or sexual violence.
Sec. 103. Existing leave usable for addressing domestic or sexual violence.
Sec. 104. Emergency benefits.
Sec. 105. Effect on other laws and employment benefits.
Sec. 106. Conforming amendments.
Sec. 107. Effective date.

TITLE II—ENTITLEMENT TO UNEMPLOYMENT COMPENSATION FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

Sec. 201. Purposes.
Sec. 202. Unemployment compensation and training provisions.

TITLE III—VICTIMS' EMPLOYMENT SUSTAINABILITY

Sec. 301. Short title.
Sec. 302. Purposes.
Sec. 303. Prohibited discriminatory acts.
Sec. 304. Enforcement.
Sec. 305. Attorney's fees.

TITLE IV—VICTIMS OF ABUSE INSURANCE PROTECTION

Sec. 401. Short title.
Sec. 402. Definitions.
Sec. 403. Discriminatory acts prohibited.
Sec. 404. Insurance protocols for subjects of abuse.
Sec. 405. Reasons for adverse actions.
Sec. 406. Life insurance.
Sec. 407. Subrogation without consent prohibited.
Sec. 408. Enforcement.
Sec. 409. Effective date.

TITLE V—WORKPLACE SAFETY PROGRAM TAX CREDIT

Sec. 501. Credit for costs to employers of implementing workplace safety programs.

TITLE VI—NATIONAL CLEARINGHOUSE ON DOMESTIC AND SEXUAL VIOLENCE IN THE WORKPLACE GRANT

Sec. 601. National clearinghouse on domestic and sexual violence in the workplace grant.

TITLE VII—SEVERABILITY

Sec. 701. Severability.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Domestic violence crimes account for approximately 15 percent of total crime costs in the United States each year.

(2) Violence against women has been reported to be the leading cause of physical injury to women. Such violence has a devastating impact on women's physical and emotional health and financial security.

(3) According to a recent National Institutes of Health-Centers for Disease Control and Prevention study, each year there are 5,300,000 non-fatal violent victimizations committed by intimate partners against women. Female murder victims were substantially more likely than male murder victims to have been killed by an intimate partner. About ⅓ of female murder victims, and about 4 percent of male murder victims, were killed by an intimate partner.

(4) According to recent government estimates, approximately 987,400 rapes occur annually in the United States, 89 percent of the rapes perpetrated against female victims. Since 2001, rapes have actually increased by 4 percent.

(5) Approximately 10,200,000 people have been stalked at some time in their lives. Four out of every 5 stalking victims are women. Stalkers harass and terrorize their victims by spying on the victims, standing outside their places of work or homes, making unwanted phone calls, sending or leaving unwanted letters or items, or vandalizing property.

(6) Employees in the United States who have been victims of domestic violence, dating violence, sexual assault, or stalking too often suffer adverse consequences in the workplace as a result of their victimization.

(7) Victims of domestic violence, dating violence, sexual assault, and stalking are particularly vulnerable to changes in employment, pay, and benefits as a result of their victimizations, and are, therefore, in need of legal protection.

(8) The prevalence of domestic violence, dating violence, sexual assault, stalking, and other violence against women at work is dramatic. About 36,500 individuals, 80 percent of whom are women, were raped or sexually assaulted in the workplace each year from 1993 through 1999. Half of all female victims of violent workplace crimes know their attackers. Nearly 1 out of 10 violent workplace incidents are committed by partners or spouses. Women who work for State and local governments suffer a higher incidence of workplace assaults, including rapes, than women who work in the private sector.

(9) Homicide is the leading cause of death for women on the job. Husbands, boyfriends, and ex-partners commit 15 percent of workplace homicides against women.

(10) Studies indicate that between 35 and 56 percent of employed battered women surveyed were harassed at work by their abusive partners.

(11) According to a 1998 report of the General Accounting Office, between ¼ and ½ of domestic violence victims surveyed in 3 studies reported that the victims lost a job due, at least in part, to domestic violence.

(12) Women who have experienced domestic violence or dating violence are more likely than other women to be unemployed, to suffer from health problems that can affect employability and job performance, to report lower personal income, and to rely on welfare.

(13) Abusers frequently seek to control their partners by actively interfering with their ability to work, including preventing their partners from going to work, harassing their partners at work, limiting the access of their partners to cash or transportation, and sabotaging the child care arrangements of their partners.

(14) More than ½ of women receiving welfare have been victims of domestic violence as adults and between ¼ and ⅓ reported being abused in the last year.

(15) Victims of intimate partner violence lose 8,000,000 days of paid work each year—the equivalent of over 32,000 full-time jobs and 5,600,000 days of household productivity.

(16) Sexual assault, whether occurring in or out of the workplace, can impair an employee's work performance, require time away from work, and undermine the employee's ability to maintain a job. Almost 50 percent of sexual assault survivors lose their jobs or are forced to quit in the aftermath of the assaults.

(17) More than 35 percent of stalking victims report losing time from work due to the stalking and 7 percent never return to work.

(18)(A) According to the National Institute of Justice, crime costs an estimated $450,000,000,000 annually in medical expenses, lost earnings, social service costs, pain, suffering, and reduced quality of life for victims, which harms the Nation's productivity and drains the Nation's resources.

(B) Violent crime accounts for $426,000,000,000 per year of this amount.

(C) Rape exacts the highest costs per victim of any criminal offense, and accounts for $127,000,000,000 per year of the amount described in subparagraph (A).

(19) Violent crime results in wage losses equivalent to 1 percent of all United States earnings, and causes 3 percent of the Nation's medical spending and 14 percent of the Nation's injury-related medical spending.

(20) The Bureau of National Affairs has estimated that domestic violence costs United States employers between $3,000,000,000 and $5,000,000,000 annually in lost time and productivity, while other reports have estimated the cost at between $5,800,000,000 and $13,000,000,000 annually.

(21) United States medical costs for domestic violence have been estimated to be $31,000,000,000 per year.

(22) Surveys of business executives and corporate security directors also underscore the

heavy toll that workplace violence takes on women, businesses, and interstate commerce in the United States.

(23) Ninety-four percent of corporate security and safety directors at companies nationwide rank domestic violence as a high security concern.

(24) Forty-nine percent of senior executives recently surveyed said domestic violence has a harmful effect on their company's productivity, 47 percent said domestic violence negatively affects attendance, and 44 percent said domestic violence increases health care costs.

(25) Only 25 States have laws that explicitly provide unemployment insurance to domestic violence victims in certain circumstances, and none of the laws explicitly cover victims of sexual assault or stalking.

(26) Only 6 States provide domestic violence victims with leave from work to go to court, to the doctor, or to take other steps to address the domestic violence in their lives, and only Maine provides such leave to victims of sexual assault and stalking.

(27) No States prohibit employment discrimination against victims of domestic violence, sexual assault, or stalking. Five States provide limited protection to some victims under certain circumstances.

(28) Employees, including individuals participating in welfare to work programs, may need to take time during business hours to—

(A) obtain orders of protection;

(B) seek medical or legal assistance, counseling, or other services; or

(C) look for housing in order to escape from domestic violence.

(29) Domestic and sexual violence victims have been subjected to discrimination by private and State employers, including discrimination motivated by sex and stereotypic notions about women.

(30) Domestic violence victims and third parties who help them have been subjected to discriminatory practices by health, life, disability, and property and casualty insurers and employers who self-insure employee benefits who have denied or canceled coverage, rejected claims, and raised rates based on domestic violence. Although some State legislatures have tried to address these problems, the scope of protection afforded by the laws adopted varies from State to State, with many failing to address the problem comprehensively. Moreover, Federal law prevents States from protecting the almost 40 percent of employees whose employers self-insure employee benefits.

(31) Existing Federal law does not explicitly—

(A) authorize victims of domestic violence, dating violence, sexual assault, or stalking to take leave from work to seek legal assistance and redress, counseling, or assistance with safety planning activities;

(B) address the eligibility of victims of domestic violence, dating violence, sexual assault, or stalking for unemployment compensation;

(C) prohibit employment discrimination against actual or perceived victims of domestic violence, dating violence, sexual assault, or stalking; or

(D) prohibit insurers and employers who self-insure employee benefits from discriminating against domestic violence victims and those who help them in determining eligibility, rates charged, and standards for payment of claims; nor does it prohibit insurers from disclosure of information about abuse and the victim's location through insurance databases and other means.

SEC. 3. DEFINITIONS.

In this Act, except as otherwise expressly provided:

(1) COMMERCE.—The terms ''commerce'' and ''industry or activity affecting commerce'' have the meanings given the terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(2) COURSE OF CONDUCT.—The term ''course of conduct'' means a course of repeatedly maintaining a visual or physical proximity to a person or conveying verbal or written threats, including threats conveyed through electronic communications, or threats implied by conduct.

(3) DATING VIOLENCE.—The term ''dating violence'' has the meaning given the term in section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152).

(4) DOMESTIC OR SEXUAL VIOLENCE.—The term ''domestic or sexual violence'' means domestic violence, dating violence, sexual assault, or stalking.

(5) DOMESTIC VIOLENCE.—The term ''domestic violence'' has the meaning given the term in section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152).

(6) DOMESTIC VIOLENCE COALITION.—The term ''domestic violence coalition'' means a nonprofit, nongovernmental membership organization that—

(A) consists of the entities carrying out a majority of the domestic violence programs carried out within a State;

(B) collaborates and coordinates activities with Federal, State, and local entities to further the purposes of domestic violence intervention and prevention; and

(C) among other activities, provides training and technical assistance to entities carrying out domestic violence programs within a State, territory, political subdivision, or area under Federal authority.

(7) ELECTRONIC COMMUNICATIONS.—The term ''electronic communications'' includes communications via telephone, mobile phone, computer, e-mail, video recorder, fax machine, telex, or pager.

(8) EMPLOY; STATE.—The terms ''employ'' and ''State'' have the meanings given the terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(9) EMPLOYEE.—

(A) IN GENERAL.—The term ''employee'' means any person employed by an employer. In the case of an individual employed by a public agency, such term means an individual employed as described in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).

(B) BASIS.—The term includes a person employed as described in subparagraph (A) on a full- or part-time basis, for a fixed time period, on a temporary basis, pursuant to a detail, as an independent contractor, or as a participant in a work assignment as a condition of receipt of Federal or State income-based public assistance.

(10) EMPLOYER.—The term ''employer''—

(A) means any person engaged in commerce or in any industry or activity affecting commerce who employs 15 or more individuals; and

(B) includes any person acting directly or indirectly in the interest of an employer in relation to an employee, and includes a public agency, but does not include any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization.

(11) EMPLOYMENT BENEFITS.—The term ''employment benefits'' means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an ''employee benefit plan'', as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)).

(12) FAMILY OR HOUSEHOLD MEMBER.—The term ''family or household member'' means a spouse, former spouse, parent, son or daughter, or person residing or formerly residing in the same dwelling unit.

(13) PARENT; SON OR DAUGHTER.—The terms ''parent'' and ''son or daughter'' have the meanings given the terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(14) PERSON.—The term ''person'' has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(15) PUBLIC AGENCY.—The term ''public agency'' has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(16) PUBLIC ASSISTANCE.—The term ''public assistance'' includes cash, food stamps, medical assistance, housing assistance, and other benefits provided on the basis of income by a public agency.

(17) REDUCED LEAVE SCHEDULE.—The term ''reduced leave schedule'' means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

(18) REPEATEDLY.—The term ''repeatedly'' means on 2 or more occasions.

(19) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(20) SEXUAL ASSAULT.—The term ''sexual assault'' has the meaning given the term in section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152).

(21) SEXUAL ASSAULT COALITION.—The term ''sexual assault coalition'' means a nonprofit, nongovernmental membership organization that—

(A) consists of the entities carrying out a majority of the sexual assault programs carried out within a State;

(B) collaborates and coordinates activities with Federal, State, and local entities to further the purposes of sexual assault intervention and prevention; and

(C) among other activities, provides training and technical assistance to entities carrying out sexual assault programs within a State, territory, political subdivision, or area under Federal authority.

(22) STALKING.—The term ''stalking'' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to suffer substantial emotional distress or to fear bodily injury, sexual assault, or death to the person, or the person's spouse, parent, or son or daughter, or any other person who regularly resides in the person's household, if the conduct causes the specific person to have such distress or fear.

(23) VICTIM OF DOMESTIC OR SEXUAL VIOLENCE.—The term ''victim of domestic or sexual violence'' includes a person who has been a victim of domestic or sexual violence and a person whose family or household member has been a victim of domestic or sexual violence.

(24) VICTIM SERVICES ORGANIZATION.—The term ''victim services organization'' means a nonprofit, nongovernmental organization that provides assistance to victims of domestic or sexual violence or to advocates for such victims, including a rape crisis center, an organization carrying out a domestic violence program, an organization operating a shelter or providing counseling services, or an organization providing assistance through the legal process.

TITLE I—ENTITLEMENT TO EMERGENCY LEAVE FOR ADDRESSING DOMESTIC OR SEXUAL VIOLENCE

SEC. 101. PURPOSES.

The purposes of this title are, pursuant to the affirmative power of Congress to enact

legislation under the portions of section 8 of article I of the Constitution relating to providing for the general welfare and to regulation of commerce among the several States, and under section 5 of the 14th amendment to the Constitution—

(1) to promote the national interest in reducing domestic violence, dating violence, sexual assault, and stalking by enabling victims of domestic or sexual violence to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic or sexual violence, and to reduce the devastating economic consequences of domestic or sexual violence to employers and employees;

(2) to promote the national interest in ensuring that victims of domestic or sexual violence can recover from and cope with the effects of such violence, and participate in criminal and civil justice processes, without fear of adverse economic consequences from their employers;

(3) to ensure that victims of domestic or sexual violence can recover from and cope with the effects of such violence, and participate in criminal and civil justice processes, without fear of adverse economic consequences with respect to public benefits;

(4) to promote the purposes of the 14th amendment by preventing sex-based discrimination and discrimination against victims of domestic and sexual violence in employment leave, addressing the failure of existing laws to protect the employment rights of victims of domestic or sexual violence, by protecting their civil and economic rights, and by furthering the equal opportunity of women for economic self-sufficiency and employment free from discrimination;

(5) to minimize the negative impact on interstate commerce from dislocations of employees and harmful effects on productivity, employment, health care costs, and employer costs, caused by domestic or sexual violence, including intentional efforts to frustrate women's ability to participate in employment and interstate commerce;

(6) to further the goals of human rights and dignity reflected in instruments such as the United Nations Charter, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights; and

(7) to accomplish the purposes described in paragraphs (1) through (6) by—

(A) entitling employed victims of domestic or sexual violence to take leave to seek medical help, legal assistance, counseling, safety planning, and other assistance without penalty from their employers; and

(B) prohibiting employers from discriminating against actual or perceived victims of domestic or sexual violence, in a manner that accommodates the legitimate interests of employers and protects the safety of all persons in the workplace.

SEC. 102. ENTITLEMENT TO EMERGENCY LEAVE FOR ADDRESSING DOMESTIC OR SEXUAL VIOLENCE.

(a) LEAVE REQUIREMENT.—

(1) BASIS.—An employee who is a victim of domestic or sexual violence may take leave from work to address domestic or sexual violence, by—

(A) seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;

(B) obtaining services from a victim services organization for the employee or the employee's family or household member;

(C) obtaining psychological or other counseling for the employee or the employee's family or household member;

(D) participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or ensure economic security; or

(E) seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

(2) PERIOD.—An employee may take not more than 30 days of leave, as described in paragraph (1), in any 12-month period.

(3) SCHEDULE.—Leave described in paragraph (1) may be taken intermittently or on a reduced leave schedule.

(b) NOTICE.—The employee shall provide the employer with reasonable notice of the employee's intention to take the leave, unless providing such notice is not practicable.

(c) CERTIFICATION.—

(1) IN GENERAL.—The employer may require the employee to provide certification to the employer that—

(A) the employee or the employee's family or household member is a victim of domestic or sexual violence; and

(B) the leave is for 1 of the purposes enumerated in subsection (a)(1).

The employee shall provide a copy of such certification to the employer within a reasonable period after the employer requests certification.

(2) CONTENTS.—An employee may satisfy the certification requirement of paragraph (1) by providing to the employer—

(A) a sworn statement of the employee;

(B) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional, from whom the employee or the employee's family or household member has sought assistance in addressing domestic or sexual violence and the effects of the violence;

(C) a police or court record; or

(D) other corroborating evidence.

(d) CONFIDENTIALITY.—All information provided to the employer pursuant to subsection (b) or (c), including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave pursuant to this section, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is—

(1) requested or consented to by the employee in writing; or

(2) otherwise required by applicable Federal or State law.

(e) EMPLOYMENT AND BENEFITS.—

(1) RESTORATION TO POSITION.—

(A) IN GENERAL.—Except as provided in paragraph (2), any employee who takes leave under this section for the intended purpose of the leave shall be entitled, on return from such leave—

(i) to be restored by the employer to the position of employment held by the employee when the leave commenced; or

(ii) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(B) LOSS OF BENEFITS.—The taking of leave under this section shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

(C) LIMITATIONS.—Nothing in this subsection shall be construed to entitle any restored employee to—

(i) the accrual of any seniority or employment benefits during any period of leave; or

(ii) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

(D) CONSTRUCTION.—Nothing in this paragraph shall be construed to prohibit an employer from requiring an employee on leave under this section to report periodically to the employer on the status and intention of the employee to return to work.

(2) EXEMPTION CONCERNING CERTAIN HIGHLY COMPENSATED EMPLOYEES.—

(A) DENIAL OF RESTORATION.—An employer may deny restoration under paragraph (1) to any employee described in subparagraph (B) if—

(i) such denial is necessary to prevent substantial and grievous economic injury to the operations of the employer;

(ii) the employer notifies the employee of the intent of the employer to deny restoration on such basis at the time the employer determines that such injury would occur; and

(iii) in any case in which the leave has commenced, the employee elects not to return to employment after receiving such notice.

(B) AFFECTED EMPLOYEES.—An employee referred to in subparagraph (A) is a salaried employee who is among the highest paid 10 percent of the employees employed by the employer within 75 miles of the facility at which the employee is employed.

(3) MAINTENANCE OF HEALTH BENEFITS.—

(A) COVERAGE.—Except as provided in subparagraph (B), during any period that an employee takes leave under this section, the employer shall maintain coverage under any group health plan (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986) for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

(B) FAILURE TO RETURN FROM LEAVE.—The employer may recover the premium that the employer paid for maintaining coverage for the employee under such group health plan during any period of leave under this section if—

(i) the employee fails to return from leave under this section after the period of leave to which the employee is entitled has expired; and

(ii) the employee fails to return to work for a reason other than—

(I) the continuation, recurrence, or onset of domestic or sexual violence, that entitles the employee to leave pursuant to this section; or

(II) other circumstances beyond the control of the employee.

(C) CERTIFICATION.—

(i) ISSUANCE.—An employer may require an employee who claims that the employee is unable to return to work because of a reason described in subclause (I) or (II) of subparagraph (B)(ii) to provide, within a reasonable period after making the claim, certification to the employer that the employee is unable to return to work because of that reason.

(ii) CONTENTS.—An employee may satisfy the certification requirement of clause (i) by providing to the employer—

(I) a sworn statement of the employee;

(II) documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional, from whom the employee has sought assistance in addressing domestic or sexual violence and the effects of that violence;

(III) a police or court record; or

(IV) other corroborating evidence.

(D) CONFIDENTIALITY.—All information provided to the employer pursuant to subparagraph (C), including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee is not returning to work because of a reason described in subclause (I) or (II) of subparagraph (B)(ii) shall be retained in the strictest confidence by the employer, except to the extent that disclosure is—

(i) requested or consented to by the employee; or

(ii) otherwise required by applicable Federal or State law.

(f) PROHIBITED ACTS.—

(1) INTERFERENCE WITH RIGHTS.—

(A) EXERCISE OF RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this section.

(B) EMPLOYER DISCRIMINATION.—It shall be unlawful for any employer to discharge or harass any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment of the individual (including retaliation in any form or manner) because the individual—

(i) exercised any right provided under this section; or

(ii) opposed any practice made unlawful by this section.

(C) PUBLIC AGENCY SANCTIONS.—It shall be unlawful for any public agency to deny, reduce, or terminate the benefits of, otherwise sanction, or harass any individual, or otherwise discriminate against any individual with respect to the amount, terms, or conditions of public assistance of the individual (including retaliation in any form or manner) because the individual—

(i) exercised any right provided under this section; or

(ii) opposed any practice made unlawful by this section.

(2) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate (as described in subparagraph (B) or (C) of paragraph (1)) against any individual because such individual—

(A) has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this section;

(B) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this section; or

(C) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this section.

(g) ENFORCEMENT.—

(1) CIVIL ACTION BY AFFECTED INDIVIDUALS.—

(A) LIABILITY.—Any employer or public agency that violates subsection (f) shall be liable to any individual affected—

(i) for damages equal to—

(I) the amount of—

(aa) any wages, salary, employment benefits, public assistance, or other compensation denied or lost to such individual by reason of the violation; or

(bb) in a case in which wages, salary, employment benefits, public assistance, or other compensation has not been denied or lost to the individual, any actual monetary losses sustained by the individual as a direct result of the violation;

(II) the interest on the amount described in subclause (I) calculated at the prevailing rate; and

(III) an additional amount as liquidated damages equal to the sum of the amount described in subclause (I) and the interest described in subclause (II), except that if an employer or public agency that has violated subsection (f) proves to the satisfaction of the court that the act or omission that violated subsection (f) was in good faith and that the employer or public agency had reasonable grounds for believing that the act or omission was not a violation of subsection (f), such court may, in the discretion of the court, reduce the amount of the liability to the amount and interest determined under subclauses (I) and (II), respectively; and

(ii) for such equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(B) RIGHT OF ACTION.—An action to recover the damages or equitable relief prescribed in subparagraph (A) may be maintained against any employer or public agency in any Federal or State court of competent jurisdiction by any 1 or more affected individuals for and on behalf of—

(i) the individuals; or

(ii) the individuals and other individuals similarly situated.

(C) FEES AND COSTS.—The court in such an action shall, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action to be paid by the defendant.

(D) LIMITATIONS.—The right provided by subparagraph (B) to bring an action by or on behalf of any affected individual shall terminate—

(i) on the filing of a complaint by the Secretary in an action under paragraph (4) in which restraint is sought of any further delay in the payment of the amount described in subparagraph (A)(i) to such individual by an employer or public agency responsible under subparagraph (A) for the payment; or

(ii) on the filing of a complaint by the Secretary in an action under paragraph (2) in which a recovery is sought of the damages described in subparagraph (A)(i) owing to an affected individual by an employer or public agency liable under subparagraph (A),

unless the action described in clause (i) or (ii) is dismissed without prejudice on motion of the Secretary.

(2) ACTION BY THE SECRETARY.—

(A) ADMINISTRATIVE ACTION.—The Secretary shall receive, investigate, and attempt to resolve complaints of violations of subsection (f) in the same manner as the Secretary receives, investigates, and attempts to resolve complaints of violations of sections 6 and 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 and 207).

(B) CIVIL ACTION.—The Secretary may bring an action in any court of competent jurisdiction to recover the damages described in paragraph (1)(A)(i).

(C) SUMS RECOVERED.—Any sums recovered by the Secretary pursuant to subparagraph (B) shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to each individual affected. Any such sums not paid to such an individual because of inability to do so within a period of 3 years shall be deposited into the Treasury of the United States as miscellaneous receipts.

(3) LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an action may be brought under this subsection not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.

(B) WILLFUL VIOLATION.—In the case of such action brought for a willful violation of subsection (f), such action may be brought within 3 years after the date of the last event constituting the alleged violation for which such action is brought.

(C) COMMENCEMENT.—In determining when an action is commenced by the Secretary under this subsection for the purposes of this paragraph, it shall be considered to be commenced on the date when the complaint is filed.

(4) ACTION FOR INJUNCTION BY SECRETARY.—The district courts of the United States shall have jurisdiction, for cause shown, in an action brought by the Secretary—

(A) to restrain violations of subsection (f), including the restraint of any withholding of payment of wages, salary, employment benefits, public assistance, or other compensation, plus interest, found by the court to be due to affected individuals; or

(B) to award such other equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(5) SOLICITOR OF LABOR.—The Solicitor of Labor may appear for and represent the Secretary on any litigation brought under this subsection.

(6) EMPLOYER LIABILITY UNDER OTHER LAWS.—Nothing in this section shall be construed to limit the liability of an employer or public agency to an individual, for harm suffered relating to the individual's experience of domestic or sexual violence, pursuant to any other Federal or State law, including a law providing for a legal remedy.

SEC. 103. EXISTING LEAVE USABLE FOR ADDRESSING DOMESTIC OR SEXUAL VIOLENCE.

An employee who is entitled to take paid or unpaid leave (including family, medical, sick, annual, personal, or similar leave) from employment, pursuant to State or local law, a collective bargaining agreement, or an employment benefits program or plan, may elect to substitute any period of such leave for an equivalent period of leave provided under section 102.

SEC. 104. EMERGENCY BENEFITS.

(a) IN GENERAL.—A State may use funds provided to the State under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) to provide nonrecurrent short-term emergency benefits to an individual for any period of leave the individual takes pursuant to section 102.

(b) ELIGIBILITY.—In calculating the eligibility of an individual for such emergency benefits, the State shall count only the cash available or accessible to the individual.

(c) TIMING.—

(1) APPLICATIONS.—An individual seeking emergency benefits under subsection (a) from a State shall submit an application to the State.

(2) BENEFITS.—The State shall provide benefits to an eligible applicant under paragraph (1) on an expedited basis, and not later than 7 days after the applicant submits an application under paragraph (1).

(d) CONFORMING AMENDMENT.—Section 404 of the Social Security Act (42 U.S.C. 604) is amended by adding at the end the following:

''(l) AUTHORITY TO PROVIDE EMERGENCY BENEFITS.—A State that receives a grant under section 403 may use the grant to provide nonrecurrent short-term emergency benefits, in accordance with section 104 of the Security and Financial Empowerment Act, to individuals who take leave pursuant to section 102 of that Act, without regard to whether the individuals receive assistance under the State program funded under this part.''.

SEC. 105. EFFECT ON OTHER LAWS AND EMPLOYMENT BENEFITS.

(a) MORE PROTECTIVE LAWS, AGREEMENTS, PROGRAMS, AND PLANS.—Nothing in this title shall be construed to supersede any provision of any Federal, State, or local law, collective bargaining agreement, or employment benefits program or plan that provides—

(1) greater leave benefits for victims of domestic or sexual violence than the rights established under this title; or

(2) leave benefits for a larger population of victims of domestic or sexual violence (as defined in such law, agreement, program, or plan) than the victims of domestic or sexual violence covered under this title.

(b) LESS PROTECTIVE LAWS, AGREEMENTS, PROGRAMS, AND PLANS.—The rights established for victims of domestic or sexual violence under this title shall not be diminished by any State or local law, collective bargaining agreement, or employment benefits program or plan.

SEC. 106. CONFORMING AMENDMENT.

Section 1003(a)(1) of the Rehabilitation Act Amendments of 1986 (42 U.S.C. 2000d–7(a)(1)) is amended by inserting ''title I or III of the Security and Financial Empowerment Act,'' before ''or the provisions''.

SEC. 107. EFFECTIVE DATE.

This title and the amendment made by this title take effect 180 days after the date of enactment of this Act.

TITLE II—ENTITLEMENT TO UNEMPLOYMENT COMPENSATION FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

SEC. 201. PURPOSES.

The purposes of this title are, pursuant to the affirmative power of Congress to enact legislation under the portions of section 8 of article I of the Constitution relating to laying and collecting taxes, providing for the general welfare, and regulation of commerce among the several States, and under section 5 of the 14th amendment to the Constitution—

(1) to promote the national interest in reducing domestic violence, dating violence, sexual assault, and stalking by enabling victims of domestic or sexual violence to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic or sexual violence, and to reduce the devastating economic consequences of domestic or sexual violence to employers and employees;

(2) to promote the national interest in ensuring that victims of domestic or sexual violence can recover from and cope with the effects of such victimization and participate in the criminal and civil justice processes without fear of adverse economic consequences;

(3) to minimize the negative impact on interstate commerce from dislocations of employees and harmful effects on productivity, loss of employment, health care costs, and employer costs, caused by domestic or sexual violence including intentional efforts to frustrate the ability of women to participate in employment and interstate commerce;

(4) to promote the purposes of the 14th amendment to the Constitution by preventing sex-based discrimination and discrimination against victims of domestic and sexual violence in unemployment insurance, by addressing the failure of existing laws to protect the employment rights of victims of domestic or sexual violence, by protecting their civil and economic rights, and by furthering the equal opportunity of women for economic self-sufficiency and employment free from discrimination; and

(5) to accomplish the purposes described in paragraphs (1) through (4) by providing unemployment insurance to those who are separated from their employment as a result of domestic or sexual violence, in a manner that accommodates the legitimate interests of employers and protects the safety of all persons in the workplace.

SEC. 202. UNEMPLOYMENT COMPENSATION AND TRAINING PROVISIONS.

(a) UNEMPLOYMENT COMPENSATION.—Section 3304 of the Internal Revenue Code of 1986 (relating to approval of State unemployment compensation laws) is amended—

(1) in subsection (a)—

(A) in paragraph (18), by striking ''and'' at the end;

(B) by redesignating paragraph (19) as paragraph (20); and

(C) by inserting after paragraph (18) the following new paragraph:

''(19) compensation shall not be denied where an individual is separated from employment due to circumstances resulting from the individual's experience of domestic or sexual violence; and''; and

(2) by adding at the end the following new subsection:

''(g) CONSTRUCTION.—

''(1) IN GENERAL.—For purposes of subsection (a)(19), an individual's separation from employment shall be treated as due to circumstances resulting from the individual's experience of domestic or sexual violence if the separation resulted from—

''(A) the individual's reasonable fear of future domestic or sexual violence at or en route to or from the individual's place of employment;

''(B) the individual's wish to relocate in order to avoid future domestic or sexual violence against the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act);

''(C) the individual's need to obtain treatment to address the physical, psychological, or legal effects of domestic or sexual violence on the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act);

''(D) the employer's denial of the individual's request for leave from employment to address domestic or sexual violence and its effects on the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act), including leave authorized by section 102 of the Family and Medical Leave Act of 1993 or by title I of the Security and Financial Empowerment Act;

''(E) the employer's termination of the individual's employment due to actions, including absences, taken by the individual that were necessary to protect the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act) from domestic or sexual violence;

''(F) the employer's termination of the individual due to circumstances resulting from the individual's being, or being perceived to be, a victim of domestic or sexual violence; or

''(G) any other circumstance in which domestic or sexual violence causes the individual to reasonably believe that separation from employment is necessary for the future safety of the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act).

''(2) REASONABLE EFFORTS TO RETAIN EMPLOYMENT.—For purposes of subsection (a)(19), if State law requires the individual to have made reasonable efforts to retain employment as a condition for receiving unemployment compensation, such requirement shall be met if the individual—

''(A) sought protection from, or assistance in responding to, domestic or sexual violence, including calling the police, obtaining services from a victim services organization (as defined in section 3 of the Security and Financial Empowerment Act), or seeking legal, social work, medical, clerical, or other assistance;

''(B) sought safety, including refuge in a shelter or temporary or permanent relocation, whether or not the individual actually obtained such refuge or accomplished such relocation; or

''(C) reasonably believed that options such as taking a leave of absence, transferring jobs, or receiving an alternative work schedule would not be sufficient to guarantee the safety of the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act).

''(3) ACTIVE SEARCH FOR EMPLOYMENT.—For purposes of subsection (a)(19), if State law requires the individual to actively search for employment after separation from employment as a condition for receiving unemployment compensation—

''(A) such requirement shall be treated as met where the individual registers for work (the individual is not otherwise required to seek employment on a weekly basis); and

''(B) such law may not categorize an employment opportunity as suitable work for the individual unless such employment opportunity reasonably accommodates the individual's need to address the physical, psychological, legal, and other effects of domestic or sexual violence.

''(4) PROVISION OF INFORMATION TO MEET CERTAIN REQUIREMENTS.—

''(A) IN GENERAL.—In determining if an individual meets the requirements of paragraphs (1), (2), and (3), the unemployment agency of the State in which an individual is requesting unemployment compensation by reason of subsection (a)(19) may require the individual to provide certification that the separation from employment was due to circumstances resulting from the individual's, or the individual's family or household member's (as such term is defined in section 3 of the Security and Financial Empowerment Act), experience of domestic or sexual violence.

''(B) SATISFACTION OF CERTIFICATION REQUIREMENT.—An individual may satisfy the certification requirement of subparagraph (A) by providing to the unemployment agency—

''(i) a sworn statement of the individual;

''(ii) documentation from an employee, agent, or volunteer of a victim services organization (as defined in section 3 of the Security and Financial Empowerment Act), an attorney, a member of the clergy, or a medical or other professional, from whom the individual or the individual's family or household member (as such term is defined in section 3 of the Security and Financial Empowerment Act) has sought assistance in addressing domestic or sexual violence and the effects of that violence;

''(iii) a police or court record; or

''(iv) other corroborating evidence.

''(C) CONFIDENTIALITY.—All information provided to the unemployment agency pursuant to this paragraph, including a statement of an individual or any other documentation, record, or corroborating evidence, and the fact that an individual has applied for, inquired about, or obtained unemployment compensation available by reason of subsection (a)(19) shall be retained in the strictest confidence by the individual's former or current employer and the unemployment agency, except to the extent that disclosure is—

''(i) requested or consented to by the individual in writing; or

''(ii) otherwise required by applicable Federal or State law.''.

(b) UNEMPLOYMENT COMPENSATION PERSONNEL TRAINING.—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended—

(1) by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) Such methods of administration as will ensure that—

''(A) applicants for unemployment compensation and individuals inquiring about such compensation are adequately notified of the provisions of subsections (a)(19) and (g) of section 3304 of the Internal Revenue Code of 1986 (relating to the availability of unemployment compensation for victims of domestic or sexual violence); and

''(B) claims reviewers and hearing personnel are adequately trained in—

''(i) the nature and dynamics of domestic or sexual violence (as defined in section 3306(u) of the Internal Revenue Code of 1986); and

''(ii) methods of ascertaining and keeping confidential information about possible experiences of domestic or sexual violence (as so defined) to ensure that—

''(I) requests for unemployment compensation based on separations stemming from such violence are reliably screened, identified, and adjudicated; and

''(II) full confidentiality is provided for the individual's claim and submitted evidence; and''.

(c) TANF PERSONNEL TRAINING.—Section 402(a) of the Social Security Act (42 U.S.C. 602(a)) is amended by adding at the end the following new paragraph:

''(8) CERTIFICATION THAT THE STATE WILL PROVIDE INFORMATION TO VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.—A certification by the chief officer of the State that the State has established and is enforcing standards and procedures to—

''(A) ensure that applicants for assistance under the program and individuals inquiring about such assistance are adequately notified of—

''(i) the provisions of subsections (a)(19) and (g) of section 3304 of the Internal Revenue Code of 1986 (relating to the availability of unemployment compensation for victims of domestic or sexual violence); and

''(ii) assistance made available by the State to victims of domestic or sexual violence;

''(B) ensure that case workers and other agency personnel responsible for administering the State program funded under this part are adequately trained in—

''(i) the nature and dynamics of domestic or sexual violence (as defined in section 3306(u) of the Internal Revenue Code of 1986);

''(ii) State standards and procedures relating to the prevention of, and assistance for individuals who experience, domestic or sexual violence (as so defined); and

''(iii) methods of ascertaining and keeping confidential information about possible experiences of domestic or sexual violence (as so defined);

''(C) if a State has elected to establish and enforce standards and procedures regarding the screening for and identification of domestic violence pursuant to paragraph (7), ensure that—

''(i) applicants for assistance under the program and individuals inquiring about such assistance are adequately notified of options available under such standards and procedures; and

''(ii) case workers and other agency personnel responsible for administering the State program funded under this part are provided with adequate training regarding such standards and procedures and options available under such standards and procedures; and

''(D) ensure that the training required under subparagraphs (B) and, if applicable, (C)(ii) is provided through a training program operated by an eligible entity (as defined in section 202(d)(2) of the Security and Financial Empowerment Act).''.

(d) DOMESTIC AND SEXUAL VIOLENCE TRAINING GRANT PROGRAM.—

(1) GRANTS AUTHORIZED.—The Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') is authorized to award—

(A) a grant to a national victim services organization in order for such organization to—

(i) develop and disseminate a model training program (and related materials) for the training required under section 303(a)(4)(B) of the Social Security Act (42 U.S.C. 503(a)(4)(B)), as added by subsection (b), and under subparagraphs (B) and, if applicable, (C)(ii) of section 402(a)(8) of the such Act (42 U.S.C. 602(a)(8)), as added by subsection (c); and

(ii) provide technical assistance with respect to such model training program; and

(B) grants to State, tribal, or local agencies in order for such agencies to contract with eligible entities to provide State, tribal, or local case workers and other State, tribal, or local agency personnel responsible for administering the temporary assistance to needy families program established under part A of title IV of the Social Security Act in a State or Indian reservation with the training required under subparagraphs (B) and, if applicable, (C)(ii) of such section 402(a)(8).

(2) ELIGIBLE ENTITY DEFINED.—For purposes of paragraph (1)(B), the term ''eligible entity'' means an entity—

(A) that is—

(i) a State or tribal domestic violence coalition or sexual assault coalition;

(ii) a State or local victim services organization with recognized expertise in the dynamics of domestic or sexual violence whose primary mission is to provide services to victims of domestic or sexual violence, such as a rape crisis center or domestic violence program; or

(iii) an organization with demonstrated expertise in State or county welfare laws and implementation of such laws and experience with disseminating information on such laws and implementation, but only if such organization will provide the required training in partnership with an entity described in clause (i) or (ii); and

(B) that—

(i) has demonstrated expertise in both domestic and sexual assault, such as a joint domestic violence and sexual assault coalition; or

(ii) will provide the required training in partnership with an entity described in clause (i) or (ii) of subparagraph (A) in order to comply with the dual domestic violence and sexual assault expertise requirement under clause (i).

(3) APPLICATION.—An entity seeking a grant under this subsection shall submit an application to the Secretary at such time, in such form and manner, and containing such information as the Secretary specifies.

(4) REPORTS.—

(A) REPORTS TO CONGRESS.—The Secretary shall annually submit a report to Congress on the grant program established under this subsection.

(B) REPORTS AVAILABLE TO PUBLIC.—The Secretary shall establish procedures for the dissemination to the public of each report submitted under subparagraph (A). Such procedures shall include the use of the Internet to disseminate such reports.

(5) AUTHORIZATION OF APPROPRIATIONS.—

(A) AUTHORIZATION.—There are authorized to be appropriated—

(i) $1,000,000 for fiscal year 2004 to carry out the provisions of paragraph (1)(A); and

(ii) $12,000,000 for each of fiscal years 2005 through 2007 to carry out the provisions of paragraph (1)(B).

(B) THREE-YEAR AVAILABILITY OF GRANT FUNDS.—Each recipient of a grant under this subsection shall return to the Secretary of Health and Human Services any unused portion of such grant not later than 3 years after the date the grant was awarded, together with any earnings on such unused portion.

(C) AMOUNTS RETURNED.—Any amounts returned pursuant to subparagraph (B) shall be available without further appropriation to the Secretary of Health and Human Services for the purpose of carrying out the provisions of paragraph (1)(B).

(e) DEFINITION OF DOMESTIC OR SEXUAL VIOLENCE.—Section 3306 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following:

''(u) DOMESTIC OR SEXUAL VIOLENCE.—For purposes of this chapter, the term 'domestic or sexual violence' means domestic violence, dating violence, sexual assault, or stalking, as those terms are defined in section 3 of the Security and Financial Empowerment Act.''.

(f) EFFECTIVE DATE.—

(1) UNEMPLOYMENT AMENDMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (2), the amendments made by this section shall apply in the case of compensation paid for weeks beginning on or after the expiration of 180 days from the date of enactment of this Act.

(B) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—

(i) IN GENERAL.—If the Secretary of Labor identifies a State as requiring a change to its statutes or regulations in order to comply with the amendments made by this section (excluding the amendment made by subsection (c)), such amendments shall apply in the case of compensation paid for weeks beginning after the earlier of—

(I) the date the State changes its statutes or regulations in order to comply with such amendments; or

(II) the end of the first session of the State legislature which begins after the date of enactment of this Act or which began prior to such date and remained in session for at least 25 calendar days after such date;

except that in no case shall such amendments apply before the date that is 180 days after the date of enactment of this Act.

(ii) SESSION DEFINED.—In this subparagraph, the term ''session'' means a regular, special, budget, or other session of a State legislature.

(2) TANF AMENDMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendment made by subsection (c) shall take effect on the date of enactment of this Act.

(B) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under part A of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendment made by subsection (c), the State plan shall not be regarded as failing to comply with the requirements of such amendment on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the

case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

TITLE III—VICTIMS' EMPLOYMENT SUSTAINABILITY

SEC. 301. SHORT TITLE.

This title may be cited as the ''Victims' Employment Sustainability Act''.

SEC. 302. PURPOSES.

The purposes of this title are, pursuant to the affirmative power of Congress to enact legislation under the portions of section 8 of article I of the Constitution relating to providing for the general welfare and to regulation of commerce among the several States, and under section 5 of the 14th amendment to the Constitution—

(1) to promote the national interest in reducing domestic violence, dating violence, sexual assault, and stalking by enabling victims of domestic or sexual violence to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic or sexual violence, and to reduce the devastating economic consequences of domestic or sexual violence to employers and employees;

(2) to promote the national interest in ensuring that victims of domestic or sexual violence can recover from and cope with the effects of such violence, and participate in criminal and civil justice processes, without fear of adverse economic consequences from their employers;

(3) to ensure that victims of domestic or sexual violence can recover from and cope with the effects of such violence, and participate in criminal and civil justice processes, without fear of adverse economic consequences with respect to public benefits;

(4) to promote the purposes of the 14th amendment to the Constitution by preventing sex-based discrimination and discrimination against victims of domestic and sexual violence in employment, by addressing the failure of existing laws to protect the employment rights of victims of domestic or sexual violence, by protecting the civil and economic rights of victims of domestic or sexual violence, and by furthering the equal opportunity of women for economic self-sufficiency and employment free from discrimination;

(5) to minimize the negative impact on interstate commerce from dislocations of employees and harmful effects on productivity, employment, health care costs, and employer costs, caused by domestic or sexual violence, including intentional efforts to frustrate women's ability to participate in employment and interstate commerce; and

(6) to accomplish the purposes described in paragraphs (1) through (5) by prohibiting employers from discriminating against actual or perceived victims of domestic or sexual violence, in a manner that accommodates the legitimate interests of employers and protects the safety of all persons in the workplace.

SEC. 303. PROHIBITED DISCRIMINATORY ACTS.

(a) IN GENERAL.—An employer shall not fail to hire, refuse to hire, discharge, or harass any individual, or otherwise discriminate against any individual with respect to the compensation, terms, conditions, or privileges of employment of the individual (including retaliation in any form or manner), and a public agency shall not deny, reduce, or terminate the benefits of, otherwise sanction, or harass any individual, or otherwise discriminate against any individual with respect to the amount, terms, or conditions of public assistance of the individual (including retaliation in any form or manner), because—

(1) the individual involved—

(A) is or is perceived to be a victim of domestic or sexual violence;

(B) attended, participated in, prepared for, or requested leave to attend, participate in, or prepare for, a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the individual, or the family or household member of the individual, was a victim; or

(C) requested an adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment, or modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, or implementation of a safety procedure, in response to actual or threatened domestic or sexual violence, regardless of whether the request was granted; or

(2) the workplace is disrupted or threatened by the action of a person whom the individual states has committed or threatened to commit domestic or sexual violence against the individual, or the individual's family or household member.

(b) DEFINITIONS.—In this section:

(1) DISCRIMINATE.—The term ''discriminate'', used with respect to the terms, conditions, or privileges of employment or with respect to the terms or conditions of public assistance, includes not making a reasonable accommodation to the known limitations of an otherwise qualified individual—

(A) who is a victim of domestic or sexual violence;

(B) who is—

(i) an applicant or employee of the employer (including a public agency); or

(ii) an applicant for or recipient of public assistance from the public agency; and

(C) whose limitations resulted from circumstances relating to being a victim of domestic or sexual violence;

unless the employer or public agency can demonstrate that the accommodation would impose an undue hardship on the operation of the employer or public agency.

(2) QUALIFIED INDIVIDUAL.—The term ''qualified individual'' means—

(A) in the case of an applicant or employee described in paragraph (1)(B)(i), an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires; or

(B) in the case of an applicant or recipient described in paragraph (1)(B)(ii), an individual who, with or without reasonable accommodation, can satisfy the essential requirements of the program providing the public assistance that the individual receives or desires.

(3) REASONABLE ACCOMMODATION.—The term ''reasonable accommodation'' may include an adjustment to a job structure, workplace facility, or work requirement, including a transfer, reassignment, or modified schedule, leave, a changed telephone number or seating assignment, installation of a lock, or implementation of a safety procedure, in response to actual or threatened domestic or sexual violence.

(4) UNDUE HARDSHIP.—

(A) IN GENERAL.—The term ''undue hardship'' means an action requiring significant difficulty or expense, when considered in light of the factors set forth in subparagraph (B).

(B) FACTORS TO BE CONSIDERED.—In determining whether a reasonable accommodation would impose an undue hardship on the operation of an employer or public agency, factors to be considered include—

(i) the nature and cost of the reasonable accommodation needed under this section;

(ii) the overall financial resources of the facility involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact otherwise of such accommodation on the operation of the facility;

(iii) the overall financial resources of the employer or public agency, the overall size of the business of an employer or public agency with respect to the number of employees of the employer or public agency, and the number, type, and location of the facilities of an employer or public agency; and

(iv) the type of operation of the employer or public agency, including the composition, structure, and functions of the workforce of the employer or public agency, the geographic separateness of the facility from the employer or public agency, and the administrative or fiscal relationship of the facility to the employer or public agency.

SEC. 304. ENFORCEMENT.

(a) CIVIL ACTION BY INDIVIDUALS.—

(1) LIABILITY.—Any employer or public agency that violates section 303 shall be liable to any individual affected for—

(A) damages equal to the amount of wages, salary, employment benefits, public assistance, or other compensation denied or lost to such individual by reason of the violation, and the interest on that amount calculated at the prevailing rate;

(B) compensatory damages, including damages for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment or life, and other nonpecuniary losses;

(C) such punitive damages, up to 3 times the amount of actual damages sustained, as the court described in paragraph (2) shall determine to be appropriate; and

(D) such equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(2) RIGHT OF ACTION.—An action to recover the damages or equitable relief prescribed in paragraph (1) may be maintained against any employer or public agency in any Federal or State court of competent jurisdiction by any 1 or more individuals described in section 303.

(b) ACTION BY DEPARTMENT OF JUSTICE.—The Attorney General may bring a civil action in any Federal or State court of competent jurisdiction to recover the damages or equitable relief described in subsection (a)(1).

SEC. 305. ATTORNEY'S FEES.

Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by inserting ''the Victims' Employment Sustainability Act,'' after ''title VI of the Civil Rights Act of 1964,''.

TITLE IV—VICTIMS OF ABUSE INSURANCE PROTECTION

SEC. 401. SHORT TITLE.

This title may be cited as the ''Victims of Abuse Insurance Protection Act''.

SEC. 402. DEFINITIONS.

In this title:

(1) ABUSE.—The term ''abuse'' means the occurrence of 1 or more of the following acts by a current or former household or family member, intimate partner, or caretaker:

(A) Attempting to cause or causing another person bodily injury, physical harm, substantial emotional distress, psychological trauma, rape, sexual assault, or involuntary sexual intercourse.

(B) Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority and under circumstances that place the person in reasonable fear of bodily injury or physical harm.

(C) Subjecting another person to false imprisonment or kidnapping.

(D) Attempting to cause or causing damage to property so as to intimidate or attempt to control the behavior of another person.

(2) HEALTH CARRIER.—The term ''health carrier'' means a person that contracts or offers to contract on a risk-assuming basis to provide, deliver, arrange for, pay for, or reimburse any of the cost of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation or any other entity providing a plan of health insurance, health benefits or health services.

(3) INSURED.—The term ''insured'' means a party named on a policy, certificate, or health benefit plan, including an individual, corporation, partnership, association, unincorporated organization, or any similar entity, as the person with legal rights to the benefits provided by the policy, certificate, or health benefit plan. For group insurance, such term includes a person who is a beneficiary covered by a group policy, certificate, or health benefit plan. For life insurance, the term refers to the person whose life is covered under an insurance policy.

(4) INSURER.—The term ''insurer'' means any person, reciprocal exchange, inter insurer, Lloyds insurer, fraternal benefit society, or other legal entity engaged in the business of insurance, including agents, brokers, adjusters, and third-party administrators; and employers who provide or make available employment benefits through an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 102(3)). The term also includes health carriers, health benefit plans, and life, disability, and property and casualty insurers.

(5) POLICY.—The term ''policy'' means a contract of insurance, certificate, indemnity, suretyship, or annuity issued, proposed for issuance or intended for issuance by an insurer, including endorsements or riders to an insurance policy or contract.

(6) SUBJECT OF ABUSE.—The term ''subject of abuse'' means—

(A) a person against whom an act of abuse has been directed;

(B) a person who has prior or current injuries, illnesses, or disorders that resulted from abuse; or

(C) a person who seeks, may have sought, or had reason to seek medical or psychological treatment for abuse, protection, court-ordered protection, or shelter from abuse.

SEC. 403. DISCRIMINATORY ACTS PROHIBITED.

(a) IN GENERAL.—No insurer may, directly or indirectly, engage in any of the following acts or practices on the basis that the applicant or insured, or any person employed by the applicant or insured or with whom the applicant or insured is known to have a relationship or association, is, has been, or may be the subject of abuse or has incurred or may incur abuse-related claims:

(1) Denying, refusing to issue, renew or reissue, or canceling or otherwise terminating an insurance policy or health benefit plan.

(2) Restricting, excluding, or limiting insurance coverage for losses or denying a claim, except as otherwise permitted or required by State laws relating to life insurance beneficiaries.

(3) Adding a premium differential to any insurance policy or health benefit plan.

(b) PROHIBITION ON LIMITATION OF CLAIMS.—No insurer may, directly or indirectly, deny or limit payment of a claim incurred by an innocent insured as a result of abuse.

(c) PROHIBITION ON TERMINATION.—

(1) IN GENERAL.—No insurer or health carrier may terminate health coverage for a subject of abuse because coverage was originally issued in the name of the abuser and the abuser has divorced, separated from, or lost custody of the subject of abuse or the abuser's coverage has terminated voluntarily or involuntarily and the subject of abuse does not qualify for an extension of coverage under part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) or section 4980B of the Internal Revenue Code of 1986.

(2) PAYMENT OF PREMIUMS.—Nothing in paragraph (1) shall be construed to prohibit the insurer from requiring that the subject of abuse pay the full premium for the subject's coverage under the health plan if the requirements are applied to all insured of the health carrier.

(3) EXCEPTION.—An insurer may terminate group coverage to which this subsection applies after the continuation coverage period required by this subsection has been in force for 18 months if it offers conversion to an equivalent individual plan.

(4) CONTINUATION COVERAGE.—The continuation of health coverage required by this subsection shall be satisfied by any extension of coverage under part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.) or section 4980B of the Internal Revenue Code of 1986 provided to a subject of abuse and is not intended to be in addition to any extension of coverage otherwise provided for under such part 6 or section 4980B.

(d) USE OF INFORMATION.—

(1) LIMITATION.—

(A) IN GENERAL.—In order to protect the safety and privacy of subjects of abuse, no person employed by or contracting with an insurer or health benefit plan may—

(i) use, disclose, or transfer information relating to abuse status, acts of abuse, abuse-related medical conditions or the applicant's or insured's status as a family member, employer, associate, or person in a relationship with a subject of abuse for any purpose unrelated to the direct provision of health care services unless such use, disclosure, or transfer is required by an order of an entity with authority to regulate insurance or an order of a court of competent jurisdiction; or

(ii) disclose or transfer information relating to an applicant's or insured's mailing address or telephone number or the mailing address and telephone number of a shelter for subjects of abuse, unless such disclosure or transfer—

(I) is required in order to provide insurance coverage; and

(II) does not have the potential to endanger the safety of a subject of abuse.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to limit or preclude a subject of abuse from obtaining the subject's own insurance records from an insurer.

(2) AUTHORITY OF SUBJECT OF ABUSE.—A subject of abuse, at the absolute discretion of the subject of abuse, may provide evidence of abuse to an insurer for the limited purpose of facilitating treatment of an abuse-related condition or demonstrating that a condition is abuse-related. Nothing in this paragraph shall be construed as authorizing an insurer or health carrier to disregard such provided evidence.

SEC. 404. INSURANCE PROTOCOLS FOR SUBJECTS OF ABUSE.

Insurers shall develop and adhere to written policies specifying procedures to be followed by employees, contractors, producers, agents, and brokers for the purpose of protecting the safety and privacy of a subject of abuse and otherwise implementing this title when taking an application, investigating a claim, or taking any other action relating to a policy or claim involving a subject of abuse.

SEC. 405. REASONS FOR ADVERSE ACTIONS.

An insurer that takes an action that adversely affects a subject of abuse, shall advise the subject of abuse applicant or insured of the specific reasons for the action in writing. For purposes of this section, reference to general underwriting practices or guidelines shall not constitute a specific reason.

SEC. 406. LIFE INSURANCE.

Nothing in this title shall be construed to prohibit a life insurer from declining to issue a life insurance policy if the applicant or prospective owner of the policy is or would be designated as a beneficiary of the policy, and if—

(1) the applicant or prospective owner of the policy lacks an insurable interest in the insured; or

(2) the applicant or prospective owner of the policy is known, on the basis of police or court records, to have committed an act of abuse against the proposed insured.

SEC. 407. SUBROGATION WITHOUT CONSENT PROHIBITED.

Subrogation of claims resulting from abuse is prohibited without the informed consent of the subject of abuse.

SEC. 408. ENFORCEMENT.

(a) FEDERAL TRADE COMMISSION.—

(1) IN GENERAL.—The Federal Trade Commission shall have the power to examine and investigate any insurer to determine whether such insurer has been or is engaged in any act or practice prohibited by this title.

(2) CEASE AND DESIST ORDERS.—If the Federal Trade Commission determines an insurer has been or is engaged in any act or practice prohibited by this title, the Commission may take action against such insurer by the issuance of a cease and desist order as if the insurer was in violation of section 5 of the Federal Trade Commission Act. Such cease and desist order may include any individual relief warranted under the circumstances, including temporary, preliminary, and permanent injunctive and compensatory relief.

(b) PRIVATE CAUSE OF ACTION.—

(1) IN GENERAL.—An applicant or insured who believes that the applicant or insured has been adversely affected by an act or practice of an insurer in violation of this title may maintain an action against the insurer in a Federal or State court of original jurisdiction.

(2) RELIEF.—Upon proof of such conduct by a preponderance of the evidence in an action described in paragraph (1), the court may award appropriate relief, including temporary, preliminary, and permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for the aggrieved individual's attorneys and expert witnesses.

(3) STATUTORY DAMAGES.—With respect to compensatory damages in an action described in paragraph (1), the aggrieved individual may elect, at any time prior to the rendering of final judgment, to recover in lieu of actual damages, an award of statutory damages in the amount of $5,000 for each violation.

SEC. 409. EFFECTIVE DATE.

This title shall apply with respect to any action taken on or after the date of enactment of this Act.

TITLE V—WORKPLACE SAFETY PROGRAM TAX CREDIT

SEC. 501. CREDIT FOR COSTS TO EMPLOYERS OF IMPLEMENTING WORKPLACE SAFETY PROGRAMS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following:

''SEC. 45G. WORKPLACE SAFETY PROGRAM CREDIT.

''(a) IN GENERAL.—For purposes of section 38, the workplace safety program credit determined under this section for the taxable

year is, for any employer, an amount equal to 40 percent of the domestic and sexual violence safety and education costs paid or incurred by such employer during the taxable year.

''(b) DEFINITIONS.—For purposes of this section—

''(1) DOMESTIC AND SEXUAL VIOLENCE SAFETY AND EDUCATION COST.—

''(A) IN GENERAL.—The term 'domestic and sexual violence safety and education cost' means any cost certified by the Secretary of Labor to the Secretary as being for the purpose of—

''(i) ensuring the safety of employees from domestic or sexual violence,

''(ii) providing assistance to employees and the spouses and dependents of employees with respect to domestic or sexual violence,

''(iii) providing legal or medical services to employees and the spouses and dependents of employees subjected to, or at risk from, domestic or sexual violence,

''(iv) educating employees about the issue of domestic or sexual violence, or

''(v) implementing human resource or personnel policies initiated to protect employees from domestic or sexual violence or to support employees who have been victims of domestic or sexual violence.

''(B) TYPES OF COSTS.—Such term includes costs certified by the Secretary of Labor to the Secretary as being for the purpose of—

''(i) the hiring of new security personnel in order to address domestic or sexual violence,

''(ii) the creation of buddy systems or escort systems for walking employees to parking lots, parked cars, subway stations, or bus stops, in order to address domestic or sexual violence,

''(iii) the purchase or installation of new security equipment, including surveillance equipment, lighting fixtures, cardkey access systems, and identification systems, in order to address domestic or sexual violence,

''(iv) the establishment of an employee assistance line or other employee assistance services, in order to address domestic or sexual violence, for the use of individual employees, including counseling or referral services undertaken in consultation and coordination with national, State, or local domestic violence coalitions, sexual assault coalitions, domestic violence programs, or sexual assault programs,

''(v) the retention of an attorney to provide legal services to employees seeking restraining orders or other legal recourse from domestic or sexual violence,

''(vi) the establishment of medical services addressing the medical needs of employees who are victims of domestic or sexual violence,

''(vii) the retention of a financial expert or an accountant to provide financial counseling to employees seeking to escape from domestic or sexual violence,

''(viii) the establishment of an education program for employees, consisting of seminars or training sessions about domestic or sexual violence undertaken in consultation and coordination with national, State, or local domestic violence coalitions, sexual assault coalitions, domestic violence programs, or sexual assault programs,

''(ix) studies of the cost, impact, or extent of domestic or sexual violence at the employer's place of business, if such studies are made available to the public and protect the identity of employees included in the study,

''(x) the publication of a regularly disseminated newsletter or other regularly disseminated educational materials about domestic or sexual violence,

''(xi) the implementation of leave policies for the purpose of allowing or accommodating the needs of victims of domestic or sexual violence to pursue counseling, legal assistance, or safety planning, including leave from work to attend meetings with attorneys, to give evidentiary statements or depositions, and to attend hearings or trials in court,

''(xii) the implementation of flexible work policies for the purpose of allowing or accommodating the needs of employees who are victims of domestic or sexual violence, or employees at risk with respect to such crimes, to avoid assailants,

''(xiii) the implementation of transfer policies for the purpose of allowing or accommodating the needs of employees subjected to domestic or sexual violence to change office locations within the company in order to avoid assailants or to allow the transfer of an employee who has perpetrated domestic or sexual violence in order to protect the victim, including payment of costs for the transfer and relocation of an employee to another city, county, State, or country for the purpose of maintaining an employee's safety from domestic or sexual violence, or

''(xiv) the provision of any of the services described in clauses (iv) through (viii) to the spouses or dependents of employees.

''(C) NOTIFICATION OF POSSIBLE TAX CONSEQUENCES.—In no event shall any cost for goods or services which may be included in the income of any employee receiving or benefiting from such goods or services be treated as a domestic and sexual violence safety and education cost unless the employer notifies the employee in writing of the possibility of such inclusion.

''(2) DOMESTIC OR SEXUAL VIOLENCE.—The term 'domestic or sexual violence' means domestic violence, dating violence, sexual assault, or stalking, as those terms are defined in section 3 of the Security and Financial Empowerment Act.

''(3) DOMESTIC VIOLENCE COALITION; SEXUAL ASSAULT COALITION.—The terms 'domestic violence coalition' and 'sexual assault coalition' have the meanings given the terms in section 3 of the Security and Financial Empowerment Act.

''(4) EMPLOYEE.—The term 'employee' means a person who is an employee, as defined in section 3(9) of the Security and Financial Empowerment Act, except that the person may be employed by any employer described in paragraph (5).

''(5) EMPLOYER.—The term 'employer' means a person who is an employer, as defined in section 3(10) of such Act, determined without regard to the number of individuals employed.

''(c) COORDINATION WITH OTHER PROVISIONS.—No credit or deduction shall be allowed under any other provision of this title for any amount for which a credit is allowed under this section.''.

(b) TREATMENT AS GENERAL BUSINESS CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 (relating to general business credit) is amended by striking ''plus'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting '', plus'', and by adding at the end the following:

''(16) the workplace safety program credit determined under section 45G.''.

(2) TRANSITIONAL RULE FOR CARRYBACKS.—Subsection (d) of section 39 of such Code (relating to transitional rules) is amended by adding at the end the following:

''(11) NO CARRYBACK OF SECTION 45G CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the workplace safety program credit determined under section 45G may be carried back to a taxable year beginning before January 1, 2004.''.

(3) DEDUCTION FOR UNUSED CREDITS.—Subsection (c) of section 196 of such Code (relating to deduction for certain unused business credits) is amended by striking ''and'' at the end of paragraph (9), by striking the period at the end of paragraph (10) and inserting '', and'', and by adding at the end the following:

''(11) the workplace safety program credit determined under section 45G.''.

(c) CREDIT NOT A DEFENSE IN LEGAL ACTIONS.—The allowance of a credit under section 45G of the Internal Revenue Code of 1986 (as added by this section) shall not absolve employers of their responsibilities under any other law and shall not be construed as a defense to any legal action (other than legal action by the Secretary of the Treasury under such Code).

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''Sec. 45G. Workplace safety program credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

TITLE VI—NATIONAL CLEARINGHOUSE ON DOMESTIC AND SEXUAL VIOLENCE IN THE WORKPLACE GRANT

SEC. 601. NATIONAL CLEARINGHOUSE ON DOMESTIC AND SEXUAL VIOLENCE IN THE WORKPLACE GRANT.

(a) AUTHORITY.—The Attorney General may award a grant in accordance with this section to a private, nonprofit entity or tribal organization that meets the requirements of subsection (b), in order to provide for the establishment and operation of a national clearinghouse and resource center to provide information and assistance to employers, labor organizations, and advocates on behalf of victims of domestic or sexual violence, in their efforts to develop and implement appropriate responses to assist those victims.

(b) GRANTEES.—Each applicant for a grant under this section shall submit to the Attorney General an application, which shall—

(1) demonstrate that the applicant—

(A) has a nationally recognized expertise in the area of domestic violence, dating violence, sexual assault, and stalking, and a record of commitment and quality responses to reduce domestic violence, dating violence, sexual assault, and stalking; and

(B) will provide matching funds from non-Federal sources in an amount equal to not less than 10 percent of the total amount of the grant awarded under this section; and

(2) include a plan to maximize, to the extent practicable, outreach to employers (including private companies, as well as public entities such as universities, and State and local governments) in developing and implementing appropriate responses to assist employees who are victims of domestic or sexual violence.

(c) USE OF GRANT AMOUNT.—A grant under this section may be used for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to assemble, maintain, and disseminate to employers, labor organizations, and advocates described in subsection (a), information on and appropriate responses to domestic violence, dating violence, sexual assault, and stalking, including—

(1) training to promote a better understanding of appropriate assistance to employee victims;

(2) conferences and other educational opportunities;

(3) development of protocols and model workplace policies;

(4) employer- and union-sponsored victim services and outreach counseling; and

(5) assessments of the workplace costs of domestic violence, dating violence, sexual assault, and stalking.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for each of fiscal years 2004 through 2008.

TITLE VII—SEVERABILITY

SEC. 701. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of the provisions of this Act, the amendments made by this Act, and the application of such provisions or amendments to any person or circumstance shall not be affected.

By Mr. ENZI:

S. 1803. A bill to expand the applicability of daylight saving time; to the Committee on Commerce, Science, and Transportation.

Mr. ENZI. Mr. President, this Friday, October 31, families all over America will be celebrating a special holiday that has become a family tradition. On that day, our children will be dressing up as their favorite characters and clowns and heading down the street to scour the neighborhood in search of their favorite candies and sweets. As each group of witches, goblins and ghouls patrols the neighborhood, the cries of ''Trick or Treat'' will be heard everywhere along with the shouts of joy and excitement from each participant as they bring home a bag full of all sorts of candy to share with the whole family.

Although it is a great holiday, there has always been one great concern about it—the safety of our children. It is a concern that stems from the time change that occurs the weekend before Halloween. Unfortunately, when Congress passed legislation authorizing the use of daylight saving time, we drew the lines one week short of Halloween. Instead of including it in the time change boundaries, Congress drew the finish line for daylight saving time one week short, so that it ended the weekend before, instead of after the night so many of our children will be out walking the streets of their neighborhood in pursuit of their favorite holiday treats.

That is why I am pleased to introduce the Halloween Safety Act of 2003. Its purpose is to extend the end date of daylight saving time from the last Sunday in October to the first Sunday in November. This simple, but important, change will ensure that the protections of daylight saving time extend through Halloween.

The idea of extending daylight saving time was introduced to me by Sharon Rasmussen, a second grade teacher from Sheridan, WY and her students. Twelve years ago Mrs. Rasmussen's class began writing to Wyoming's representatives expressing their wish to have an extra hour of daylight on Halloween to ensure the safety of small children. Each year since then I have received a packet of letters from Mrs. Rasmussen's class encouraging my support for this reasonable proposal.

Legislation has been introduced in the past to extend daylight saving time. Although many of the bills sought to change both the starting date and the ending date, the legislation I introduced today would simply extend it for one week.

The reason why such a change needs to be made is readily apparent. According to the Insurance Institute for Highway Safety, over four thousand eight hundred people died in 2001, that is an average of 13 deaths per day. Fatal pedestrian-motor vehicle collisions occur most often between 6 and 9 p.m. Unfortunately, these general trends are highly magnified on Halloween given the considerable increase in pedestrians, most of whom are children. A study by the National Center for Injury Prevention and Control concluded that the occurrence of pedestrian deaths for children ages 5 to 14 is four times higher on Halloween than any other night of the year. School and communities encourage children and parents to use safety measures when children venture out on Halloween and the Halloween Safety Act can further help protect our nation's youth.

When students take an interest in improving our Nation's laws, especially when it would serve to protect other children, I believe it is our duty to pay close attention to their needs and respond if possible. If children concerned about their own safety suggest a reasonable approach to making their world a little bit safer, I believe that accommodating their request is not too much to ask. The fact that second and third grade students in Sheridan, WY have been working on this legislation for years shows that protecting the children of our country is a primary concern of theirs, and it should be for all of us as lawmakers. If one life can be saved or one accident avoided by extending Daylight Saving Time, it would be worthwhile.

I encourage all my colleagues to support this act for the important benefits the Halloween Safety Act of 2003 would have for children and their parents.

By Mr. BREAUX (for himself, Mr. LOTT, and Mr. HOLLINGS):

S. 1804. A bill to reauthorize programs relating to sport fishing and recreational boating safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BREAUX. Mr. President, I rise today to introduce the Sport Fishing Restoration and Boating Safety Act of 2003. The legislation, cosponsored by Senator LOTT and Senator HOLLINGS is funded through the Aquatic Resources Trust fund, which I am honored to know is commonly referred to as the Wallop-Breaux Trust Fund (Wallop-Breaux). This bill reauthorizes activities funded by two of the Nation's most effective ''user-pay, user-benefit'' programs—the Sport Fish Restoration Fund and the Recreational Boating Safety Fund—which constitute the ''Wallop-Breaux'' program.

In 1984, when I was a member of the House of Representatives, I had the privilege of sponsoring, along with then Senator Malcolm Wallop, what I consider to be the most significant legislation for anglers and boaters to have passed the Congress. We guided through the House and Senate legislation that greatly increased funds for fishery and boating and related programs in virtually every State of our Nation. In 1985, the first year that the Wallop-Breaux amendments were effective, their impact caused the funding for fishing and boating programs to increase from approximately $35 million to $100 million. Funded by a Federal manufacturers' excise taxes on fishing equipment and a percentage of the Federal fuel tax attributed to use in motor boats and small engines, Wallop-Breaux will this year alone provide to the States approximately $450 million to the greatest of outdoor recreations—fishing and boating. It is sometimes difficult to fathom, but over the past nineteen years, Wallop-Breaux has disbursed upwards of $5 billion to the States to improve recreational boating and fishing, promote conservation, protect the environment and to conserve wetlands.

As my colleagues know, Wallop-Breaux and other important programs funded through the Highway Trust Fund received a five-month extension, awaiting consideration of full term reauthorization. Over the last two years, I have met with the American League of Anglers and Boaters (ALAB), the constituent group comprised of 34 organizations representing the spectrum of fishing and boating interests. The purpose of these meetings has been to prepare for introduction of this reauthorization legislation. I am pleased to report that ALAB support the legislation I bring before you today.

Foremost on everyone's agenda was the need to secure a stable and predictable funding base for boating safety grants to the states. The challenge was to increase the funding and dependability of delivery of boating safety grants to the States.

I pledged my support to these Wallop-Breaux constituent groups to enact improvements to the overall program. After countless meetings and considerable deliberation, I am pleased to report that the legislation I am introducing today reflects a general consensus on improving Wallop-Breaux to the benefit of all stakeholders. I want to stress that this would not have been possible without the leadership of Senator LOTT, Senator HOLLINGS and other key members of the committees having joint-jurisdiction over Wallop-Breaux programs. Under the legislation, Boating Safety Grants will now have guaranteed and increased funding. This program will now receive 18 percent of the total Wallop-Breaux, increasing present funding from $64 million to $95 million in the first year of enactment.

The legislation also dissolves the Boat Safety account. The balance currently in the account plus the interest,

approximately $87 million, will be distributed over the next five years to accounts in the fund.

State boat safety grants will now have a 3 to 1 match, the same as the Sport Fish Restoration grants, enabling state funds to go farther by reimbursing them 75 cents for every Federal dollar.

And lastly, all programs funded through Wallop-Breaux will be assigned a percentage of the total fund to allow a simpler and fairer process. When the amount of funds increase or decrease so will all of the programs based upon their percentage.

The growing popularity of recreational boating and fishing has created safety, environmental, and access needs that have been successfully addressed by the two Wallop-Breaux programs—Recreational Boating Safety and Sport Fish Restoration. The reauthorization is important for the safety of boaters, the continued enjoyment of fishermen, and improvement of our wetlands and waterways.

This reauthorization will allow continued funding of programs that benefit boating safety, coastal wetland protection and restoration and sportfish restoration, as well as Clean Vessel Act grants that help to keep our waterways clean.

I appreciate the opportunity to discuss the positive impact of Wallop-Breaux programs in years past, as well as presenting significant improvements contained in the legislation that I am introducing today. I ask that my colleagues join Senator LOTT, Senator HOLLINGS and me in cosponsoring this landmark legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered printed in the RECORD as follows:

S. 1804

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 ''Sport Fishing and Recreational Boating Safety Act''.

TITLE I—FEDERAL AID IN SPORT FISH RESTORATION ACT AMENDMENTS

SEC. 101. AMENDMENT OF FEDERAL AID IN FISH RESTORATION ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Act entitled ''An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes,'' approved August 9, 1950 (64 Stat. 430; 16 U.S.C. 777 et seq.).

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 3 (16 U.S.C. 777b) is amended—

(1) by striking ''the succeeding fiscal year.'' in the third sentence and inserting ''succeeding fiscal years.''; and

(2) by striking ''in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport and recreation.'' and inserting ''to supplement the 55.3 percent of each annual appropriation to be apportioned among the States, as provided for in section 4(b) of this Act.''.

SEC. 103. DIVISION OF ANNUAL APPROPRIATIONS.

Section 4 (16 U.S.C. 777c) is amended—

(1) by striking subsections (a) through (d) and redesignating subsections (e), (f), and (g) as subsections (b), (c), and (d);

(2) by inserting before subsection (b), as redesignated, the following:

''(a) IN GENERAL.—For fiscal years 2004 through 2009, each annual appropriation made in accordance with the provisions of section 3 of this Act shall be distributed as follows:

''(1) COASTAL WETLANDS.—18 percent to the Secretary of the Interior for distribution as provided in the Coastal Wetlands Planning, Protection, and Restoration Act (16 U.S.C. 3951 et seq.).

''(2) BOATING SAFETY.—18 percent to the Secretary of Homeland Security for State recreational boating safety programs under section 13106 of title 46, United States Code.

''(3) CLEAN VESSEL ACT.—1.9 percent to the Secretary of the Interior for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

''(4) BOATING INFRASTRUCTURE.—1.9 percent to the Secretary of the Interior for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)).

''(5) NATIONAL OUTREACH AND COMMUNICATIONS.—1.9 percent to the Secretary of the Interior for the National Outreach and Communications Program under section 8(d) of this Act. Such amounts shall remain available for 3 fiscal years, after which any portion thereof that is unobligated by the Secretary for that program may be expended by the Secretary under subsection (b) of this section.

''(6) SET-ASIDE FOR EXPENSES FOR ADMINISTRATION OF THIS CHAPTER.

''(A) In general.—2.1 percent to the Secretary of the Interior for expenses for administration incurred in implementation of this Act, in accordance with this section, section 9, and section 14 of this Act.

''(B) APPORTIONMENT OF UNOBLIGATED FUNDS.—If any portion of the amount made available to the Secretary under subparagraph (a) remains unexpended and unobligated at the end of a fiscal year, that portion shall be apportioned among the States, on the same basis and in the same manner as other amounts made available under this Act are apportioned among the States under subsection (b) of this section, within 60 days after the end of that fiscal year. Any amount apportioned among the States under this subparagraph shall be in addition to any amounts otherwise available for apportionment among the States under subsection (b) for the fiscal year.'';

(3) by striking ''of the Interior, after the distribution, transfer, use, and deduction under subsections (a), (b), (c), and (d), respectively, and after deducting amounts used for grants under section 14, shall apportion the remainder'' in subsection (b), as redesignated, and inserting ''shall apportion 55.3 percent'';

(4) by striking ''per centum'' each place it appears in subsection (b), as redesignated, and inserting ''percent'';

(5) by striking ''subsections (a), (b)(3)(A), (b)(3)(B), and (c)'' in paragraph (1) of subsection (d), as redesignated, and inserting ''paragraphs (1), (3), (4), and (5) of subsection (a)''; and

(6) by adding at the end the following:

''(e) TRANSFER OF CERTAIN FUNDS.—Amounts available under paragraphs (3) and (4) of subsection (a) that are unobligated by the Secretary after 3 fiscal years shall be transferred to the Secretary of Homeland Security and shall be expended for State recreational boating safety programs under section 13106(a) of title 46, United States Code.''.

SEC. 104. MAINTENANCE OF PROJECTS.

Section 8 (16 U.S.C. 777g) is amended—

(1) by striking ''in carrying out the research program of the Fish and Wildlife Service in respect to fish of material value for sport or, recreation.'' in subsection (b)(2) and inserting ''to supplement the 55.3 percent of each annual appropriation to be apportioned among the States under section 4(b) of this Act.''; and

(2) by striking ''subsection (c) or (d) of section 4'' in subsection (d) (3) and inserting ''paragraph (5) or (6) of section 4(a)''.

SEC. 105. BOATING INFRASTRUCTURE.

Section 7404(d)(1) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)(1)) is amended by striking ''section 4(b)(3)(B)'' and inserting ''section 4(a)(4)''.

SEC. 106. REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.

Section 9 (16 U.S.C. 777h) is amended—

(1) by striking ''section 4(d)(1)'' in subsection (a) and inserting ''section 4(a)(6)''; and

(2) by striking ''section 4(d)(1)'' in subsection (b)(1) and inserting ''section 4(a)(6)''.

SEC. 107. PAYMENTS OF FUNDS TO AND COOPERATION WITH PUERTO RICO, THE DISTRICT OF COLUMBIA, GUAM, AMERICAN SAMOA, COMMONWEALTH OF THE NORTHERN MARINA ISLANDS, AND VIRGIN ISLANDS.

Section 12 (16 U.S.C. 777k) is amended by striking ''in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport or recreation.'' and inserting ''to supplement the 55.3 percent of each annual appropriation to be apportioned among the States under section 4(b) of this Act.''.

SEC. 108. MULTISTATE CONSERVATION GRANT PROGRAM.

Section 14 (16 U.S.C. 777m) is amended—

(1) by striking so much of subsection (a) as precedes paragraph (2) and inserting the following: ''(a) IN GENERAL.

''(1) AMOUNT FOR GRANTS.—For each of fiscal years 2004 through 2009, 0.9 percent of each annual appropriation made in accordance with the provisions of section 3 of this Act shall be distributed to the Secretary of the Interior for making multistate conservation project grants in accordance with this section.'';

(2) by striking ''section 4(e)'' each place it appears in subsection (a)(2)(B) and inserting ''section 4(b)''; and

(3) by striking ''Of the balance of each annual appropriation made under section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section 4 for each fiscal year and after deducting amounts used for grants under subsection (a)—'' in subsection (e) and inserting ''Of amounts made available under section 4(a)(6) for each fiscal year—''.

TITLE II—AMENDMENTS TO THE TRUST FUND CODE

SEC. 201. TRANSFERS FROM THE TRUST FUND FOR MOTORBOAT FUEL TAXES.

Paragraph (4) of section 9503(c) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)) is amended—

(1) by striking so much of that paragraph as precedes subparagraph (C) and inserting the following:

''(4) TRANSFERS FROM THE TRUST FUND FOR MOTORBOAT FUEL TAXES.

''(A) TRANSFER TO LAND AND WATER CONSERVATION FUND.

''(i) IN GENERAL.—The Secretary shall pay from time to time from the Highway Trust

Fund into the land and water conservation fund provided for in title I of the Land and Water Conservation Fund Act of 1965 amounts (as determined by him) equivalent to the motorboat fuel taxes received on or after October 1, 2003, and before October 1, 2009.

''(ii) LIMITATION.—The aggregate amount transferred under this subparagraph during any fiscal year shall not exceed $1,000,000.

''(B) EXCESS FUNDS TRANSFERRED TO SPORT FISH RESTORATION ACCOUNT.—Any amounts received in the Highway Trust Fund—

''(i) which are attributable to motorboat fuel taxes, and

''(ii) which are not transferred from the Highway Trust Fund under subparagraph (A),

shall be transferred by the Secretary from the Highway Trust Fund into the Sport Fish Restoration Account in the Aquatic Resources Trust Fund.''; and

(2) By striking subparagraph (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

SEC. 202. EXPENDITURES FROM THE BOAT SAFETY ACCOUNT.

Section 9504(c) of the Internal Revenue Code of 1986 (26 U.S.C. 9504(c)) is amended to read as follows:

''(c) EXPENDITURES FROM BOAT SAFETY ACCOUNT.—Amounts in the Boat Safety Account on the date of enactment of the Sport Fishing and Recreational Boating Safety Act, and amounts thereafter credited to the Account under section 9602(b), shall be available, without further appropriation, in the following amounts:

''(1) In fiscal year 2004, $28,155,000 shall be distributed—

''(A) under section 4 of the Act entitled ''An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes,'' approved August 9, 1950 (16 U.S.C. 777c) in the following manner:

''(i) $11,200,000 to be added to funds available under subsection (a)(2) of that section,

''(ii) $1,245,000 to be added to funds available under subsection (a)(3) of that section,

''(iii) $1,245,000 to be added to funds available under subsection (a)(4) of that section,

''(iv) $1,245,000 to be added to funds available under subsection (a)(5) of that section, and

''(v) $12,800,000 to be added to funds available under subsection (b) of that section, and

''(B) under section 14 of that Act (16 U.S.C. 777m), $420,000, to be added to funds available under subsection (a)(1) of that section.

''(2) In fiscal year 2005, $22,419,000 shall be distributed—

''(A) under section 4 of that Act (16 U.S.C. 777c) in the following manner:

''(i) $8,075,000 to be added to funds available under subsection (a)(2) of that section,

''(ii) $713,000 to be added to funds available under subsection (a)(3) of that section,

''(iii) $713,000 to be added to funds available under subsection (a)(4) of that section,

''(iv) $713,000 to be added to funds available under subsection (a)(5) of that section, and

''(v) $11,925,000 to be added to funds available under subsection (b) of that Act, and

''(B) under section 14 of that Act (16 U.S.C. 777m), $280,000 to be added to funds available under subsection (a)(1) of that section.

''(3) In fiscal year 2006, $17,139,000 shall be distributed—

''(A) under section 4 of that Act (16 U.S.C. 777c) in the following manner:

''(i) $6,800,000 to be added to funds available under subsection (a)(2) of that section,

''(ii) $333,000 to be added to funds available under subsection (a)(3) of that section,

''(iii) $333,000 to be added to funds available under subsection (a)(4) of that section,

''(iv) $333,000 to be added to funds available under subsection (a)(5) of that section, and

''(v) $9,200,000 to be added to funds available under subsection (b) of that section, and

''(B) under section 14 of that Act (16 U.S.C. 777m), $140,000, to be added to funds available under subsection (a)(1) of that section.

''(4) In fiscal year 2007, $12,287,000 shall be distributed—

''(A) under section 4 of that Act (16 U.S.C. 777c) in the following manner:

''(i) $5,100,000 to be added to funds available under subsection (a)(2) of that section,

''(ii) $48,000 to be added to funds available under subsection (a)(3) of that section,

''(iii) $48,000 to be added to funds available under subsection (a)(4) of that section,

''(iv) $48,000 to be added to funds available under subsection (a)(5) of that section, and

''(v) $6,900,000 to be added to funds available under subsection (b) of that section, and

''(B) under section 14 of that Act (16 U.S.C. 777m), $143,000, to be added to funds available under subsection (a)(1) of that section.

''(5) In fiscal year 2008, all remaining fiends in the Account shall be distributed under section 4 of that Act (16 U.S.C. 777c) in the following manner:

''(A) one-third to be added to funds available under subsection (b), and

''(B) two-thirds to be added to funds available under subsection (h).''.

TITLE III—CLEAN VESSEL ACT AMENDMENTS

SEC. 301. GRANT PROGRAM.

Section 5604(C)(2) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note) is amended

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

TITLE IV—RECREATIONAL BOATING SAFETY PROGRAM AMENDMENTS

SEC. 401. STATE MATCHING FUNDS REQUIREMENT.

Section 13103(b) of title 46, United States Code, is amended by striking ''one-half'' and inserting ''75 percent''.

SEC. 402. AVAILABILITY OF ALLOCATIONS.

Section 13104(a) of title 46, United States Code, is amended—

(1) by striking ''2 years'' in paragraph (1) and inserting ''3 years''; and

(2) by striking ''2–year'' in paragraph (2) and inserting ''3-year''.

SEC. 403. AUTHORIZATION OF APPROPRIATIONS FOR STATE RECREATIONAL BOATING SAFETY PROGRAMS.

Section 13106(c) of title 46, United States Code, is amended—

(1) by striking ''Secretary of Transportation under paragraphs (2) and (3) of section 4(b)'' and inserting ''Secretary under subsections (a)(2) and (e) of section 4''; and

(2) by inserting ''a minimum of'' before ''$2,000,000''.

SEC. 404. MAINTENANCE OF EFFORT FOR STATE RECREATIONAL BOATING SAFETY PROGRAMS.

(a) IN GENERAL.—Chapter 131 of title 46, United States Code, is amended by inserting after section 13106 the following:

''§ 13107. Maintenance of effort for State recreational boating safety programs

''(a) IN GENERAL.—The amount payable to a State for a fiscal year from an allocation under section 13103 of this chapter shall be reduced if the usual amounts expended by the State for the State's recreational boating safety program, as determined under section 13105 of this chapter, for the previous fiscal year is less than the average of the total of such expenditures for the 3 fiscal years immediately preceding that previous fiscal year. The reduction shall be proportionate, as a percentage, to the amount by which the level of State expenditures for such previous fiscal year is less than the average of the total of such expenditures for the 3 fiscal years immediately preceding that previous fiscal year.

''(b) REDUCTION OF THRESHHOLD.—If the total amount available for allocation and distribution under this chapter in a fiscal year for all participating State recreational boating safety programs is less than such amount for the preceding fiscal year, the level of State expenditures required under subsection (a) of this section for the preceding fiscal year shall be decreased proportionately.

''(c) WAIVER.—

''(1) IN GENERAL.—Upon the written request of a State, the Secretary may waive the provisions of subsection (a) of this section for 1 fiscal year if the Secretary determines that a reduction in expenditures for the State's recreational boating safety program is attributable to a non-selective reduction in expenditures for the programs of all Executive branch agencies of the State government, or for other reasons if the State demonstrates to the Secretary's satisfaction that such waiver is warranted.

''(2) 30-DAY DECISION.—The Secretary shall approve or deny a request for a waiver not later than 30 days after the date the request is received.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 131 of title 46, United States Code, is amended by inserting after the item relating to section 13106 the following:

''13107. Maintenance of effort for State recreational boating safety programs.''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

SENATE RESOLUTION 255—SUPPORTING THE NATIONAL RAILROAD HALL OF FAME, INC., OF GALESBURG, ILLINOIS, IN ITS ENDEAVOR TO ERECT A MONUMENT KNOWN AS THE NATIONAL RAILROAD HALL OF FAME

Mr. DURBIN (for himself and Mr. FITZGERALD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 255

Whereas Galesburg, Illinois, has been linked to the history of railroading since 1849 when the Peoria and Oquawka Railroad was organized;

Whereas the citizens of Galesburg supported a railroad to Chicago which was chartered as the Central Military Tract Railroad in 1851;

Whereas upon completion of the Central Military Tract Railroad, the Northern Cross Railroad joined the Central Military Tract Railroad at Galesburg;

Whereas in 1886 Galesburg secured the Atchison, Topeka, and Santa Fe Railway and became one of the few places in the world served by 2 major railroads;

Whereas the National Railroad Hall of Fame, Inc., has been established in Galesburg and chartered under the laws of the State of Illinois as a not-for-profit corporation;

Whereas the objectives of the National Railroad Hall of Fame, Inc., include (1) perpetuating the memory of leaders and innovators in the railroad industry, (2) fostering, promoting, and encouraging a better understanding of the origins and growth of

railroads, especially in the United States, and (3) establishing and maintaining a library and collection of documents, reports, and other items of value to contribute to the education of all persons interested in railroading; and

Whereas the National Railroad Hall of Fame, Inc., is planning to erect a monument known as the National Railroad Hall of Fame to honor the men and women who actively participated in the founding and development of the railroad industry in the United States: Now, therefore, be it

Resolved, That the Senate supports the National Railroad Hall of Fame, Inc., of Galesburg, Illinois, in its endeavor to erect a monument known as the National Railroad Hall of Fame.

SENATE CONCURRENT RESOLUTION 78—CONDEMNING THE REPRESSION OF THE IRANIAN BAHA'I COMMUNITY AND CALLING FOR THE EMANCIPATION OF IRANIAN BAHA'IS

Mr. LEIBERMAN (for himself, Mr. MCCAIN, Mrs. FEINSTEIN, and Mr. BROWNBACK) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 78

Whereas in 1982, 1984, 1988, 1990, 1992, 1994, 1996, and 2000, Congress, by concurrent resolution, declared that it holds the Government of Iran responsible for upholding the rights of all Iranian nationals, including members of the Bahá'í Faith;

Whereas in those resolutions and in numerous other appeals, Congress has deplored the religious persecution by the Government of Iran of the Bahá'í community and has condemned the execution by Iran of more than 200 Bahá'ís and the disruptive imprisonment of thousands of others solely on account of their religious beliefs;

Whereas Iranian Bahá'ís are not permitted to elect their leaders, assemble or organize as a community, operate religious schools, or conduct other religious community activities that are guaranteed by the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1984;

Whereas the continued denial of Bahá'í property rights by the Iranian Government is demonstrated by the confiscation by the Iranian Government of a multitude of Bahá'í community and private properties;

Whereas the Government of Iran continues to deny individual Bahá'ís access to higher education and government employment, in addition to denying recognition and religious rights to the Bahá'í community;

Whereas because Bahá'ís have been banned from teaching and studying at Iranian universities since the Islamic Revolution, Bahá'ís established the Bahá'í Institute of Higher Education, or Bahá'í Open University, to provide educational opportunities to Bahá'í youth using volunteer faculty and a network of classrooms, libraries, and laboratories in private homes and buildings throughout Iran;

Whereas in September and October of 1998, officers of the Ministry of Information, the intelligence agency of the Iranian Government, arrested 36 faculty members of the Open University;

Whereas on July 19, 2002, Iranian Revolutionary Guards systematically disrupted student qualifying examinations for the Open University in 9 different districts by videotaping the proceedings, questioning the students, and confiscating examination papers and Bahá'í books;

Whereas the use of arbitrary arrests, suspended sentences, and short-term detentions against the Iranian Bahá'ís have become widespread;

Whereas as of June 2003, 4 Bahá'ís remain in Iranian prisons solely because of their religious beliefs: 1 serving a life sentence on charges of apostasy, 1 serving 4 years on charges of participation in Bahá'í activities, and 2 sentenced to 15 years imprisonment on charges of association with Bahá'í institutions;

Whereas on October 10, 2003, the Norwegian Nobel Committee awarded the Nobel Peace Prize for 2003 to Shirin Ebadi for her efforts involving democracy and human rights, including advocating equal rights for the Bahá'í community in Iran;

Whereas the conclusions contained in the report of October 13, 2003 by the General Affairs and External Relations Council of the European Union, conveyed the continuing concern of the European Union about the violations of the Bahá'ís' right to freedom of religion, and urged the Iranian Government to comply with both the recommendations made in June 2003 by the United Nations Working Group on Arbitrary Detention and with the recommendations made in August 2003 by the Committee on the Elimination of Racial Discrimination concerning injustice, particularly in relation to education, property rights, and employment; and

Whereas in the 2003 General Affairs and External Relations Council report, the European Union urged the Government of Iran to expedite reform on many fronts, while recognizing the meetings held in 2003 and the planned meetings that have been welcomed by the Government of Iran, to be an important step toward progress: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that Congress—

(1) continues to hold the Government of Iran responsible for upholding all the rights of its nationals, including members of the Bahá'í community, in a manner consistent with Iran's obligations under the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1984, and other international agreements guaranteeing the civil and political rights of Iranian citizens;

(2) condemns the repressive anti-Bahá'í policies and actions of the Government of Iran, including the denial of legal recognition to the Bahá'í community and the basic rights to organize, elect leaders, educate youth, and conduct the normal activities of a law-abiding religious community;

(3) expresses concern that individual Bahá'ís continue to suffer from severely repressive and discriminatory government actions, solely on account of their religion;

(4) urges the Government of Iran to permit Bahá'í students to attend Iranian universities and Bahá'í faculty to teach at Iranian universities, to return the property confiscated from the Bahá'í Open University, and to permit the Open University to continue to function;

(5) urges the Government of Iran to implement fully the conclusions and recommendations on the emancipation of the Iranian Bahá'í community made by the United Nations Working Group on Arbitrary Detention and also to comply with the recommendations made in August 2003 by the Committee on the Elimination of Racial Discrimination;

(6) urges the Government of Iran to extend to the Bahá'í community the rights guaranteed by the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1984, and other international covenants of human rights, including the freedoms of thought, conscience, and religion, and equal protection of the law;

(7) calls upon the President to continue to—

(A) assert the concerns of the United States Government regarding—

(i) the violations by the Iranian Government of the rights of Iranian citizens, including members of the Bahá'í community;

(ii) the support by the Iranian Government of international terrorism; and

(iii) the efforts of the Iranian Government to develop nuclear weapons and acquire weapons of mass destruction;

(B) emphasize that the United States regards the human rights practices of the Government of Iran, including its treatment of the Bahá'í community and other religious minorities, as a significant factor in the development of relations between the United States and Iran;

(C) urge the Government of Iran to emancipate the Bahá'í community by granting those rights guaranteed by the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1984, and other international covenants on human rights; and

(D) cooperate with international organizations, including the United Nations and its agencies, in efforts to protect the religious rights of the Bahá'ís and other minorities through joint appeals to the Government of Iran; and

(8) calls upon the President to—

(A) initiate an active and consistent dialogue with other governments who are influential with Iran in order to persuade the Government of Iran to rectify its human rights practices; and

(B) urge the European Union to use its relationship with Iran to address and advance these fundamental human rights issues.

Mr. LIEBERMAN. Mr. President, it is with continued concern that my respected colleagues and I bring to the Senate's attention for the ninth time in 21 years the continuing persecution of a minority religious group in Iran, the Bahá'í, by submitting today the Bahá'í Emancipation Act of 2003.

I fervently believe that the persistent maltreatment of the Bahá'í as well as other minority religious groups in Iran epitomizes the perilous state of affairs in the country of Iran. Thus, it is with a genuine compassion for all of the people of Iran but particularly for the followers of the Bahá'í faith that my colleagues and I are submitting this resolution highlighting the continuing abuse of this segment of the Iranian population. We are urging that the Bahá'í not only remain at the center of our attention, but that we join forces with other like-minded nations to put pressure on the Government of Iran to make permanent and lasting changes that will allow not only the followers of the Bahá'í faith but all people to live in peace and prosperity in Iran. Consistent attention of the nature represented by this resolution and its predecessors is necessary in order to achieve full emancipation for this peaceful, law-abiding community.

Although it appears that the overt measures used by the Government of Iran to harass and oppress the members of the Bahá'í faith since 1979 have

diminished, research by my staff indicates that a multitude of covert practices have been sustained and in many cases heightened over the past few years. Members of the Bahá'í community continue to be subject to various forms of harassment including arbitrary arrest and short-term detainment, confiscation of their public and private property, and disruption of their educational and religious gatherings. Moreover, the Bahá'í community continues to be deprived of many rights such as the right to elect their leaders, assemble as a community, access higher education, acquire government employment, receive due legal process, and practice the faith of their preference. As of June of this year, four Bahá'í practitioners were in Iranian prisons solely because of their religious beliefs: one on charges of apostasy who is serving a life sentence, one on charges of participation in Bahá'í activities who is serving four years, and two on charges of associations with Bahá'í institutions who have been sentenced to 15 years of imprisonment. This was unacceptable in the 18th, 19th, and 20th centuries and it certainly is unacceptable in the 21st century.

I would like to emphasize the idea of religious freedom because I strongly feel that each human being should have the right to choose and practice the faith of his or her choice. Iran has traditionally been designated a Country of Particular Concern in the Congressionally-mandated annual report as required by the International Religious Freedom Act. But, rather than being satisfied that the Government of Iran is reprimanded in this report, we need to take proactive steps to publicize the continued mistreatment of the Bahá'í faithful in Iran and to urge the Government of Iran to make the necessary changes. Legislation such as this is an important first step, but we must also work with others, including the European Union, to push for this objective. This legislation urges that the Administration do just that.

I would also like to take this opportunity to bring to the Senate's attention two related pieces of legislation, both of which I have joined as a cosponsor. The first is S. Res. 244 submitted by Senator BOXER that congratulates Shirin Ebadi for winning the 2003 Nobel Peace Prize and commending her for a lifetime of work promoting democracy and human rights. Shirin Ebadi is a very courageous woman who has risked her life to advocate for universal human rights and on many occasions specifically advocated equal rights for the Bahá'í community in Iran. I commend her global efforts and encourage the spreading of her convictions in order to attain a world of equal rights for all.

The second related piece of legislation that I am co-sponsoring is S. Con. Res. 73 submitted by Senator FEINSTEIN that expresses Congress's deep concerns over Iran's apparent efforts to develop nuclear weapons in contravention of its Nuclear Non-proliferation Treaty obligations and urging international pressure on Iran to abandon its nuclear weapons program. I am aware of the progress that has been made in recent days with the Iranian government's statements of intended cooperation with both the International Atomic Energy Agency's request that Iran sign an additional protocol to the Non-Proliferation Treaty and the recent negotiations involving the European Union but I remain wary of their actual intentions and I believe that we should not rest until the words that have been spoken have been followed up with concrete action.

Iran needs to be aware that it must make significant changes in the way it treats its own population and in the manner in which it conducts itself internationally if it wants to become a respected member on the world stage. These requests include but are not limited to cooperating with the European Union and potentially the United Nations, dealing appropriately with the infiltration of suspected terrorists and criminals along their border, halting all forms of terrorist support, cooperating with the U.S. and others on suspected terrorists and intelligence in conjunction with the global war on terror, and especially to provide human rights for each man, woman, and child in Iran regardless of creed or color. Iran must alter their enduring ways in order to earn international respect and to create better lives for all Iranians. A world where Iran is a respected and integral participant, where its inhabitants can co-exist and pursue happiness without constraint is not beyond our grasp but it will take continued focus and determination. I urge passage of the Bahá'í Emancipation Act of 2003 and recommend this administration to use all of the tools in its diplomatic toolbox to work through the United Nations, the IAEA, and with our friends and allies to strongly advise the government of Iran to exploit its full potential as a member of the international community.

AMENDMENTS SUBMITTED & PROPOSED

SA 2030. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1904, An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.

SA 2031. Mr. BINGAMAN (for himself, Mr. REID, and Ms. CANTWELL) proposed an amendment to the bill H.R. 1904, supra.

SA 2032. Mr. SANTORUM (for himself and Mr. BIDEN) 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 2033. Ms. COLLINS (for herself, Mr. REED, Mr. HARKIN, and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 1904, An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table.

SA 2034. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 1904, supra; which was ordered to lie on the table.

SA 2035. Mr. BINGAMAN proposed an amendment to the bill H.R. 1904, supra.

SA 2036. Mr. BINGAMAN proposed an amendment to the bill H.R. 1904, supra.

SA 2037. Mr. BAUCUS (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1904, supra; which was ordered to lie on the table.

SA 2038. Ms. CANTWELL (for herself and Mr. JEFFORDS) submitted an amendment intended to be proposed by her to the bill H.R. 1904, supra.

SA 2039. Mr. LEAHY (for himself, Mrs. BOXER, Mr. HARKIN, Mr. BINGAMAN, and Mr. DURBIN) proposed an amendment to the bill H.R. 1904, supra.

SA 2040. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 1904, supra; which was ordered to lie on the table.

SA 2041. Mr. ENSIGN (for himself, Ms. CANTWELL, and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill H.R. 1904, supra; which was ordered to lie on the table.

SA 2042. Mr. BINGAMAN proposed an amendment to the bill H.R. 1904, supra.

SA 2043. Mrs. BOXER (for herself and Mr. REID) proposed an amendment to the bill H.R. 1904, supra.

SA 2044. Mr. LUGAR (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 1904, supra; which was ordered to lie on the table.

SA 2045. Mr. HARKIN (for himself, Mr. LAUTENBERG, Mr. KENNEDY, Mrs. BOXER, Mr. LEAHY, and Mr. DURBIN) proposed an amendment to the bill H.R. 1904, supra.

SA 2046. Mr. COCHRAN proposed an amendment to the bill H.R. 1904, supra.

SA 2047. Mr. DURBIN (for himself, Mr. DASCHLE, Mr. CORZINE, Mr. BINGAMAN, Ms. STABENOW, 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.

SA 2048. Mr. BINGAMAN (for himself and Mr. DASCHLE) proposed an amendment to the bill H.R. 2800, supra.

SA 2049. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, supra.

SA 2050. Mr. MCCONNELL (for Mr. STEVENS) proposed an amendment to the bill H.R. 2800, supra.

TEXT OF AMENDMENTS

SA 2030. Mrs. MURRAY submitted an amendment intended to be proposed by

her to the bill H.R. 1904, An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

On page 17, line 16, after ''(3)'' insert ''(4)''

On page 18, line 23, strike ''by implementing'' and insert ''and implement''

On page 19, line 11, strike ''by implementing'' and insert ''and implement''

SA 2031. Mr. BINGAMAN (for himself, Mr. REID, and Ms. CANTWELL) proposed an amendment to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

At the appropriate place, insert the following two new sections:

SEC. . BORROWING AUTHORITY FOR FIRE SUPPRESSION.

(a) IN GENERAL.—The Secretary of the Treasury shall, upon the request of the Secretary of Agriculture, make available to the Secretary of Agriculture, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary in each fiscal year to carry out fire suppression activities. The Secretary of Agriculture may make such request only if fire suppression costs exceed the amount of funding available to the Forest Service for fire suppression in a fiscal year.

(b) AUDIT.—Not later than 180 days after the Secretary of Agriculture exercises the authority provided by this section, the Inspector General of the Department of Agriculture shall submit to the Secretary and to the Congress an audit of expenditures of funds provided under this section. Upon a determination by the Inspector General that specific amounts of such funds were used for purposes other than fire suppression, or upon a determination that specific expenditures of such funds were both unreasonable and excessive, the Secretary, not later than 30 days after receiving the audit of the Inspector General, shall reimburse the Treasury, out of unobligated balances for the Forest Service for the fiscal year in which the funds were provided, for the amounts so identified by the Inspector General.

SEC. . COMMUNITY PROTECTION AND BURNED AREA RESTORATION.

(a) IN GENERAL.—During fiscal years 2004 through 2008, the Secretaries shall carry out a joint program to reduce the risk of wildfire to structures and restore burned areas on non-Federal lands, including county-owned lands, tribal lands, nonindustrial private lands, and State lands, using the authorities available pursuant to this section, the National Fire Plan and the Emergency Watershed Protection program.

(b) COST SHARE GRANTS.—In implementing this section, the Secretaries may make cost-share grants to Indian tribes, local fire districts, municipalities, homeowner associations, and counties, to remove, transport, and dispose of hazardous fuels around homes and property to—

(1) prevent structural damage as a result of wildfire, or

(2) to restore or rehabilitate burned areas on non-Federal lands.

(c) NON-FEDERAL CONTRIBUTION.—The non-Federal contribution may be in the form of cash or in-kind contribution.

(d) APPROPRIATION AND AVAILABILITY OF FUNDS.—The Secretary of the Treasury shall make available to the Secretaries out of any money in the Treasury not otherwise appropriated $100,000,000 for each of fiscal years 2004 through 2008 to carry out this section, which shall remain available until expended.

SA 2032. Mr. SANTORUM (for himself and Mr. BIDEN) 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. ___. TECHNICAL CORRECTION RELATING TO THE ENHANCED HIPC INITIATIVE.

Section 1625(a)(1)(B)(ii) of the International Financial Institutions Act (as added by section 501 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25)) is amended by striking ''subparagraph (A)'' and inserting ''clause (i)''.

SA 2033. Ms. COLLINS (for herself, Mr. REED, Mr. HARKIN, and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8___. SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM; FOREST LEGACY PROGRAM.

(a) SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM.—The Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) is amended by adding at the end the following:

''SEC. 21. SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) COMMITTEE.—The term 'Committee' means a State Forest Stewardship Coordinating Committee established under section 19(b).

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a unit of local government or a nonprofit organization that—

''(A) the Secretary determines, in accordance with the criteria established under subsection (c)(1)(A)(ii)(II) is eligible to receive a grant under subsection (c)(2); and

''(B) the State forester, in consultation with the Committee, determines—

''(i) has the abilities necessary to acquire and manage interests in real property; and

''(ii) has the resources necessary to monitor and enforce any terms applicable to the eligible project.

''(3) ELIGIBLE PROJECT.—The term 'eligible project' means a fee purchase, easement, or donation of land to conserve private forest land identified for conservation under subsection (c)(1)(A)(ii)(I).

''(4) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(5) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means any organization that is—

''(A) described in section 501(c) of the Internal Revenue Code of 1986; and

''(B) exempt from taxation under 501(a) of the Internal Revenue Code of 1986.

''(6) PRIVATE FOREST LAND.—The term 'private forest land' means land that is—

''(A) capable of producing commercial forest products; and

''(B) owned by—

''(i) a private entity; or

''(ii) an Indian tribe.

''(7) PROGRAM.—The term 'program' means the Suburban and Community Forestry and Open Space Program established by subsection (b).

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Forest Service a program to be known as the 'Suburban and Community Forestry and Open Space Program'.

''(2) PURPOSE.—The purpose of the program is to provide assistance to eligible entities to carry out eligible projects in States in which less than 25 percent of the land is owned by the United States to—

''(A) conserve private forest land and maintain working forests in areas threatened by significant suburban sprawl or by conversion to nonforest uses; and

''(B) provide communities a means by which to address significant suburban sprawl.

''(c) GRANT PROGRAM.—

''(1) IDENTIFICATION OF ELIGIBLE PRIVATE FOREST LAND.—

''(A) CRITERIA.—

''(i) NATIONAL CRITERIA.—The Secretary shall establish national eligibility criteria for the identification of private forest land that may be conserved under this section.

''(ii) STATE CRITERIA.—The State forester, in consultation with the Committee, shall, based on the criteria established under clause (i), and subject to the approval of the Secretary, establish criteria for—

''(I) the identification, subject to subparagraph (B), of private forest land in each State that may be conserved under this section; and

''(II) the identification of eligible entities.

''(B) CONDITIONS FOR ELIGIBLE PRIVATE FOREST LAND.—Private forest land identified for conservation under subparagraph (A)(ii)(I) shall be land that—

''(i) is located in a State in which less than 25 percent of the land is owned by the United States; and

''(ii) as determined by the State forester, in consultation with the Committee and subject to the approval of the Secretary—

''(I) is located in an area that is affected, or threatened to be affected, by significant

suburban sprawl, taking into account housing needs in the area; and

''(II) is threatened by present or future conversion to nonforest use.

''(2) GRANTS.—

''(A) ELIGIBLE PROJECTS.—

''(i) IN GENERAL.—In carrying out this section, the Secretary shall award competitive grants to eligible entities to carry out eligible projects.

''(ii) PUBLIC ACCESS.—Eligible entities are encouraged to provide public access to land on which an eligible project is carried out.

''(B) APPLICATION; STEWARDSHIP PLAN.—An eligible entity that seeks to receive a grant under this section shall submit to the State forester—

''(i) at such time and in such form as the Secretary shall prescribe, an application for the grant (including a description of any private forest land to be conserved using funds from the grant and a description of the extent of the threat of conversion to nonforest use); and

''(ii) a stewardship plan that describes the manner in which—

''(I) any private forest land to be conserved using funds from the grant will be managed in accordance with this section;

''(II) the stewardship plan will be implemented; and

''(III) the public benefits to be achieved from implementation of the stewardship plan.

''(C) ASSESSMENT OF NEED.—With respect to an application submitted under subparagraph (B), the State forester shall—

''(i) assess the need for preserving suburban forest land and open space and containing suburban sprawl in the State, taking into account the housing needs of the area in which the eligible project is to be carried out; and

''(ii) submit to the Secretary—

''(I) the application submitted under subparagraph (B); and

''(II) the assessment of need.

''(D) APPROVAL OR DISAPPROVAL.—

''(i) IN GENERAL.—Subject to clause (ii), as soon as practicable after the date on which the Secretary receives an application under subparagraph (C)(ii) or a resubmission under subclause (II)(bb)(BB), the Secretary shall—

''(I) review the application; and

''(II)(aa) award a grant to the applicant; or

''(bb)(AA) disapprove the application; and

''(BB) provide the applicant a statement that describes the reasons why the application was disapproved (including a deadline by which the applicant may resubmit the application).

''(ii) CONSIDERATIONS; PRIORITY.—In awarding grants under this section, the Secretary shall—

''(I) consider the need for the eligible project based on the assessment of need submitted under subparagraph (C) and subject to any criteria under paragraph (1); and

''(II) give priority to applicants that propose to fund eligible projects that promote—

''(aa) the preservation of suburban forest land and open space;

''(bb) the containment of suburban sprawl;

''(cc) the sustainable management of private forest land;

''(dd) community involvement in determining the objectives for eligible projects that are funded under this section; and

''(ee) community and school education programs and curricula relating to sustainable forestry.

''(3) COST SHARING.—

''(A) IN GENERAL.—The amount of a grant awarded under this section to carry out an eligible project shall not exceed 50 percent of the total cost of the eligible project.

''(B) ASSURANCES.—As a condition of receipt of a grant under this section, an eligible entity shall provide to the Secretary such assurances as the Secretary determines are sufficient to demonstrate that the share of the cost of each eligible project that is not funded by the grant awarded under this section has been secured.

''(C) FORM.—The share of the cost of carrying out any eligible project described in subparagraph (A) that is not funded by a grant awarded under this section may be provided in cash or in kind (including a donation of land).

''(d) USE OF GRANT FUNDS FOR PURCHASES OF LAND OR EASEMENTS.—

''(1) PURCHASES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), funds made available, and grants awarded, under this section may be used to purchase private forest land or interests in private forest land (including conservation easements) only from willing sellers at fair market value.

''(B) SALES AT LESS THAN FAIR MARKET VALUE.—A sale of private forest land or an interest in private forest land at less than fair market value shall be permitted only on certification by the landowner that the sale is being entered into willingly and without coercion.

''(2) TITLE.—Title to private forest land or an interest in private forest land purchased under paragraph (1) may be held, as determined appropriate by the Secretary, by—

''(A) a State;

''(B) a unit of local government; or

''(C) a nonprofit organization.

''(3) TERMINATION OF EASEMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), all right, title, and interest of a unit of local government or nonprofit organization in and to a conservation easement shall terminate and vest in the State if the State determines that—

''(i) the unit of local government or nonprofit organization is unable or unwilling to enforce the terms of the conservation easement; or

''(ii) the conservation easement has been modified in a way that is inconsistent with the purposes of the program.

''(B) CONVEYANCE TO ANOTHER UNIT OF LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION.—If the State makes a determination under subparagraph (A), the State may convey or authorize the unit of local government or nonprofit organization to convey the conservation easement to another unit of local government or nonprofit organization.

''(e) ADMINISTRATIVE COSTS.—The State, on approval of the Secretary and subject to any regulations promulgated by the Secretary, may use amounts made available under subsection (g) to pay the administrative costs of the State relating to the program.

''(f) REPORT.—The Secretary shall submit to Congress a report on the eligible projects carried out under this section in accordance with section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1606(c)).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $50,000,000 for fiscal year 2004; and

''(2) such sums as are necessary for each fiscal year thereafter.''.

(b) FOREST LEGACY PROGRAM.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—

(1) in subsection (c), by striking the last sentence;

(2) in subsection (i), by striking ''subsection (b)'' and inserting ''this section'';

(3) in subsection (j)(1), by inserting ''(other than by donation)'' after ''acquired'';

(4) in subsection (k)(2), by striking ''the United States or its'' and inserting ''the United States, a State, or other entity, or their''; and

(5) in subsection (l), by adding at the end the following:

''(3) STATE AUTHORIZATION.—

''(A) DEFINITION OF STATE FORESTER.—The term 'State forester' has the meaning given the term in section 4(k).

''(B) IN GENERAL.—Notwithstanding subsection (c) and paragraph (2)(B), the Secretary shall, on request by a State, authorize the State to allow a qualified organization (as defined in section 170(h)(3) of the Internal Revenue Code of 1986) and that is organized for at least 1 of the purposes described in section 170(h)(4)(A) of that Code, using amounts granted to a State under this paragraph, to acquire 1 or more conservation easements to carry out the Forest Legacy Program in the State.

''(C) ELIGIBILITY.—To be eligible to acquire and manage conservation easements under this paragraph, a qualified organization described in subparagraph (B) shall, as determined by the Secretary, acting through the State forester, demonstrate the abilities necessary to acquire, monitor, and enforce interests in forest land consistent with the Forest Legacy Program and the assessment of need for the State.

''(D) MONITORING AND ENFORCEMENT.—

''(i) IN GENERAL.—A qualified organization that acquires a conservation easement under this paragraph shall be responsible for monitoring and enforcing the terms of the conservation easement and any of the costs of the qualified organization associated with such monitoring and enforcement.

''(ii) CONTINGENT RIGHTS.—If a qualified organization that acquires a conservation easement under this paragraph fails to enforce the terms of the conservation easement, as determined by the State, the State or the Secretary shall have the right to enforce the terms of the conservation easement under Federal or State law.

''(iii) AMENDMENTS.—Any amendments to a conservation easement that materially affect the terms of the conservation easement shall be subject to approval by the Secretary or the State, as appropriate.

''(E) TERMINATION OF EASEMENT.—

''(i) IN GENERAL.—Except as provided in clause (ii), all right, title, and interest of a qualified organization described in subparagraph (B) in and to a conservation easement shall terminate and vest in the State or a qualified designee if the State determines that—

''(I) the qualified organization fails to enforce the terms of the conservation easement;

''(II) the conservation easement has been modified in a way that is inconsistent with the purposes of the Forest Legacy Program or the assessment of need for the State; or

''(III) the conservation easement has been conveyed to another person (other than to a qualified organization).

''(ii) CONVEYANCE TO ANOTHER QUALIFIED ORGANIZATION.—If the State makes a determination under clause (i), the State may convey or authorize the qualified organization to convey the conservation easement to another qualified organization.

''(F) IMPLEMENTATION.—The Secretary, acting through the State forester, shall implement this paragraph in accordance with the assessment of need for the State as approved by the Secretary.''.

SA 2034. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the

Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8___. SOIL AND FOREST CARBON SEQUESTRATION PROGRAM

(a) DEFINITIONS.—In this section:

(1) ADVISORY PANEL.—The term ''Advisory Panel'' means the Soil and Forestry Carbon Sequestration Panel established under subsection (d).

(2) ELIGIBLE FOREST CARBON ACTIVITY.—The term ''eligible forest carbon activity'' means a forest management action that—

(A)(i) helps restore forest land that has been underproducing or understocked for more than 5 years; or

(ii) maintains natural forest under a permanent conservation easement;

(B) provides for protection of a forest from nonforest use;

(C) allows a variety of sustainable management alternatives;

(D) maintains or improves a watershed or fish and wildlife habitat; or

(E) demonstrates permanence of carbon sequestration and promotes and sustains native species.

(3) FOREST CARBON RESERVOIR.—The term ''forest carbon reservoir'' means carbon that is stored in aboveground or underground soil and other biomass that are associated with a forest ecosystem.

(4) FOREST CARBON SEQUESTRATION PROGRAM.—The term ''forest carbon sequestration program'' means the program established under subsection (b).

(5) FOREST LAND.—

(A) IN GENERAL.—The term ''forest land'' means a parcel of land that is, or has been, at least 10 percent stocked by forest trees of any size.

(B) INCLUSIONS.—The term ''forest land'' includes—

(i) land on which forest cover may be naturally or artificially regenerated; and

(ii) a transition zone between a forested area and nonforested area that is capable of sustaining forest cover.

(6) FOREST MANAGEMENT ACTION.—

(A) IN GENERAL.—The term ''forest management action'' means an action that—

(i) applies forestry principles to the regeneration, management, use or conservation of forests to meet specific goals and objectives;

(ii) demonstrates permanence of carbon sequestration and promotes and sustains native species; and

(iii) maintains the ecological sustainability and productivity of the forests or protects natural forests under a permanent conservation easement.

(B) INCLUSIONS.—The term ''forest management action'' includes management and use of forest land for the benefit of aesthetics, fish, recreation, urban values, water, wilderness, wildlife, wood products, or other forest values.

(7) REFORESTATION.—

(A) IN GENERAL.—The term ''reforestation'' means the reestablishment of forest cover naturally or artificially.

(B) INCLUSIONS.—The term ''reforestation'' includes planned replanting, reseeding, and natural regeneration.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(9) SOIL CARBON SEQUESTRATION PROGRAM.—The term ''soil carbon sequestration program'' means the program established under subsection (c).

(10) STATE.—The term ''State'' includes a political subdivision of a State.

(11) WILLING OWNER.—The term ''willing owner'' means a State or local government, Indian tribe, private entity, or other person or non-Federal organization that owns forest land and is willing to participate in the forest carbon sequestration program.

(b) FOREST CARBON SEQUESTRATION PROGRAM.—

(1) IN GENERAL.—The Secretary, acting through the Chief of the Forest Service and in collaboration with State foresters, State resource management agencies, and interested nongovernmental organizations, shall establish a forest carbon sequestration program under which the Secretary, directly or through agreements with 1 or more States, may enter into cooperative agreements with willing owners of forest land to carry out forest management actions or eligible forest carbon activities on not more than a total of 5,000 acres of forest land holdings to create or maintain a forest carbon reservoir.

(2) ASSISTANCE TO STATES.—

(A) IN GENERAL.—The Secretary shall provide assistance to States for the purpose of entering into cooperative agreements with willing owners of forest land to carry out eligible forest carbon activities on forest land.

(B) REPORTING.—As a condition of receiving assistance under subparagraph (A), a State shall annually submit to the Secretary a report disclosing the estimated quantity of carbon stored through the cooperative agreement.

(3) BONNEVILLE POWER ADMINISTRATION.—Each of the States of Washington, Oregon, Idaho, and Montana may apply for funding from the Bonneville Power Administration for purposes of funding a cooperative agreement that meets the fish and wildlife objectives and priorities of the Bonneville Power Administration under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), but only to the extent the cooperative agreement also meets the objectives of this subsection.

(c) SOIL CARBON SEQUESTRATION PROGRAM.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary, acting through the Natural Resources Conservation Service and in cooperation with the Consortium for Agricultural Soils Mitigation of Greenhouse Gases, shall carry out 4 or more pilot programs to—

(i) develop, demonstrate, and verify the best management practices for enhanced soil carbon sequestration on agricultural land; and

(ii) evaluate and establish standardized monitoring and verification methods and protocols.

(B) CRITERIA.—The Secretary shall select a pilot program based on—

(i) the merit of the proposed program; and

(ii) the diversity of soil types, climate zones, crop types, cropping patterns, and sequestration practices available at the site of the proposed program.

(2) REQUIREMENTS.—A pilot program carried out under this subsection shall—

(A) involve agricultural producers in—

(i) the development and verification of best management practices for carbon sequestration; and

(ii) the development and evaluation of carbon monitoring and verification methods and protocols on agricultural land;

(B) involve research and testing of the best management practices and monitoring and verification methods and protocols in various soil types and climate zones;

(C) analyze the effects of the adoption of the best management practices on—

(i) greenhouse gas emissions, water quality, and other aspects of the environment at the watershed level; and

(ii) the full range of greenhouse gases; and

(D) use the results of the research conducted under the program to—

(i)(I) develop best management practices for use by agricultural producers;

(II) provide a comparison of the costs and net greenhouse effects of the best management practices; and

(III) encourage agricultural producers to adopt the best management practices; and

(ii) develop best management practices on a regional basis for use in watersheds and States not participating in the pilot programs.

(d) SOIL AND FORESTRY CARBON SEQUESTRATION PANEL.—

(1) ESTABLISHMENT.—The Secretary (acting through the Chief of the Forest Service and the Natural Resources Conservation Service) shall establish a Soil and forestry Carbon Sequestration Panel for the purposes of—

(A) advising the Secretary in the development and updating of guidelines for accurate voluntary reporting of greenhouse gas sequestration from forest management actions and agricultural best management practices;

(B) evaluating the potential effectiveness (including cost effectiveness) of the guidelines, in verifying carbon inputs and outputs and assessing impacts on other greenhouse gases from various forest management strategies and agricultural best management practices;

(C) estimating the effect of proposed implementation of the guidelines on—

(i) carbon sequestration and storage; and

(ii) the net emissions of other greenhouse gases;

(D) providing estimates on the rates of carbon sequestration and net nitrous oxide and methane impacts for forests and various plants, agricultural commodities, and agricultural practices for the purpose of assisting the Secretary in determining the acceptability of the cooperative agreement offers made by willing owners;

(E) proposing to the Secretary the standardized methods for—

(i) measuring carbon sequestered in soils and in forests; and

(ii) estimating the impacts of the forest carbon sequestration program and the soil carbon sequestration program on other greenhouse gases; and

(F) assisting the Secretary in reporting to Congress on the results of the forest carbon sequestration program and the soil carbon sequestration program.

(2) MEMBERSHIP.—The Advisory Panel shall be composed of the following members with interest and expertise in soil carbon sequestration and forestry management, appointed jointly by the Secretary:

(A) 1 member representing national professional forestry organizations.

(B) 1 member representing national agriculture organizations.

(C) 2 members representing environmental or conservation organizations.

(D) 1 member representing Indian tribes.

(E) 3 members representing the academic scientific community.

(F) 2 members representing State forestry organizations.

(G) 2 members representing State agricultural organizations.

(H) 1 member representing the Environmental Protection Agency.

(I) 1 member representing the Department of Agriculture.

(3) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B) a member of the Advisory Panel shall be appointed for a term of 3 years.

(B) INITIAL TERMS.—Of the members first appointed to the Advisory Panel—

(i) 1 member appointed under each paragraphs (B), (D), (F), and (H) shall serve an initial term of 1 year; and

(ii) 1 member appointed under each of paragraphs (A), (C), (E), (G), and (I) shall serve an initial term of 2 years.

(C) VACANCIES.—

(i) IN GENERAL.—A vacancy on the Advisory Panel shall be filled in the manner in which the original appointment was made.

(ii) PARTIAL TERM.—A member appointed to fill a vacancy occurring before the expiration of the term shall be appointed only for the remainder of the term.

(iii) SUCCESSIVE TERMS.—An individual may not be appointed to serve on the Advisory Panel for more than 2 full consecutive terms.

(4) EXISTING COUNCILS.—The Secretary may use an existing council to perform the tasks of the Advisory Panel if—

(A) representation on the council, the terms and background of members of the council, and the responsibilities of the council reflect those of the Advisory Panel; and

(B) those responsibilities are a priority for the council.

(e) STANDARDIZATION OF CARBON SEQUESTRATION MEASUREMENT PROTOCOLS.—

(1) ACCURATE MONITORING, MEASUREMENT, AND REPORTING.—

(A) IN GENERAL.—The Secretary, in collaboration with the States, shall—

(i) develop standardized measurement protocols for—

(I) carbon sequestered in soils and trees; and

(II) impacts on other greenhouse gases;

(ii)(I) develop standardized forms to monitor sequestration improvements made as a result of the forest carbon sequestration program and the soil carbon sequestration program; and

(II) distribute the forms to participants in the forest carbon sequestration program and the soil carbon sequestration program; and

(iii) at least once every 5 years, submit to the appropriate committees of Congress a report on the forest carbon sequestration program and the soil carbon sequestration program.

(B) CONTENTS OF REPORT.—A report under subparagraph (A)(iii) shall describe—

(i) carbon sequestration improvements made as a result of the forest carbon sequestration program and the soil carbon sequestration program;

(ii) carbon sequestration practices on land owned by participants in the forest carbon sequestration program and the soil carbon sequestration program; and

(iii) the degree of compliance with any cooperative agreements, contracts, or other arrangements entered into under this section.

(2) EDUCATIONAL OUTREACH.—The Secretary, acting through the Cooperative State Research, Education, and Extension Service, and in consultation with the Consortium for Agricultural Soils Mitigation of Greenhouse Gases, shall conduct an educational outreach program to collect and disseminate to owners and operators of agricultural and forest land research-based information on agriculture and forest management practices that will increase the sequestration of carbon, without threat to the social and economic well-being of communities.

(3) PERIODIC REVIEW.—At least once every 2 years, the Secretary shall—

(A) convene the Advisory Panel to evaluate the latest scientific and observational information on reporting, monitoring, and verification of carbon storage from forest management and soil sequestration actions; and

(B) issue revised recommendations for reporting, monitoring, and verification of carbon storage from forest management actions and agricultural best management practices as necessary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 2035. Mr. BINGAMAN proposed an amendment to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

At the appropriate place, insert the following new section:

"SEC. . LONG-TERM FUEL MANAGEMENT.

In implementing hazardous fuels reduction projects, the Secretaries shall ensure that—

(1) a slash treatment plan is completed;

(2) acres are not identified as treated, in annual program accomplishment reports, until all phases of a multi-year project such as thinning, slash reduction, and prescribed burning are completed; and

(3) a system to track the budgeting and implementation of follow-up treatments shall be used to account for the long-term maintenance of areas managed to reduce hazardous fuels.''

SA 2036. Mr. BINGAMAN proposed an amendment to the bill H.R. 1904, An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

At the appropriate place, insert the following new section:

"SEC. . COLLABORATIVE MONITORING.

(a) IN GENERAL.—The Secretaries shall establish a collaborative monitoring, evaluation, and accountability process in order to assess the positive or negative ecological and social effects of a representative sampling of projects implemented pursuant to title I and section 404 of this Act. The Secretaries shall include diverse stakeholders, including interested citizens and Indian tribes, in the monitoring and evaluation process.

(b) MEANS.—The Secretaries may collect monitoring data using cooperative agreements, grants or contracts with small or micro-businesses, cooperatives, non-profit organizations, Youth Conservation Corps work crews or related partnerships with State, local, and other non-Federal conservation corps.

(c) FUNDS.—Funds to implement this section shall be derived from hazardous fuels operations funds.''

SA 2037. Mr. BAUCUS (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8___. BUREAU OF LAND MANAGEMENT EMERGENCY FIREFIGHTING FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be used to pay 80 percent of the cost to the United States for Bureau of Land Management emergency wildland fire suppression activities that exceed amounts annually appropriated for wildland fire suppression activities (referred to in this section as the ''Fund''), consisting of—

(1) such amounts as are appropriated to the Fund under subsection (e);

(2) such amounts as are appropriated but not expended for fire suppression activities, to be transferred to the Fund by the Secretary of the Interior; and

(3) any interest earned on investment of amounts in the Fund under subsection (c).

(b) EXPENDITURES FROM FUND.—Subject to paragraph (2), upon request by the Secretary of the Interior, the Secretary of the Treasury shall transfer from the Fund to the Secretary of the Interior such amounts as the Secretary of the Interior determines is necessary for wildland fire suppression activities under subsection (a).

(c) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) ACCOUNTING AND REPORTING SYSTEM.—The Secretary of the Interior shall establish an accounting and reporting system for the Fund in accordance with National Fire Plan reporting procedures.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund—

(1) for fiscal year 2004, $160,000,000 for emergency wildland fire suppression activities

carried out by the Bureau of Land Management that exceed amounts annually appropriated for wildland fire suppression activities; and

(2) for each subsequent fiscal year, such amount as is necessary to maintain in the Fund the amount that is equal to 80 percent of the greatest of the amounts incurred by the Secretary of the Interior for emergency fire suppression during any of the 5 preceding fiscal years that exceed amounts annually appropriated for wildland fire suppression activities.

SEC. 8___. FOREST SERVICE EMERGENCY FIREFIGHTING FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be used to pay 80 percent of the cost to the United States for Forest Service emergency wildland fire suppression activities that exceed amounts annually appropriated for wildland fire suppression activities (referred to in this section as the ''Fund''), consisting of—

(1) such amounts as are appropriated to the Fund under subsection (e);

(2) such amounts as are appropriated but not expended for fire suppression activities, to be transferred to the Fund by the Secretary of Agriculture; and

(3) any interest earned on investment of amounts in the Fund under subsection (c).

(b) EXPENDITURES FROM FUND.—Subject to paragraph (2), upon request by the Secretary of Agriculture, the Secretary of the Treasury shall transfer from the Fund to the Secretary of Agriculture such amounts as the Secretary of Agriculture determines is necessary for wildland fire suppression activities under subsection (a).

(c) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) ACCOUNTING AND REPORTING SYSTEM.—The Secretary of Agriculture shall establish an accounting and reporting system for the Fund in accordance with National Fire Plan reporting procedures.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund—

(1) for fiscal year 2004, $510,000,000 for emergency wildland fire suppression activities carried out by the Forest Service that exceed amounts annually appropriated for wildland fire suppression activities; and

(2) for each subsequent fiscal year, such amount as is necessary to maintain in the Fund the amount that is equal to 80 percent of the greatest of the amounts incurred by the Secretary of Agriculture for emergency fire suppression during any of the 5 preceding fiscal years that exceed amounts annually appropriated for wildland fire suppression activities.

SA 2038. Ms. CANTWELL (for herself and Mr. JEFFORDS) submitted an amendment intended to be proposed by her to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

In section 104, strike subsection (b) and insert the following:

(b) STUDY OF THE ANALYSIS OF ALTERNATIVES.—

(1) IN GENERAL.—The Comptroller General of the United States shall study the environmental and economic costs and benefits of the analysis of alternatives in environmental assessments and environmental impact statements (pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2))) prepared for any authorized hazardous fuel reduction project, including the extent to which the analysis of alternatives delays or otherwise affects the preparation and completion of authorized hazardous fuel reduction projects.

(2) REPORT.—Not later than 120 days after the date of enactment of this Act, the Comptroller General shall submit a report describing the results of the study under paragraph (1) to—

(A) the Committee on Energy and Natural Resources of the Senate;

(B) the Committee on Resources of the House of Representatives;

(C) the Committee on Agriculture of the House of Representatives;

(D) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(E) the Subcommittee on Interior of the Committee on Appropriations of the Senate; and

(F) the Subcommittee on Interior and Related Agencies of the Committee on Appropriations of the House of Representatives.

SA 2039. Mr. LEAHY (for himself, Mrs. BOXER, Mr. HARKIN, Mr. BINGAMAN, and Mr. DURBIN) proposed an amendment to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

Strike sections 105 and 106.

SA 2040. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 8___. WILDLAND FIREFIGHTER SAFETY.

(a) DEFINITION OF SECRETARY.—In this section, the term ''Secretary'' means—

(1) the Secretary of Agriculture, with respect to land of the National Forest System described in section 3(1)(A); and

(2) the Secretary of the Interior, with respect to public lands described in section 3(1)(B).

(b) FIREFIGHTER SAFETY AND TRAINING BUDGET.—The Secretary shall—

(1) track funds expended for firefighter safety and training programs and activities; and

(2) include a line item for such expenditures in each budget request submitted after the date of enactment of this Act.

(c) ANNUAL REPORT TO CONGRESS.—The Secretaries shall, on an annual basis, jointly submit to Congress a report on the implementation and efficacy of wildland firefighter safety and training programs and activities.

(d) SAFETY QUALIFICATION OF PRIVATE CONTRACTORS.—

(1) IN GENERAL.—The Secretaries shall ensure that any Federal contract or agreement entered into with a private entity for wildland firefighting services requires the entity to provide firefighter training that is consistent with qualification standards established by the National Wildfire Coordinating Group.

(2) COMPLIANCE.—The Secretaries shall develop a program to monitor and enforce compliance with the requirements of paragraph (1).

SA 2041. Mr. ENSIGN (for himself, Ms. CANTWELL, and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill H.R. 1904. An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8___. ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS UNDER THE ANIMAL WELFARE ACT.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively;

(2) by inserting after subsection (b) the following:

''(c) SHARP INSTRUMENTS.—It shall be unlawful for any person to knowingly sell, buy, transport, or deliver in interstate or foreign commerce a knife, a gaff, or any other sharp instrument attached, or designed or intended to be attached, to the leg of a bird for use in an animal fighting venture.'';

(3) in subsection (e) (as redesignated by paragraph (1)), by striking ''(c)'' and inserting ''(d)'';

(4) in subsection (f) (as redesignated by paragraph (1))—

(A) by striking ''(a), (b), or (c)'' and inserting ''(a), (b), (c), or (d)''; and

(B) by striking ''1 year'' and inserting ''2 years'';

(5) by striking subsection (g) (as redesignated by paragraph (1)) and inserting the following:

''(g) INVESTIGATIONS.—

''(1) IN GENERAL.—The Secretary or any person authorized by the Secretary shall make such investigations as the Secretary considers necessary to determine whether any person has violated or is violating any provision of this section.

''(2) ASSISTANCE.—Through cooperative agreements, the Secretary may obtain the assistance of the Federal Bureau of Investigation, the Department of the Treasury, and other law enforcement agencies of the United States and of State, tribal, and local governmental agencies in the conduct of an investigation under paragraph (1).

''(3) WARRANTS.—

''(A) ISSUANCE.—A judge of the United States, United States magistrate judge, or judge of a State or tribal court of competent jurisdiction in the district in which is located an animal, paraphernalia, instrument, or other property or thing that there is probable cause to believe was involved, is about to be involved, or is intended to be involved in a violation of this section shall issue a warrant to search for and seize the animal or other property or thing.

''(B) APPLICATION; EXECUTION.—A United States marshal or any person authorized under this section to conduct an investigation may apply for and execute a warrant issued under subparagraph (A), and any animal, paraphernalia, instrument, or other property or thing seized under such a warrant shall be held by the authorized person pending disposition of the animal, paraphernalia, instrument, or other property or thing by a court in accordance with this subsection.

''(4) STORAGE OF ANIMALS.—

''(A) IN GENERAL.—An animal seized by a United States marshal or other authorized person under paragraph (3) shall be taken promptly to an animal housing facility in which the animal shall be stored humanely.

''(B) NO FACILITY AVAILABLE.—If there is not available a suitable animal storage facility sufficient in size to hold all of the animals involved in a violation, a United States marshal or other authorized person shall—

''(i) seize a representative sample of the animals for evidentiary purposes to be transported to an animal storage facility in which the animals shall be stored humanely; and

''(ii)(I) keep the remaining animals at the location where the animals were seized;

''(II) provide for the humane care of the animals; and

''(III) cause the animals to be banded, tagged, or marked by microchip and photographed or videotaped for evidentiary purposes.

''(5) CARE.—While a seized animal is held in custody, a United States marshal or other authorized person shall ensure that the animal is provided necessary care (including housing, feeding, and veterinary treatment).

''(6) FORFEITURE.—

''(A) IN GENERAL.—Any animal, paraphernalia, instrument, vehicle, money, or other property or thing involved in a violation of this section shall be liable to be proceeded against and forfeited to the United States at any time on complaint filed in any United States district court or other court of the United States for any jurisdiction in which the animal, paraphernalia, instrument, vehicle, money, or other property or thing is found.

''(B) DISPOSITION.—On entry of a judgment of forfeiture, a forfeited animal shall be disposed of by humane means, as the court may direct.

''(C) COSTS.—Costs incurred by the United States for care of an animal seized and forfeited under this section shall be recoverable from the owner of the animal—

''(i) in the forfeiture proceeding, if the owner appears in the forfeiture proceeding; or

''(ii) in a separate civil action brought in the jurisdiction in which the owner is found, resides, or transacts business.

''(D) CLAIM TO PROPERTY.—

''(i) IN GENERAL.—The owner, custodian, or other person claiming an interest in a seized animal may prevent disposition of the animal by posting, or may be ordered by any United States district court or other court of the United States, or by any tribal court, for any jurisdiction in which the animal is found to post, not later than 10 days after the animal is seized, a bond with the court in an amount sufficient to provide for the care of the animal (including housing, feeding, and veterinary treatment) for not less than 30 days.

''(ii) RENEWAL.—The owner, custodian, or other person claiming an interest in a seized animal may renew a bond, or be ordered to renew a bond, by posting a new bond, in an amount sufficient to provide for the care of the animal for at least an additional 30 days, not later than 10 days after the expiration of the period for which a previous bond was posted.

''(iii) DISPOSITION.—If a bond expires and is not renewed, the animal may be disposed of as provided in subparagraph (A).

''(7) EUTHANIZATION.—Notwithstanding paragraphs (1) through (6), an animal may be humanely euthanized if a veterinarian determines that the animal is suffering extreme pain.''; and

(6) in subsection (h) (as redesignated by paragraph (1))—

(A) in subparagraphs (A) and (B) of paragraph (2), by inserting before the semicolon the following: ''(including a movement to, from, or within land under the jurisdiction of an Indian tribe)''; and

(B) in paragraph (3), by striking ''telephone, radio, or television'' and inserting ''telephone, the Internet, radio, television, or any technology''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 23 of the Animal Welfare Act (7 U.S.C. 2153) is amended—

(1) by striking ''SEC. 23. The Secretary'' and inserting the following:

''SEC. 23. FEES; AUTHORIZATION OF APPROPRIATIONS.

''(a) FEES.—The Secretary''; and

(2) by striking the third sentence and inserting the following:

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the later of—

(1) the date of enactment of this Act; or

(2) May 13, 2003.

SA 2042. Mr. BINGAMAN proposed an amendment to the bill H.R. 1904, An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

At the appropriate place insert the following—

SEC. . BEST-VALUE CONTRACTING.

(a) To conduct a project under this Act, the Secretaries may use best value contracting criteria in awarding contracts and agreements. Best value contracting criteria includes—

(1) the ability of the contractor to meet the ecological goals of the projects;

(2) the use of equipment that will minimize or eliminate impacts on soils; and

(3) benefits to local communities such as ensuring that the byproducts are processed locally.

SA 2043. Mrs. BOXER (for herself and Mr. REID) proposed an amendment to the bill H.R. 1904, An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

On page 25 of Amendment No. 1828 (previously agreed to), line 7, strike ''50 percent'' and insert ''70 percent''.

SA 2044. Mr. LUGAR (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 1904, An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PUERTO RICO KARST CONSERVATION.

(a) SHORT TITLE.—This section may be cited as the ''Puerto Rico Karst Conservation Act of 2003''.

(b) FINDINGS.—Congress finds that—

(1) in the Karst Region of the Commonwealth of Puerto Rico there are—

(A) some of the largest areas of tropical forests in Puerto Rico, with a higher density of tree species than any other area in the Commonwealth; and

(B) unique geological formations that are critical to the maintenance of aquifers and watersheds that constitute a principal water supply for much of the Commonwealth;

(2) the Karst Region is threatened by development that, if unchecked, could permanently damage the aquifers and cause irreparable damage to natural and environmental assets that are unique to the United States;

(3) the Commonwealth has 1 of the highest population densities in the United States, which makes the protection of the Karst Region imperative for the maintenance of the public health and welfare of the citizens of the Commonwealth;

(4) the Karst Region—

(A) possesses extraordinary ecological diversity, including the habitats of several endangered and threatened species and tropical migrants; and

(B) is an area of critical value to research in tropical forest management; and

(5) coordinated efforts at land protection by the Federal Government and the Commonwealth are necessary to conserve the environmentally critical Karst Region.

(c) PURPOSES.—The purposes of this section are—

(1) to authorize and support conservation efforts to acquire, manage, and protect the tropical forest areas of the Karst Region, with particular emphasis on water quality and the protection of the aquifers that are vital to the health and wellbeing of the citizens of the Commonwealth; and

(2) to promote cooperation among the Commonwealth, Federal agencies, corporations, organizations, and individuals in those conservation efforts.

(d) DEFINITIONS.—In this section:

(1) COMMONWEALTH.—The term ''Commonwealth'' means the Commonwealth of Puerto Rico.

(2) FOREST LEGACY PROGRAM.—The term ''Forest Legacy Program'' means the program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(3) FUND.—The term ''Fund'' means the Puerto Rico Karst Conservation Fund established by subsection (f).

(4) KARST REGION.—The term ''Karst Region'' means the areas in the Commonwealth generally depicted on the map entitled ''Karst Region Conservation Area'' and dated March 2001, which shall be on file and available for public inspection in—

(A) the Office of the Secretary, Puerto Rico Department of Natural and Environmental Resources; and

(B) the Office of the Chief of the Forest Service.

(5) LAND.—The term ''land'' includes land, water, and an interest in land or water.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(e) CONSERVATION OF THE KARST REGION.—

(1) FEDERAL COOPERATION AND ASSISTANCE.—In furtherance of the acquisition, protection, and management of land in and adjacent to the Karst Region and in implementing related natural resource conservation strategies, the Secretary may—

(A) make grants to and enter into contracts and cooperative agreements with the Commonwealth, other Federal agencies, organizations, corporations, and individuals; and

(B) use all authorities available to the Secretary, including—

(i) the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.);

(ii) section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3318); and

(iii) section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(2) FUNDING SOURCES.—The activities authorized by this subsection may be carried out using—

(A) amounts in the Fund;

(B) amounts in the fund established by section 4(b) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1643(b));

(C) funds appropriated from the Land and Water Conservation Fund;

(D) funds appropriated for the Forest Legacy Program; and

(E) any other funds made available for those activities.

(3) MANAGEMENT.—

(A) IN GENERAL.—Land acquired under this subsection shall be managed, in accordance with the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.), in a manner to protect and conserve the water quality and aquifers and the geological, ecological, fish and wildlife, and other natural values of the Karst Region.

(B) FAILURE TO MANAGE AS REQUIRED.—In any deed, grant, contract, or cooperative agreement implementing this subsection and the Forest Legacy Program in the Commonwealth, the Secretary may require that, if land acquired by the Commonwealth or other cooperating entity under this section is sold or conveyed in whole or part, or is not managed in conformity with subparagraph (A), title to the land shall, at the discretion of the Secretary, vest in the United States.

(4) WILLING SELLERS.—Any land acquired by the Secretary in the Karst Region shall be acquired only from a willing seller.

(5) RELATION TO OTHER AUTHORITIES.—Nothing in this subsection—

(A) diminishes any other authority that the Secretary may have to acquire, protect, and manage land and natural resources in the Commonwealth; or

(B) exempts the Federal Government from Commonwealth water laws.

(f) PUERTO RICO KARST CONSERVATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury an interest-bearing account to be known as the ''Puerto Rico Karst Conservation Fund''.

(2) CREDITS TO FUND.—There shall be credited to the Fund—

(A) amounts appropriated to the Fund;

(B) all amounts donated to the Fund;

(C) all amounts generated from the Caribbean National Forest that would, but for this paragraph, be deposited as miscellaneous receipts in the Treasury of the United States, but not including amounts authorized by law for payments to the Commonwealth or authorized by law for retention by the Secretary for any purpose;

(D) all amounts received by the Administrator of General Services from the disposal of surplus real property in the Commonwealth under subtitle I of title 40, United States Code; and

(E) interest derived from amounts in the Fund.

(3) USE OF FUND.—Amounts in the Fund shall be available to the Secretary until expended, without further appropriation, to carry out subsection (e).

(g) MISCELLANEOUS PROVISIONS.—

(1) DONATIONS.—

(A) IN GENERAL.—The Secretary may accept donations, including land and money, made by public and private agencies, corporations, organizations, and individuals in furtherance of the purposes of this subsection.

(B) CONFLICTS OF INTEREST.—The Secretary may accept donations even if the donor conducts business with or is regulated by the Department of Agriculture or any other Federal agency.

(C) APPLICABLE LAW.—Public Law 95–442 (7 U.S.C. 2269) shall apply to donations accepted by the Secretary under this paragraph.

(2) RELATION TO FOREST LEGACY PROGRAM.—

(A) IN GENERAL.—All land in the Karst Region shall be eligible for inclusion in the Forest Legacy Program.

(B) COST SHARING.—The Secretary may credit donations made under paragraph (1) to satisfy any cost-sharing requirements of the Forest Legacy Program.

(h) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 2045. Mr. HARKIN (for himself, Mr. LAUTENBERG, Mr. KENNEDY, Mrs. BOXER, Mr. LEAHY, and Mr. DURBIN) proposed an amendment to the bill H.R. 1904, An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

At the end of title I, add the following:

SEC. 109. AUTHORIZATION.

The authority provided by this title applies during the 5-year period beginning on the date of enactment of this Act.

SA 2046. Mr. COCHRAN proposed an amendment to the bill H.R. 1904, an act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; as follows:

On page 5 of Amendment No. 1828 previously agreed to (END03.775), line 23, strike ''Urban Wildlife'' and insert ''Wildland Urban''.

On page 7 of Amendment No. 1828, line 9, strike ''natural resources department'' and insert ''agency responsible for forest management''.

On page 17 of Amendment No. 1828, strike lines 6 through 8 and insert the following:

(2) Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress or Presidential proclamation (including the applicable implementation plan); or

On page 18 of Amendment No. 1828, line 23, insert ''in carrying out a covered project'' after ''paragraph (2)''.

On page 19 of Amendment No. 1828, line 5, insert ''for the purpose of carrying out covered projects'' before the period.

On page 19 of Amendment No. 1828, line 11, insert ''in carrying out a covered project'' after ''paragraph (2)''.

On page 20 of Amendment No. 1828, line 12, strike ''period described in clause (ii)'' and insert ''applicable period described in subparagraph (A)''.

Beginning on page 20 of Amendment No. 1828, strike line 24 and all that follows through page 21, line 2, and insert the following:

(II) ending on the earlier of—

(aa) the date the Secretary completes the action required by subparagraph (B) for the standards; or

(bb) the date on which the acreage limitation specified in subsection (c) (as that limitation may be adjusted by subsequent Act of Congress) is reached.

On page 21 of Amendment No. 1828, strike lines 3 through 12.

On page 21 of Amendment No. 1828, lines 13 and 14, strike ''Subject to subsection (e), the'' and insert ''Except in old growth stands where the standards are consistent with subsection (e)(2), the''.

On page 25 of Amendment No. 1828, lines 20 and 21, strike ''authorized''.

On page 28 of Amendment No. 1828, strike lines 22 through 25.

On page 33 of Amendment No. 1828, line 6, strike ''Nothing'' and insert ''For projects and activities of the National Forest System other than authorized hazardous fuel reduction projects, nothing''.

On page 80 of the Committee amendment, strike lines 1 through 9 and insert the following:

(b) FUNDING.—Section 310(b) of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106–224) is amended by striking ''$49,000,000'' and inserting ''$54,000,000''.

On page 85 of the Committee amendment, line 11, strike ''The'' and insert ''In the case of a participating State, the''.

On page 85 of the Committee amendment, line 22, insert ''in participating States'' after ''officials''.

On page 85 of the Committee amendment, line 24, insert ''to participating States'' after ''provided''.

On page 86 of the Committee amendment, line 5, insert ''participating'' after ''official of a''.

On page 106 of the Committee amendment, strike lines 15 and 16 and insert the following:

(C) an agreement of not more than 99 years.

On page 107 of the Committee amendment, line 14, strike ''agreement and easement, and their'' and insert ''agreement, and''.

Beginning on page 108 of the Committee amendment, strike line 9 and all that follows through page 109, line 21, and insert the following:

(a) AGREEMENTS OF NOT MORE THAN 99 YEARS.—In the case of land enrolled in the healthy forests reserve program using an agreement of not more than 99 years described in section 502(f)(1)(C), the Secretary of Agriculture shall pay the owner of the land an amount equal to not less than 75 percent, nor more than 100 percent, of (as determined by the Secretary)—

(1) the fair market value of the enrolled land during the period the land is subject to the agreement, less the fair market value of the land encumbered by the agreement; and

(2) the actual costs of the approved conservation practices or the average cost of approved practices carried out on the land during the period in which the land is subject to the agreement.

On page 111 of the Committee amendment, line 1, strike ''and easements''.

On page 118 of the Committee amendment, line 1, insert ''and collaboration'' after ''incentives''.

On page 121 of the Committee amendment, line 2, insert ''and'' after the semicolon.

On page 121 of the Committee amendment, line 3, strike the semicolon and insert a period.

On page 121 of the Committee amendment, strike lines 4 through 9.

On page 121 of the Committee amendment, line 20, strike ''COORDINATION'' and insert ''CONSULTATION''.

On page 121 of the Committee amendment, line 21, strike ''coordinate'' and insert ''consult''.

On page 122 of the Committee amendment, strike lines 1 through 4 and insert the following:

(D) 1890 institutions;

(E) research stations and laboratories of the Forest Service;

(F) other agencies of the Department of Agriculture that administer rural development programs; and

(G) private nonprofit organizations.

On page 123 of the Committee amendment, strike lines 3 through 20 and insert the following:

(c) FOREST ENTERPRISE CENTERS.—

(1) IN GENERAL.—The Secretary shall establish Forest Enterprise Centers to provide services to rural forest-dependent communities.

(2) LOCATION.—A Center shall be located within close proximity of rural forest-dependent communities served by the Center, with at least 1 center located in each of the States of California, Idaho, Oregon, Montana, New Mexico, Vermont, and Washington.

(3) DUTIES.—A Center shall—

(A) carry out eligible projects; and

(B) coordinate assistance provided to small forest products businesses with—

(i) the Small Business Administration, including the timber set-aside program carried out by the Small Business Administration;

(ii) the Rural Utilities Service, the Rural Housing Service, and the Rural Business-Cooperative Service of the Department of Agriculture;

(iii) the Economic Development Administration, including the local technical assistance program of the Economic Development Administration; and

(iv) research stations and laboratories of the Forest Service.

Beginning on page 124 of the Committee amendment, strike line 21 and all that follows through page 126, line 22, and insert the following:

SEC. 801. FOREST INVENTORY AND MANAGEMENT.

Section 17 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 note; Public Law 95313) is amended to read as follows:

''SEC. 17. FOREST INVENTORY AND MANAGEMENT.

''(a) IN GENERAL.—The Secretary shall carry out a program using geospatial and information management technologies (including remote sensing imaging and decision support systems) to inventory, monitor, characterize, assess, and identify forest stands and potential forest stands on—

''(1) units of the National Forest System; and

''(2) private forest land, with the consent of the owner of the land.

''(b) MEANS.—The Secretary shall carry out the program through the use of—

''(1) remote sensing technology of the National Aeronautics and Space Administration and the United States Geological Survey;

''(2) emerging geospatial capabilities in research activities;

''(3) validating techniques, including coordination and reconciliation with existing data through field verification, using application demonstrations; and

''(4) integration of results into pilot operational systems.

''(c) ISSUES TO BE ADDRESSED.—In carrying out the program, the Secretary shall address issues including—

''(1) early detection, identification, and assessment of environmental threats (including insect, disease, invasive species, fire, acid deposition, and weather-related risks and other episodic events);

''(2) loss or degradation of forests;

''(3) degradation of the quality forest stands caused by inadequate forest regeneration practices;

''(4) quantification of carbon uptake rates;

''(5) management practices that focus on preventing further forest degradation; and

''(6) characterization of vegetation types, density, fire regimes, post-fire effects, and condition class.

''(d) EARLY WARNING SYSTEM.—In carrying out the program, the Secretary shall develop a comprehensive early warning system for potential catastrophic environmental threats to forests to increase the likelihood that forest managers will be able to—

''(1) isolate and treat a threat before the threat gets out of control; and

''(2) prevent epidemics, such as the American chestnut blight in the first half of the twentieth century, that could be environmentally and economically devastating to forests.

''(e) ADMINISTRATION.—To carry out this section, the Secretary shall—

''(1) designate a facility within Forest Service Region 8 that—

''(A) is best-suited to take advantage of existing resources to coordinate and carry out the program through the means described in subsection (b); and

''(B) will address the issues described in subsection (c), with a particular emphasis on hardwood forest stands in the Eastern United States; and

''(2) designate a facility in the Ochoco National Forest headquarters within Forest Service Region 6 that will address the issues described in subsection (c), with a particular emphasis on coniferous forest stands in the Western United States.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

On page 134 of the Committee amendment, line 20, strike ''each of fiscal years 2004 through 2008'' and insert ''each fiscal year''.

On page 134 of the Committee amendment, between lines 20 and 21, insert the following:

SEC. 805. EMERGENCY FUEL REDUCTION GRANTS.

(a) IN GENERAL.—The Secretary of Agriculture shall establish an emergency fuel reduction grant program under which the Secretary shall provide grants to State and local agencies to carry out hazardous fuel reduction projects addressing threats of catastrophic fire that pose a serious threat to human life, as determined by the Forest Service.

(b) ELIGIBLE PROJECTS.—To be eligible to be carried out with a grant under the program, a hazardous fuel reduction project shall—

(1) be surrounded by or immediately adjacent to the boundary of a national forest;

(2) be determined to be of paramount urgency, as indicated by declarations to that effect by both local officials and the Governor of the State in which in the project is to be carried out; and

(3) remove fuel loading that poses a serious threat to human life, as determined by the Forest Service.

(c) USES OF GRANTS.—A grant under the program may be used only—

(1) to remove trees, shrubs, or other potential fuel adjacent to a primary evacuation route;

(2) to remove trees, shrubs, or other potential fuel that are adjacent to an emergency response center, emergency communication facility, or site designated as a shelter-in-place facility; or

(3) to conduct an evacuation drill or preparation.

(d) REVOLVING FUND.—

(1) IN GENERAL.—In the case of a grant under the program that is used to carry out a project on private or county land, the grant recipient shall deposit in a revolving fund maintained by the Secretary any proceeds from the sale of timber or biomass as a result of the project.

(2) USE.—The Secretary shall use amounts in the revolving fund to make other grants under this section, without further appropriation.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture to carry out this section $50,000,000 for each fiscal year.

At the appropriate place insert:

SEC. XX. EASTERN NEVADA LANDSCAPE COALITION.

(a) IN GENERAL.—(i) The Secretary of Agriculture and the Secretary of Interior are authorized to make grants to the Eastern Nevada Landscape Coalition for the study and restoration of rangeland and other lands in Nevada's Great Basin in order to help assure the reduction of hazardous fuels and for related purposes.

(ii) Notwithstanding sections 6301 through 6308 of title 31, United States Code, the Director of the Bureau of Land Management shall enter into a cooperative agreement with the Eastern Nevada Landscape Coalition for the Great Basin Restoration Project, including hazardous fuels and mechanical treatments and related work.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

On page 134 of the Committee amendment, line 21, strike ''805'' after ''807''.

At the end of title VIII, add the following:

SEC. 8___. SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM; FOREST LEGACY PROGRAM.

(a) SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM.—The Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) is amended by adding at the end the following:

''SEC. 21. SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) COMMITTEE.—The term 'Committee' means a State Forest Stewardship Coordinating Committee established under section 19(b).

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a unit of local government or a nonprofit organization that—

''(A) the Secretary determines, in accordance with the criteria established under subsection (c)(1)(A)(ii)(II) is eligible to receive a grant under subsection (c)(2); and

''(B) the State forester, in consultation with the Committee, determines—

''(i) has the abilities necessary to acquire and manage interests in real property; and

''(ii) has the resources necessary to monitor and enforce any terms applicable to the eligible project.

''(3) ELIGIBLE PROJECT.—The term 'eligible project' means a fee purchase, easement, or donation of land to conserve private forest land identified for conservation under subsection (c)(1)(A)(ii)(I).

''(4) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(5) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means any organization that is—

''(A) described in section 501(c) of the Internal Revenue Code of 1986; and

''(B) exempt from taxation under 501(a) of the Internal Revenue Code of 1986.

''(6) PRIVATE FOREST LAND.—The term 'private forest land' means land that is—

''(A) capable of producing commercial forest products; and

''(B) owned by—

''(i) a private entity; or

''(ii) an Indian tribe.

''(7) PROGRAM.—The term 'program' means the Suburban and Community Forestry and Open Space Program established by subsection (b).

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Forest Service a program to be known as the 'Suburban and Community Forestry and Open Space Program'.

''(2) PURPOSE.—The purpose of the program is to provide assistance to eligible entities to carry out eligible projects in States in which less than 25 percent of the land is owned by the United States to—

''(A) conserve private forest land and maintain working forests in areas threatened by significant suburban sprawl or by conversion to nonforest uses; and

''(B) provide communities a means by which to address significant suburban sprawl.

''(c) GRANT PROGRAM.—

''(1) IDENTIFICATION OF ELIGIBLE PRIVATE FOREST LAND.—

''(A) CRITERIA.—

''(i) NATIONAL CRITERIA.—The Secretary shall establish national eligibility criteria for the identification of private forest land that may be conserved under this section.

''(ii) STATE CRITERIA.—The State forester, in consultation with the Committee, shall, based on the criteria established under clause (i), and subject to the approval of the Secretary, establish criteria for—

''(I) the identification, subject to subparagraph (B), of private forest land in each State that may be conserved under this section; and

''(II) the identification of eligible entities.

''(B) CONDITIONS FOR ELIGIBLE PRIVATE FOREST LAND.—Private forest land identified for conservation under subparagraph (A)(ii)(I) shall be land that—

''(i) is located in a State in which less than 25 percent of the land is owned by the United States; and

''(ii) as determined by the State forester, in consultation with the Committee and subject to the approval of the Secretary—

''(I) is located in an area that is affected, or threatened to be affected, by significant suburban sprawl, taking into account housing needs in the area; and

''(II) is threatened by present or future conversion to nonforest use.

''(2) GRANTS.—

''(A) ELIGIBLE PROJECTS.—

''(i) IN GENERAL.—In carrying out this section, the Secretary shall award competitive grants to eligible entities to carry out eligible projects.

''(ii) PUBLIC ACCESS.—Eligible entities are encouraged to provide public access to land on which an eligible project is carried out.

''(B) APPLICATION; STEWARDSHIP PLAN.—An eligible entity that seeks to receive a grant under this section shall submit to the State forester—

''(i) at such time and in such form as the Secretary shall prescribe, an application for the grant (including a description of any private forest land to be conserved using funds from the grant and a description of the extent of the threat of conversion to nonforest use); and

''(ii) a stewardship plan that describes the manner in which—

''(I) any private forest land to be conserved using funds from the grant will be managed in accordance with this section;

''(II) the stewardship plan will be implemented; and

''(III) the public benefits to be achieved from implementation of the stewardship plan.

''(C) ASSESSMENT OF NEED.—With respect to an application submitted under subparagraph (B), the State forester shall—

''(i) assess the need for preserving suburban forest land and open space and containing suburban sprawl in the State, taking into account the housing needs of the area in which the eligible project is to be carried out; and

''(ii) submit to the Secretary—

''(I) the application submitted under subparagraph (B); and

''(II) the assessment of need.

''(D) APPROVAL OR DISAPPROVAL.—

''(i) IN GENERAL.—Subject to clause (ii), as soon as practicable after the date on which the Secretary receives an application under subparagraph (C)(ii) or a resubmission under subclause (II)(bb)(BB), the Secretary shall—

''(I) review the application; and

''(II)(aa) award a grant to the applicant; or

''(bb)(AA) disapprove the application; and

''(BB) provide the applicant a statement that describes the reasons why the application was disapproved (including a deadline by which the applicant may resubmit the application).

''(ii) CONSIDERATIONS; PRIORITY.—In awarding grants under this section, the Secretary shall—

''(I) consider the need for the eligible project based on the assessment of need submitted under subparagraph (C) and subject to any criteria under paragraph (1); and

''(II) give priority to applicants that propose to fund eligible projects that promote—

''(aa) the preservation of suburban forest land and open space;

''(bb) the containment of suburban sprawl;

''(cc) the sustainable management of private forest land;

''(dd) community involvement in determining the objectives for eligible projects that are funded under this section; and

''(ee) community and school education programs and curricula relating to sustainable forestry.

''(3) COST SHARING.—

''(A) IN GENERAL.—The amount of a grant awarded under this section to carry out an eligible project shall not exceed 50 percent of the total cost of the eligible project.

''(B) ASSURANCES.—As a condition of receipt of a grant under this section, an eligible entity shall provide to the Secretary such assurances as the Secretary determines are sufficient to demonstrate that the share of the cost of each eligible project that is not funded by the grant awarded under this section has been secured.

''(C) FORM.—The share of the cost of carrying out any eligible project described in subparagraph (A) that is not funded by a grant awarded under this section may be provided in cash or in kind (including a donation of land).

''(d) USE OF GRANT FUNDS FOR PURCHASES OF LAND OR EASEMENTS.—

''(1) PURCHASES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), funds made available, and grants awarded, under this section may be used to purchase private forest land or interests in private forest land (including conservation easements) only from willing sellers at fair market value.

''(B) SALES AT LESS THAN FAIR MARKET VALUE.—A sale of private forest land or an interest in private forest land at less than fair market value shall be permitted only on

certification by the landowner that the sale is being entered into willingly and without coercion.

''(2) TITLE.—Title to private forest land or an interest in private forest land purchased under paragraph (1) may be held, as determined appropriate by the Secretary, by—

''(A) a State;

''(B) a unit of local government; or

''(C) a nonprofit organization.

''(3) TERMINATION OF EASEMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), all right, title, and interest of a unit of local government or nonprofit organization in and to a conservation easement shall terminate and vest in the State if the State determines that—

''(i) the unit of local government or nonprofit organization is unable or unwilling to enforce the terms of the conservation easement; or

''(ii) the conservation easement has been modified in a way that is inconsistent with the purposes of the program.

''(B) CONVEYANCE TO ANOTHER UNIT OF LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION.—If the State makes a determination under subparagraph (A), the State may convey or authorize the unit of local government or nonprofit organization to convey the conservation easement to another unit of local government or nonprofit organization.

''(e) ADMINISTRATIVE COSTS.—The State, on approval of the Secretary and subject to any regulations promulgated by the Secretary, may use amounts made available under subsection (g) to pay the administrative costs of the State relating to the program.

''(f) REPORT.—The Secretary shall submit to Congress a report on the eligible projects carried out under this section in accordance with section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1606(c)).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $50,000,000 for fiscal year 2004; and

''(2) such sums as are necessary for each fiscal year thereafter.''.

(b) FOREST LEGACY PROGRAM.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—

(1) in subsection (c), by striking the last sentence;

(2) in subsection (i), by striking ''subsection (b)'' and inserting ''this section'';

(3) in subsection (j)(1), by inserting ''(other than by donation)'' after ''acquired'';

(4) in subsection (k)(2), by striking ''the United States or its'' and inserting ''the United States, a State, or other entity, or their''; and

(5) in subsection (l), by adding at the end the following:

''(3) STATE AUTHORIZATION.—

''(A) DEFINITION OF STATE FORESTER.—The term 'State forester' has the meaning given the term in section 4(k).

''(B) IN GENERAL.—Notwithstanding subsection (c) and paragraph (2)(B), the Secretary shall, on request by a State, authorize the State to allow a qualified organization (as defined in section 170(h)(3) of the Internal Revenue Code of 1986) and that is organized for at least 1 of the purposes described in section 170(h)(4)(A) of that Code, using amounts granted to a State under this paragraph, to acquire 1 or more conservation easements to carry out the Forest Legacy Program in the State.

''(C) ELIGIBILITY.—To be eligible to acquire and manage conservation easements under this paragraph, a qualified organization described in subparagraph (B) shall, as determined by the Secretary, acting through the State forester, demonstrate the abilities necessary to acquire, monitor, and enforce interests in forest land consistent with the Forest Legacy Program and the assessment of need for the State.

''(D) MONITORING AND ENFORCEMENT.—

''(i) IN GENERAL.—A qualified organization that acquires a conservation easement under this paragraph shall be responsible for monitoring and enforcing the terms of the conservation easement and any of the costs of the qualified organization associated with such monitoring and enforcement.

''(ii) CONTINGENT RIGHTS.—If a qualified organization that acquires a conservation easement under this paragraph fails to enforce the terms of the conservation easement, as determined by the State, the State or the Secretary shall have the right to enforce the terms of the conservation easement under Federal or State law.

''(iii) AMENDMENTS.—Any amendments to a conservation easement that materially affect the terms of the conservation easement shall be subject to approval by the Secretary or the State, as appropriate.

''(E) TERMINATION OF EASEMENT.—

''(i) IN GENERAL.—Except as provided in clause (ii), all right, title, and interest of a qualified organization described in subparagraph (B) in and to a conservation easement shall terminate and vest in the State or a qualified designee if the State determines that—

''(I) the qualified organization fails to enforce the terms of the conservation easement;

''(II) the conservation easement has been modified in a way that is inconsistent with the purposes of the Forest Legacy Program or the assessment of need for the State; or

''(III) the conservation easement has been conveyed to another person (other than to a qualified organization).

''(ii) CONVEYANCE TO ANOTHER QUALIFIED ORGANIZATION.—If the State makes a determination under clause (i), the State may convey or authorize the qualified organization to convey the conservation easement to another qualified organization.

''(F) IMPLEMENTATION.—The Secretary, acting through the State forester, shall implement this paragraph in accordance with the assessment of need for the State as approved by the Secretary.''.

At the end, add the following:

TITLE ___—HIGHLANDS REGION CONSERVATION

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Highlands Conservation Act''.

SEC. ___02. FINDINGS.

Congress finds the following:

(1) The Highlands region is a physiographic province that encompasses more than 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut.

(2) The Highlands region is an environmentally unique area that—

(A) provides clean drinking water to over 15,000,000 people in metropolitan areas in the States of Connecticut, New Jersey, New York, and Pennsylvania;

(B) provides critical wildlife habitat, including habitat for 247 threatened and endangered species;

(C) maintains an important historic connection to early Native American culture, colonial settlement, the American Revolution, and the Civil War;

(D) contains recreational resources for 14 million visitors annually;

(E) provides other significant ecological, natural, tourism, recreational, educational, and economic benefits; and

(F) provides homeownership opportunities and access to affordable housing that is safe, clean, and healthy;

(3) An estimated 1 in 12 citizens of the United States live within a 2-hour drive of the Highlands region.

(4) More than 1,400,000 residents live in the Highlands region.

(5) The Highlands region forms a greenbelt adjacent to the Philadelphia-New York City-Hartford urban corridor that offers the opportunity to preserve water, forest and agricultural resources, wildlife habitat, recreational areas, and historic sites, while encouraging sustainable economic growth and development in a fiscally and environmentally sound manner.

(6) Continued population growth and land use patterns in the Highlands region—

(A) reduce the availability and quality of water;

(B) reduce air quality;

(C) fragment the forests;

(D) destroy critical migration corridors and forest habitat; and

(E) result in the loss of recreational opportunities and scenic, historic, and cultural resources;

(7) The water, forest, wildlife, recreational, agricultural, and cultural resources of the Highlands region, in combination with the proximity of the Highlands region to the largest metropolitan areas in the United States, make the Highlands region nationally significant.

(8) The national significance of the Highlands region has been documented in—

(A) the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990;

(B) the New York-New Jersey Highlands Regional Study: 2002 Update conducted by the Forest Service;

(C) the bi-State Skylands Greenway Task Force Report;

(D) the New Jersey State Development and Redevelopment Plan;

(E) the New York State Open Space Conservation Plan;

(F) the Connecticut Green Plan: Open Space Acquisition FY 2001–2006;

(G) the open space plans of the State of Pennsylvania; and

(H) other open space conservation plans for States in the Highlands region;

(9) The Highlands region includes or is adjacent to numerous parcels of land owned by the Federal Government or federally designated areas that protect, conserve, or restore resources of the Highlands region, including—

(A) the Wallkill River National Wildlife Refuge;

(B) the Shawanagunk Grasslands Wildlife Refuge;

(C) the Morristown National Historical Park;

(D) the Delaware and Lehigh Canal Corridors;

(E) the Hudson River Valley National Heritage Area;

(F) the Delaware River Basin;

(G) the Delaware Water Gap National Recreation Area;

(H) the Upper Delaware Scenic and Recreational River;

(I) the Appalachian National Scenic Trail;

(J) the United States Military Academy at West Point, New York;

(K) the Highlands National Millenium Trail;

(L) the Great Swamp National Wildlife Refuge;

(M) the proposed Crossroads of the Revolution National Heritage Area;

(N) the proposed Musconetcong National Scenic and Recreational River in New Jersey; and

(O) the Farmington River Wild and Scenic Area in Connecticut;

(10) It is in the interest of the United States to protect, conserve, and restore the resources of the Highlands region for the residents of, and visitors to, the Highlands region.

(11) The States of Connecticut, New Jersey, New York, and Pennsylvania, and units of local government in the Highlands region have the primary responsibility for protecting, conserving, preserving, restoring and promoting the resources of the Highlands region.

(12) Because of the longstanding Federal practice of assisting States in creating, protecting, conserving, and restoring areas of significant natural and cultural importance, and the national significance of the Highlands region, the Federal Government should, in partnership with the Highlands States and units of local government in the Highlands region, protect, restore, and preserve the water, forest, agricultural, wildlife, recreational and cultural resources of the Highlands region.

SEC. ___03. PURPOSES.

The purposes of this title are as follows:

(1) To recognize the importance of the water, forest, agricultural, wildlife, recreational and cultural resources of the Highlands, and the national significance of the Highlands region to the United States.

(2) To authorize the Secretary of Interior to work in partnership with the Secretary of Agriculture to provide financial assistance to the Highlands States to preserve and protect high priority conservation lands in the Highlands region.

(3) To continue the ongoing Forest Service programs in the Highlands region to assist the Highlands States, local units of government and private forest and farm landowners in the conservation of lands and natural resources in the Highlands region.

SEC. ___04. DEFINITIONS.

In this title:

(1) HIGHLANDS REGION.—The term ''Highlands region'' means the physiographic province, defined by the Reading Prong and ecologically similar adjacent upland areas, that encompasses more than 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut.

(2) HIGHLANDS STATE.—The term ''Highlands State'' means—

(A) the State of Connecticut;

(B) the State of New Jersey;

(C) the State of New York;

(D) the State of Pennsylvania; and

(E) any agency or department of any Highlands State.

(3) LAND CONSERVATION PARTNERSHIP PROJECT.—The term ''land conservation partnership project'' means a land conservation project located within the Highlands region identified as having high conservation value by the Forest Service in which a non-Federal entity acquires land or an interest in land from a willing seller for the purpose of permanently protecting, conserving, or preserving the land through a partnership with the Federal Government.

(4) NON-FEDERAL ENTITY.—The term ''non-Federal entity'' means any Highlands State, or any agency or department of any Highlands State with authority to own and manage land for conservation purpose, including the Palisades Interstate Park Commission.

(5) STUDY.—The term ''study'' means the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990.

(6) UPDATE.—The term ''update'' means the New York-New Jersey Highlands Regional Study: 2002 Update conducted by the Forest Service.

SEC. ___05. LAND CONSERVATION PARTNERSHIP PROJECTS IN THE HIGHLANDS REGION.

(a) SUBMISSION OF PROPOSED PROJECTS.—Annually, the Governors of the Highlands States, with input from pertinent units of local government and the public, may jointly identify land conservation partnership projects in the Highlands region that shall be proposed for Federal financial assistance and submit a list of those projects to the Secretary of the Interior.

(b) CONSIDERATION OF PROJECTS.—The Secretary of the Interior, in consultation with the Secretary of Agriculture, shall annually submit to Congress a list of those land conservation partnership projects submitted under subsection (a) that are eligible to receive financial assistance under this section.

(c) ELIGIBILITY CONDITIONS.—To be eligible for financial assistance under this section for a land conservation partnership project, a non-Federal entity shall enter into an agreement with the Secretary of the Interior that—

(1) identifies the non-Federal entity that shall own or hold and manage the land or interest in land;

(2) identifies the source of funds to provide the non-Federal share required under subsection (d);

(3) describes the management objectives for the land that will assure permanent protection and use of the land for the purpose for which the assistance will be provided;

(4) provides that, if the non-Federal entity converts, uses, or disposes of the land conservation partnership project for a purpose inconsistent with the purpose for which the assistance was provided, as determined by the Secretary of the Interior, the United States may seek specific performance of the conditions of financial assistance in accordance with paragraph (3) in Federal court and shall be entitled to reimbursement from the non-Federal entity in an amount that is, as determined at the time of conversion, use, or disposal, the greater of—

(A) the total amount of the financial assistance provided for the project by the Federal Government under this section; or

(B) the amount by which the financial assistance increased the value of the land or interest in land; and

(5) provides that land conservation partnership projects will be consistent with areas identified as having high conservation value in the following:

(A) Important Areas portion of the Forest Service study.

(B) Conservation Focal Areas portion of the Forest Service update.

(C) Conservation Priorities portion of the update.

(D) Lands identified as having higher or highest resource value in the Conservation Values Assessment portion of the update.

(d) NON-FEDERAL SHARE REQUIREMENT.—The Federal share of the cost of carrying out a land conservation partnership project under this section shall not exceed 50 percent of the total cost of the land conservation partnership project.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior from the general funds of the Treasury or the Land and Water Conservation Fund to carry out this section $10,000,000 for each of the fiscal years 2005 through 2014. Amounts appropriated pursuant to this authorization of appropriations shall remain available until expended.

SEC. ___06. FOREST SERVICE AND USDA PROGRAMS IN THE HIGHLANDS REGION.

(a) IN GENERAL.—In order to meet the land resource goals of, and the scientific and conservation challenges identified in, the study, update, and any future study that the Forest Service may undertake in the Highlands region, the Secretary of Agriculture, acting through the Chief of the Forest Service and in consultation with the Chief of the Natural Resource Conservation Service, shall continue to assist the Highlands States, local units of government, and private forest and farm landowners in the conservation of lands and natural resources in the Highlands region.

(b) DUTIES.—The Forest Service shall—

(1) in consultation with the Highlands States, undertake other studies and research as appropriate in the Highlands region consistent with the purposes of this title;

(2) communicate the findings of the study and update and maintain a public dialogue regarding implementation of the study and update; and

(3) assist the Highland States, local units of government, individual landowners, and private organizations in identifying and using Forest Service and other technical and financial assistance programs of the Department of Agriculture.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture to carry out this section $1,000,000 for each of the fiscal years 2005 through 2014.

SEC. ___07. PRIVATE PROPERTY PROTECTION AND LACK OF REGULATORY EFFECT.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to permit public access (including Federal, State, or local government access) to such private property; and

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) LIABILITY.—Nothing in this title shall be construed to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS.—Nothing in this title shall be construed to require the owner of any private property located in the Highlands region to participate in the land conservation, financial, or technical assistance or any other programs established under this title.

(e) PURCHASE OF LANDS OR INTERESTS IN LANDS FROM WILLING SELLERS ONLY.—Funds appropriated to carry out this title shall be used to purchase lands or interests in lands only from willing sellers.

At the end of the bill, add the following:

SEC. 8___. WILDLAND FIREFIGHTER SAFETY.

(a) DEFINITION OF SECRETARY.—In this section, the term ''Secretary'' means—

(1) the Secretary of Agriculture, with respect to land of the National Forest System described in section 3(1)(A); and

(2) the Secretary of the Interior, with respect to public lands described in section 3(1)(B).

(b) FIREFIGHTER SAFETY AND TRAINING BUDGET.—The Secretary shall—

(1) track funds expended for firefighter safety and training programs and activities; and

(2) include a line item for such expenditures in each budget request submitted after the date of enactment of this Act.

(c) ANNUAL REPORT TO CONGRESS.—The Secretaries shall, on an annual basis, jointly submit to Congress a report on the implementation and efficacy of wildland firefighter safety and training programs and activities.

(d) SAFETY QUALIFICATION OF PRIVATE CONTRACTORS.—

(1) IN GENERAL.—The Secretaries shall ensure that any Federal contract or agreement entered into with a private entity for wildland firefighting services requires the entity to provide firefighter training that is consistent with qualification standards established by the National Wildfire Coordinating Group.

(2) COMPLIANCE.—The Secretaries shall develop a program to monitor and enforce compliance with the requirements of paragraph (1).

At the appropriate place, insert the following:

GREEN MOUNTAIN NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Green Mountain National Forest are modified to include all parcels of land depicted on the forest maps entitled 'Green Mountain Expansion Area Map I' and 'Green Mountain Expansion Area Map II', each dated February 20, 2002, which shall be on file and available for public inspection in the Office of the Chief of the Forest Service Washington this act shall be considered to be the boundaries of the national forest as of January 1, 1965.

At the appropriate place, insert the following:

SEC. ___. PUERTO RICO KARST CONSERVATION.

(a) SHORT TITLE.—This section may be cited as the ''Puerto Rico Karst Conservation Act of 2003''.

(b) FINDINGS.—Congress finds that—

(1) in the Karst Region of the Commonwealth of Puerto Rico there are—

(A) some of the largest areas of tropical forests in Puerto Rico, with a higher density of tree species than any other area in the Commonwealth; and

(B) unique geological formations that are critical to the maintenance of aquifers and watersheds that constitute a principal water supply for much of the Commonwealth;

(2) the Karst Region is threatened by development that, if unchecked, could permanently damage the aquifers and cause irreparable damage to natural and environmental assets that are unique to the United States;

(3) the Commonwealth has 1 of the highest population densities in the United States, which makes the protection of the Karst Region imperative for the maintenance of the public health and welfare of the citizens of the Commonwealth;

(4) the Karst Region—

(A) possesses extraordinary ecological diversity, including the habitats of several endangered and threatened species and tropical migrants; and

(B) is an area of critical value to research in tropical forest management; and

(5) coordinated efforts at land protection by the Federal Government and the Commonwealth are necessary to conserve the environmentally critical Karst Region.

(c) PURPOSES.—The purposes of this section are—

(1) to authorize and support conservation efforts to acquire, manage, and protect the tropical forest areas of the Karst Region, with particular emphasis on water quality and the protection of the aquifers that are vital to the health and wellbeing of the citizens of the Commonwealth; and

(2) to promote cooperation among the Commonwealth, Federal agencies, corporations, organizations, and individuals in those conservation efforts.

(d) DEFINITIONS.—In this section:

(1) COMMONWEALTH.—The term ''Commonwealth'' means the Commonwealth of Puerto Rico.

(2) FOREST LEGACY PROGRAM.—The term ''Forest Legacy Program'' means the program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(3) FUND.—The term ''Fund'' means the Puerto Rico Karst Conservation Fund established by subsection (f).

(4) KARST REGION.—The term ''Karst Region'' means the areas in the Commonwealth generally depicted on the map entitled ''Karst Region Conservation Area'' and dated March 2001, which shall be on file and available for public inspection in—

(A) the Office of the Secretary, Puerto Rico Department of Natural and Environmental Resources; and

(B) the Office of the Chief of the Forest Service.

(5) LAND.—The term ''land'' includes land, water, and an interest in land or water.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(e) CONSERVATION OF THE KARST REGION.—

(1) FEDERAL COOPERATION AND ASSISTANCE.—In furtherance of the acquisition, protection, and management of land in and adjacent to the Karst Region and in implementing related natural resource conservation strategies, the Secretary may—

(A) make grants to and enter into contracts and cooperative agreements with the Commonwealth, other Federal agencies, organizations, corporations, and individuals; and

(B) use all authorities available to the Secretary, including—

(i) the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.);

(ii) section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3318); and

(iii) section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(2) FUNDING SOURCES.—The activities authorized by this subsection may be carried out using—

(A) amounts in the Fund;

(B) amounts in the fund established by section 4(b) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1643(b));

(C) funds appropriated from the Land and Water Conservation Fund;

(D) funds appropriated for the Forest Legacy Program; and

(E) any other funds made available for those activities.

(3) MANAGEMENT.—

(A) IN GENERAL.—Land acquired under this subsection shall be managed, in accordance with the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.), in a manner to protect and conserve the water quality and aquifers and the geological, ecological, fish and wildlife, and other natural values of the Karst Region.

(B) FAILURE TO MANAGE AS REQUIRED.—In any deed, grant, contract, or cooperative agreement implementing this subsection and the Forest Legacy Program in the Commonwealth, the Secretary may require that, if land acquired by the Commonwealth or other cooperating entity under this section is sold or conveyed in whole or part, or is not managed in conformity with subparagraph (A), title to the land shall, at the discretion of the Secretary, vest in the United States.

(4) WILLING SELLERS.—Any land acquired by the Secretary in the Karst Region shall be acquired only from a willing seller.

(5) RELATION TO OTHER AUTHORITIES.—Nothing in this subsection—

(A) diminishes any other authority that the Secretary may have to acquire, protect, and manage land and natural resources in the Commonwealth; or

(B) exempts the Federal Government from Commonwealth water laws.

(f) PUERTO RICO KARST CONSERVATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury an interest-bearing account to be known as the ''Puerto Rico Karst Conservation Fund''.

(2) CREDITS TO FUND.—There shall be credited to the Fund—

(A) amounts appropriated to the Fund;

(B) all amounts donated to the Fund;

(C) all amounts generated from the Caribbean National Forest that would, but for this paragraph, be deposited as miscellaneous receipts in the Treasury of the United States, but not including amounts authorized by law for payments to the Commonwealth or authorized by law for retention by the Secretary for any purpose;

(D) all amounts received by the Administrator of General Services from the disposal of surplus real property in the Commonwealth under subtitle I of title 40, United States Code; and

(E) interest derived from amounts in the Fund.

(3) USE OF FUND.—Amounts in the Fund shall be available to the Secretary until expended, without further appropriation, to carry out subsection (e).

(g) MISCELLANEOUS PROVISIONS.—

(1) DONATIONS.—

(A) IN GENERAL.—The Secretary may accept donations, including land and money, made by public and private agencies, corporations, organizations, and individuals in furtherance of the purposes of this subsection.

(B) CONFLICTS OF INTEREST.—The Secretary may accept donations even if the donor conducts business with or is regulated by the Department of Agriculture or any other Federal agency.

(C) APPLICABLE LAW.—Public Law 95–442 (7 U.S.C. 2269) shall apply to donations accepted by the Secretary under this paragraph.

(2) RELATION TO FOREST LEGACY PROGRAM.—

(A) IN GENERAL.—All land in the Karst Region shall be eligible for inclusion in the Forest Legacy Program.

(B) COST SHARING.—The Secretary may credit donations made under paragraph (1) to satisfy any cost-sharing requirements of the Forest Legacy Program.

(h) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as are necessary to carry out this section.

Section 10806(b)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d; 116 Stat. 526), is deemed to have first become effective 15 days after the date of the enactment of this Act.

At the end of title VIII, add the following:

SEC. 8___. ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS UNDER THE ANIMAL WELFARE ACT.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively;

(2) by inserting after subsection (b) the following:

''(c) SHARP INSTRUMENTS.—It shall be unlawful for any person to knowingly sell, buy, transport, or deliver in interstate or foreign commerce a knife, a gaff, or any other sharp instrument attached, or designed or intended to be attached, to the leg of a bird for use in an animal fighting venture.'';

(3) in subsection (e) (as redesignated by paragraph (1)), by striking ''(c)'' and inserting ''(d)'';

(4) in subsection (f) (as redesignated by paragraph (1))—

(A) by striking ''(a), (b), or (c)'' and inserting ''(a), (b), (c), or (d)''; and

(B) by striking ''1 year'' and inserting ''2 years'';

(5) by striking subsection (g) (as redesignated by paragraph (1)) and inserting the following:

''(g) INVESTIGATIONS.—

''(1) IN GENERAL.—The Secretary or any person authorized by the Secretary shall make such investigations as the Secretary considers necessary to determine whether any person has violated or is violating any provision of this section.

''(2) ASSISTANCE.—Through cooperative agreements, the Secretary may obtain the assistance of the Federal Bureau of Investigation, the Department of the Treasury, and other law enforcement agencies of the United States and of State, tribal, and local governmental agencies in the conduct of an investigation under paragraph (1).

''(3) WARRANTS.—

''(A) ISSUANCE.—A judge of the United States, United States magistrate judge, or judge of a State or tribal court of competent jurisdiction in the district in which is located an animal, paraphernalia, instrument, or other property or thing that there is probable cause to believe was involved, is about to be involved, or is intended to be involved in a violation of this section shall issue a warrant to search for and seize the animal or other property or thing.

''(B) APPLICATION; EXECUTION.—A United States marshal or any person authorized under this section to conduct an investigation may apply for and execute a warrant issued under subparagraph (A), and any animal, paraphernalia, instrument, or other property or thing seized under such a warrant shall be held by the authorized person pending disposition of the animal, paraphernalia, instrument, or other property or thing by a court in accordance with this subsection.

''(4) STORAGE OF ANIMALS.—

''(A) IN GENERAL.—An animal seized by a United States marshal or other authorized person under paragraph (3) shall be taken promptly to an animal housing facility in which the animal shall be stored humanely.

''(B) NO FACILITY AVAILABLE.—If there is not available a suitable animal storage facility sufficient in size to hold all of the animals involved in a violation, a United States marshal or other authorized person shall—

''(i) seize a representative sample of the animals for evidentiary purposes to be transported to an animal storage facility in which the animals shall be stored humanely; and

''(ii)(I) keep the remaining animals at the location where the animals were seized;

''(II) provide for the humane care of the animals; and

''(III) cause the animals to be banded, tagged, or marked by microchip and photographed or videotaped for evidentiary purposes.

''(5) CARE.—While a seized animal is held in custody, a United States marshal or other authorized person shall ensure that the animal is provided necessary care (including housing, feeding, and veterinary treatment).

''(6) FORFEITURE.—

''(A) IN GENERAL.—Any animal, paraphernalia, instrument, vehicle, money, or other property or thing involved in a violation of this section shall be liable to be proceeded against and forfeited to the United States at any time on complaint filed in any United States district court or other court of the United States for any jurisdiction in which the animal, paraphernalia, instrument, vehicle, money, or other property or thing is found.

''(B) DISPOSITION.—On entry of a judgment of forfeiture, a forfeited animal shall be disposed of by humane means, as the court may direct.

''(C) COSTS.—Costs incurred by the United States for care of an animal seized and forfeited under this section shall be recoverable from the owner of the animal—

''(i) in the forfeiture proceeding, if the owner appears in the forfeiture proceeding; or

''(ii) in a separate civil action brought in the jurisdiction in which the owner is found, resides, or transacts business.

''(D) CLAIM TO PROPERTY.—

''(i) IN GENERAL.—The owner, custodian, or other person claiming an interest in a seized animal may prevent disposition of the animal by posting, or may be ordered by any United States district court or other court of the United States, or by any tribal court, for any jurisdiction in which the animal is found to post, not later than 10 days after the animal is seized, a bond with the court in an amount sufficient to provide for the care of the animal (including housing, feeding, and veterinary treatment) for not less than 30 days.

''(ii) RENEWAL.—The owner, custodian, or other person claiming an interest in a seized animal may renew a bond, or be ordered to renew a bond, by posting a new bond, in an amount sufficient to provide for the care of the animal for at least an additional 30 days, not later than 10 days after the expiration of the period for which a previous bond was posted.

''(iii) DISPOSITION.—If a bond expires and is not renewed, the animal may be disposed of as provided in subparagraph (A).

''(7) EUTHANIZATION.—Notwithstanding paragraphs (1) through (6), an animal may be humanely euthanized if a veterinarian determines that the animal is suffering extreme pain.''; and

(6) in subsection (h) (as redesignated by paragraph (1))—

(A) in subparagraphs (A) and (B) of paragraph (2), by inserting before the semicolon the following: ''(including a movement to, from, or within land under the jurisdiction of an Indian tribe)''; and

(B) in paragraph (3), by striking ''telephone, radio, or television'' and inserting ''telephone, the Internet, radio, television, or any technology''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 23 of the Animal Welfare Act (7 U.S.C. 2153) is amended—

(1) by striking ''SEC. 23. The Secretary'' and inserting the following:

''SEC. 23. FEES; AUTHORIZATION OF APPROPRIATIONS.

''(a) FEES.—The Secretary''; and

(2) by striking the third sentence and inserting the following:

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the later of—

(1) the date of enactment of this Act; or

(2) May 13, 2003.

At the end of title VIII, add the following:

SEC. 8___. INCREASE IN MAXIMUM FINES FOR VIOLATION OF PUBLIC LAND REGULATIONS AND ESTABLISHMENT OF MINIMUM FINE FOR VIOLATION OF PUBLIC LAND FIRE REGULATIONS DURING FIRE BAN.

(a) LANDS UNDER JURISDICTION OF BUREAU OF LAND MANAGEMENT.—Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) is amended—

(1) in the second sentence, by striking ''no more than $1,000'' and inserting ''as provided in title 18, United States Code,''; and

(2) by inserting after the second sentence the following: ''In the case of a regulation issued under this section regarding the use of fire by individuals on the public lands, if the violation of the regulation was the result of reckless conduct and occurred in an area subject to a complete ban on open fires, the fine may not be less than $500.''.

(b) NATIONAL PARK SYSTEM LANDS.—

(1) FINES.—Section 3 of the Act of August 25, 1916 (popularly known as the National Park Service Organic Act; 16 U.S.C. 3) is amended—

(A) by striking ''That the Secretary'' at the beginning of the section and inserting ''(a) REGULATIONS FOR USE AND MANAGEMENT OF NATIONAL PARK SYSTEM; ENFORCEMENT.—The Secretary'';

(B) by striking ''$500'' and inserting ''$10,000''; and

(C) by inserting after the first sentence the following: ''In the case of a rule or regulation issued under this subsection regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct and occurred in an area subject to a complete ban on open fires, the fine may not be less than $500.''.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) by striking ''He may also'' the first place it appears and inserting the following:

''(b) SPECIAL MANAGEMENT AUTHORITIES.—The Secretary of the Interior may'';

(B) by striking ''He may also'' the second place it appears and inserting ''The Secretary may''; and

(C) by striking ''No natural,'' and inserting the following:

''(c) LEASE AND PERMIT AUTHORITIES.—No natural''.

(c) NATIONAL FOREST SYSTEM LANDS.—The eleventh undesignated paragraph under the heading ''SURVEYING THE PUBLIC LANDS'' of the Act of June 4, 1897 (16 U.S.C. 551), is amended—

(1) by striking ''$500'' and inserting ''$10,000''; and

(2) by inserting after the first sentence the following: ''In the case of such a rule or regulation regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct and occurred in an area subject to a complete ban on open fires, the fine may not be less than $500.''.

SA 2047. Mr. DURBIN (for himself, Mr. DASCHLE, Mr. CORZINE, Mr. BINGAMAN, Ms. STABENOW, 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:

At the appropriate place, insert the following:

SEC. ____. For an additional amount for the Global AIDS Initiative, $589,700,000, to remain available until September 30, 2006, for programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, and malaria, which may include additional contributions to the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

SA 2048. Mr. BINGAMAN (for himself and 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 22, line 7, strike ''$700,000,000'' and insert ''$900,000,000''.

On page 45, line 8, strike ''$1,000,000,000'' and insert ''$800,000,000''.

SA 2049. 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:

In Senate Amendment 1968, strike the following:

On page 18, line 10, after ''Jordan'' insert the following: '', which sum shall be disbursed within 30 days of enactment of this Act''.

Strike amendments 1995 and 2004 to H.R. 2800, which were adopted by unanimous consent on October 28, 2003.

At the appropriate place in the bill, insert the following:

INTERNATIONAL MILITARY TRAINING ASSISTANCE FOR INDONESIA

SEC. . (a) Subject to subsection (b), none of the funds appropriated under the heading ''INTERNATIONAL MILITARY EDUCATION AND TRAINING'' shall be made available for Indonesia, except that such prohibition shall not apply to expanded military education and training.

(b) The President may waive the application of subsection (a) if the President determines that important national security interests of the United States justify such a waiver and the President submits notice of such a waiver and justification to the Committees on Appropriations in accordance with the regular notification procedures of such Committees.

(c) Respect of the Indonesian military for human rights and the normalization of the military relationship between the United States and Indonesia is in the interests of both countries. The normalization process cannot begin until the Federal Bureau of Investigation has received full cooperation from the Government of Indonesia and the Indonesian armed forces with respect to its investigation into the August 31, 2002, murders of two American citizens and one Indonesian citizen in Timika, Indonesia, and the individuals responsible for those murders have been prosecuted and appropriately punished.

At the appropriate place insert the following:

SEC. . TECHNICAL CORRECTION RELATING TO THE ENHANCED HIPC INITIATIVE.

Section 1625(a)(1)(B)(ii) of the International Financial Institutions Act (as added by section 501 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25)) is amended by striking ''subparagraph (A)'' and inserting ''clause (i)''.

SA 2050. Mr. MCCONNELL (for Mr. STEVENS) 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 4 after the colon, insert the following: ''*Provided further*, That of the funds appropriated under this heading, $500,000 shall be made available to support democracy building programs in Russia through the Sakharov Archives:''.

NOTICES OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold a hearing entitled ''DOD's Improper Use of First and Business Class Airline Travel.'' The Subcommittee's hearing will focus on a recently completed General Accounting Office investigation of the Department of Defense's use and monitoring of premium airline travel during fiscal years 2001 and 2002. The hearing will identify the types of abuse, discuss the causes, determine the magnitude of the problem, and identify what corrective action is required. The hearing objective is to conduct continuing oversight over the use of government-issued travel cards to ensure that expected cost savings are realized.

The hearing will take place on Thursday, November 6, 2003, at 2 p.m, in Room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd, III, Staff Director and Chief Counsel of the Subcommittee, at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 30, 2003, at 10 a.m., to conduct a hearing on ''The Treasury's Department's Report to Congress on International Economic and Exchange Rate Policy.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on October 30, 2003, at 10 a.m., on universal service.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families and Committee on Foreign Relations, Subcommittee on African Affairs be authorized to meet for a hearing on ''A Morale Imperative: Frist Report on the HIV/AIDS Codel to Africa'' during the session of the Senate on Thursday, October 30, 2003, at 3 p.m., in S211.

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

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, October 30, 2003, at 10 a.m. in Dirksen Room 226.

Agenda:

I. Nominations: Henry W. Saad to be U.S. Circuit Judge for the Sixth Circuit; Dora L. Irizarry to be U.S. District Judge for the Eastern District of New York; William K. Sessions III to be a Member of the U.S. Sentencing Commission; D. Michael Fisher to be U.S. Circuit Judge for the Third Circuit; Janice R. Brown to be U.S. Circuit Judge for the District of Columbia Circuit; David L. Huber to be U.S. Attorney for the Western District of Kentucky.

II. Bills: S. 1720, a bill to provide for Federal court proceedings in Plano, Texas [Cornyn]; S. 710, Anti-Atrocity Alien Deportation Act of 2003 [Leahy, Hatch]; S. Con. Res. 58, Expressing the sense of Congress with respect to raising awareness and encouraging prevention of stalking in the United States and supporting the goals and ideals of National Stalking Awareness Month [DeWine, Biden, Feinstein]; S. Con. Res. , Recognizing that November 2, 2003, shall be dedicated to ''A tribute to survivors'' at the United States Holocaust Memorial Museum [Hatch].

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

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Thursday, October 30, 2003, at 2:00 p.m., on ''Monopsony Issues in Agriculture: Buying Power of Processors in Our Nation's Agricultural Markets,'' in the Dirksen Senate Office Building Room 226.

Witness list:

''Monopsony Issues in Agriculture: Buying Power of Processors in Our Nation's Agricultural Markets'' Thursday, October 30, 2003, 2:00 p.m., SD–226.

Panel I: The Honorable R. Hewitt Pate, Assistant Attorney General for Antitrust, U.S. Department of Justice, Washington, DC.

Panel II: Dr. Dee Von Bailey, Professor and Extension Economist, Department of Economics, Utah State University, Logan, UT; Dr. Ronald W. Cotterill, Professor of Agricultural and Resource Economics, University of Connecticut, Storrs, CT; Professor Peter Carstensen, George H. Young-Bascom Professor of Law, University of Wisconsin-Madison, Madison, WI.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 30, 2003 at 9 a.m. to hold a hearing on Syria: U.S. Policy Directions.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 30, 2003 at 2:30 p.m. to hold a sub committee hearing on North Korea.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 30, 2003 at 2:30 p.m. to hold a sub committee hearing on Combating Transnational Crime & Corruption in Europe.

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

COMMITTEE ON VETERANS AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, October 30, 2003, for a hearing to consider the nominations of Cynthia R. Church, to be Assistant Secretary of Veterans Affairs for Public and Intergovernmental Affairs, and Robert N. McFarland, to be Assistant Secretary of Veterans Affairs for Information and Technology. The hearing will take place in room 418 of the Russell Senate Office Building at 2 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 30, 2003 at 2:30 p.m. to hold a closed hearing.

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

SUBCOMMITTEE ON AGING

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Aging be authorized to meet for a hearing on Elder Justice and Protection: Stopping the Financial Abuse during the session of the Senate on Thursday, October 30, 2003, at 10 a.m. in SD–430.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, October 30 at 10 a.m. The Purpose of the hearings is to receive testimony on the following bills: S. 1241, to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes; S. 1364, to amend the Alaska National Interest Lands Conservation Act to authorize the payment of expenses after the death of certain Federal employees in the State of Alaska; S. 1433, to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River Watershed of the States of New Hampshire and Vermont; S. 1462, to adjust the boundary of the Cumberland Island Wilderness, to authorize tours of the Cumberland Island National Seashore, and for other purposes.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, October 30 at 2:30 p.m. The purpose of the hearing is to examine S. 1097, a bill to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program.

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

PRIVILEGE OF THE FLOOR

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Bridget Lipscomb, a member of my staff, be given the privilege of the floor during the consideration of Judge Pickering's nomination.

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

Mr. LEAHY. Mr. President, I ask unanimous consent that Mary Guillot, of my office staff, be granted the privileges of the floor for the remainder of the consideration of H.R. 1904.

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

FURTHER CONTINUING APPROPRIATIONS, 2004

Mr. STEVENS. I ask unanimous consent that the Senate now proceed to the consideration of H.J. Res. 75, the continuing resolution. I further ask consent that the resolution be read a third time and passed and the motion to reconsider be laid on the table.

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

The joint resolution (H.J. Res. 75) was read the third time and passed.

HEALTHY FORESTS RESTORATION ACT OF 2003

AMENDMENT NO. 2046, AS MODIFIED

Mr. FRIST. I ask unanimous consent that notwithstanding the passage of H.R. 1904, the previously agreed upon amendment No. 2046 be modified with the changes which are at the desk.

The PRESIDING OFFICER. Without objection, the modification is agreed to.

The amendment (No. 2046), as modified, was agreed to, as follows:

On page 50 and 51, strike all language and insert the following:

(a) IN GENERAL.—The boundaries of the Green Mountain National Forest are modified to include all parcels of land depicted on the forest maps entitled ''Green Mountain Expansion Area Map I'' and ''Green Mountain Expansion Area Map II,'' each dated February 20, 2002, which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia.

(b) MANAGEMENT.—Federally owned land delineated on the maps acquired for National Forest purposes shall continue to be managed in accordance with the laws (including regulations) applicable to the National Forest System.

(c) LAND AND WATER CONSERVATION FUND.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460–9), the boundaries of the Green Mountain National Forest, as adjusted by this Act, shall be considered to be the boundaries of the national forest as of January 1, 1965.

A TRIBUTE TO SURVIVORS

Mr. FRIST. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 76 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 76) recognizing that November 2, 2003, shall be dedicated to A Tribute to Survivors at the United States Holocaust Memorial Museum.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 76) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

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.

UNANIMOUS CONSENT AGREEMENT—H.R. 3289

Mr. FRIST. I ask unanimous consent that at 11 a.m. on Monday, November 3, the Senate proceed to the consideration of the conference report to accompany H.R. 3289, the Iraq-Afghanistan supplemental. I further ask that the time until 5 p.m. be equally divided between the chairman and ranking member of the committee, with the minority time allocated as follows: Senator BYRD, 60 minutes; Senator DURBIN, 30 minutes; Senator KENNEDY, 30 minutes; Senator DORGAN, 15 minutes; Senator DAYTON, 10 minutes; Senator DASCHLE, 30 minutes. I further ask unanimous consent that at 5 p.m. the conference report be adopted with the motion to reconsider laid upon the table.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask the distinguished majority leader to amend the time of the minority to have Senator DAYTON, 15 minutes; Senator DASCHLE, 20 minutes; Senator HARKIN, 5 minutes. It all works out to the same amount of time.

The PRESIDING OFFICER. Without objection, the request, with the modification, is agreed to.

ORDERS FOR FRIDAY, OCTOBER 31, 2003

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Friday, October 31. 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 begin a period for morning business with Senators permitted to speak for up to 10 minutes each.

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