

S. 1781

At the request of Mr. DORGAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1781, a bill to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes.

S. 1879

At the request of Ms. MIKULSKI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1879, a bill to amend the Public Health Service Act to revise and extend provisions relating to mammography quality standards.

S. 1890

At the request of Mr. ENZI, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1890, a bill to require the mandatory expensing of stock options granted to executive officers, and for other purposes.

S. CON. RES. 81

At the request of Mrs. FEINSTEIN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Con. Res. 81, 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. RES. 202

At the request of Mr. CAMPBELL, the name of the Senator from Michigan (Ms. STABENOW) 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. 216

At the request of Mr. LOTT, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. Res. 216, a resolution establishing as a standing order of the Senate a requirement that a Senator publicly discloses a notice of intent to object to proceeding to any measure or matter.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COLEMAN:

S. 1898. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate part or all of any income tax refund to support reservists and National Guard members; to the Committee on Finance.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the bill I introduce today—the Voluntary Support for Reservists and National Guard Members Act, which creates a voluntary check-off on tax returns to support the income lost to reservists who are called to active duty—be printed in the RECORD.

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

S. 1898

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 “Voluntary Support for Reservists and National Guard Members Act”.

SEC. 2. DESIGNATION OF OVERPAYMENTS TO SUPPORT RESERVISTS.

(a) DESIGNATION.—

(1) IN GENERAL.—Subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

“PART IX—DESIGNATION OF OVERPAYMENTS TO SUPPORT RESERVISTS

“Sec. 6097. Designation.

“SEC. 6097. DESIGNATION.

“(a) IN GENERAL.—In the case of an individual, with respect to each taxpayer’s return for the taxable year of the tax imposed by chapter 1, such taxpayer may designate that a specified portion (not less than \$1) of any overpayment of tax for such taxable year be paid over to the Reservist Income Differential Trust Fund.

“(b) MANNER AND TIME OF DESIGNATION.—A designation under subsection (a) may be made with respect to any taxable year only at the time of filing the return of the tax imposed by chapter 1 for such taxable year. Such designation shall be made in such manner as the Secretary prescribes by regulations except that such designation shall be made either on the first page of the return or on the page bearing the taxpayer’s signature.

“(c) OVERPAYMENTS TREATED AS REFUNDED.—For purposes of this title, any portion of an overpayment of tax designated under subsection (a) shall be treated as—

“(1) being refunded to the taxpayer as of the last date prescribed for filing the return of tax imposed by chapter 1 (determined without regard to extensions) or, if later, the date the return is filed, and

“(2) a contribution made by such taxpayer on such date to the United States.”.

(2) TRANSFERS TO RESERVIST INCOME DIFFERENTIAL TRUST FUND.—The Secretary of the Treasury shall, from time to time, transfer to the Reservist Income Differential Trust Fund the amounts designated under section 6097 of the Internal Revenue Code of 1986.

(3) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Part IX. Designation of overpayments to support reservists.”.

(b) RESERVIST INCOME DIFFERENTIAL TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following new section:

“SEC. 9511. RESERVIST INCOME DIFFERENTIAL TRUST FUND.

“(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the ‘Reservist Income Differential Trust Fund’, consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section or section 9602(b).

“(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Reservist Income Differential Trust Fund amounts equivalent to the amounts designated under section 6097 (relating to designation of overpayments to support reservists).

“(c) EXPENDITURES.—Amounts in the Reservist Income Differential Trust Fund shall be available for making distributions to eli-

gible members of reserve components in accordance with section 212 of title 37, United States Code.”.

(2) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

“Sec. 9511. Reservist Income Differential Trust Fund.”.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2003.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 3. PAY DIFFERENTIAL FOR MOBILIZED RESERVES.

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 3 of title 37, United States Code, is amended by adding at the end the following new section:

“§ 212. Reserves on active duty: pay differential for service in support of a contingency operation

“(a) AUTHORITY.—To the extent provided in appropriations Acts, the Secretary of a military department shall pay an eligible member of a reserve component of the armed forces a pay differential computed under subsection (c).

“(b) ELIGIBLE MEMBER.—A member of a reserve component is eligible for a pay differential for each month during which the member is serving on active duty for a period of more than 30 days pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10.

“(c) AMOUNT.—(1) Subject to paragraphs (2) and (3), the amount of a pay differential paid under this section for a month to a member called or ordered to active duty as described in subsection (b) shall be equal to the excess of—

“(A) the monthly rate of the salary, wage, or similar form of compensation that applied to the member in the member’s position of employment (if any) for the last full month before the month in which the member either commenced the period of active duty to which called or ordered or commenced the performance of duties for the armed forces in another duty status in preparation for the performance of the active duty to which called or ordered, over

“(B) the monthly rate of basic pay payable to the member under section 204 of this title for such month of active-duty service.

“(2) The Secretary concerned may pay a member a pay differential under this section for a month in an amount less than the amount computed under paragraph (1) if the Secretary concerned determines that it is necessary to do so on the basis of the availability of funds for such purpose.

“(3) A member may not be paid more than a total of \$25,000 under this section.

“(d) FUNDING.—(1) Pay differentials under this section shall be paid out of funds that are transferred from the Reservist Income Differential Trust Fund to military personnel accounts for the purposes of this section.

“(2) The Secretary of Defense and the Secretary of the Treasury shall jointly prescribe regulations providing for transfers of funds in the Reservist Income Differential Trust Fund to the appropriate military personnel accounts to make payments under this section.

“(3) In this section, the term ‘Reservist Income Differential Trust Fund’ means the Reservist Income Differential Trust Fund referred to in section 6097 of the Internal Revenue Code.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is

amended by adding at the end the following new item:

“212. Reserves on active duty: pay differential for service in support of a contingency operation.”.

(b) EFFECTIVE DATE.—Section 212 of title 37, United States Code, shall take effect on October 1, 2004, and shall apply with respect to months that begin on or after that date.

By Mr. BROWNBACK (for himself and Mr. GREGG):

S. 1899. A bill to improve data collection and dissemination, treatment, and research relating to cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWNBACK. Mr. President, ours is a remarkable Nation.

America is the home to 90 of the top 100 universities. Americans work an average of 300 hours more per year than our friends in Europe. More patents are applied for in this Nation each year than in all of the EU member states combined. We lead the world in research and development. Perhaps the area in which our labor and investment will have the most profound impact, is in field of the life sciences.

This year our Nation met a remarkable goal. In the span of the last 5 years we have doubled our financial commitment to basic health research funding. Those funds will go toward saving and extending the lives of, and improving the quality of life for, people around the world.

Our history has proven that when this Nation is resolute and determined, we can achieve remarkable things.

In 1939, the United States was producing 800 military airplanes per year. At the onset of World War II, President Roosevelt challenged the Nation to increase manufacturing to 4,000 planes per month. By the end of 1943, in perhaps the greatest industrial feat in history, the United States was producing 8,000 military aircraft per month.

On May 5, 1961, the United States launched Mercury 3 and Alan Shepard became the first American in space, spending a total of 15 minutes and 28 seconds in sub-orbit. Twenty days later President Kennedy addressed a joint session of Congress and proposed that our Nation land a man on the moon before the end of the decade. Only July 29, 1969, four days after leaving the launch pad, Neil Armstrong stepped from the lunar module to the surface of the moon in perhaps the greatest engineering and technological feat in history.

Between 1996 and 1997, for the first time, the total number of cancer deaths in the United States did not rise. That trend has continued to this very day. Today, there are at least 50 compounds under investigation for efficacy as cancer preventives and untold research is being performed in search of new cures and treatments for cancer. This is the time for our Nation to become resolute and determined to achieve what may be the greatest scientific feat in history—to win the war on cancer.

Our Nation began its commitment to the War on Cancer with the passage of the National Cancer Institute Act of 1937. In 1971, Congress committed itself to win the war with the passage of the National Cancer Act. Today, I am joined by the Chairman of the Health, Education, Labor, and Pensions Committee JUDD GREGG in beginning the next campaign of this war, with the introduction of the National Cancer Act of 2003. With this bill we renew our commitment to the fight, and join NCI Director Dr. Andrew Von Eschenbach in his commitment to make cancer survivorship the rule and cancer deaths rare by 2015.

Major provisions within the legislation include: Enhancing our current cancer registry system; enhancing our existing screening mechanisms; creating a new Patient Education Program; enhancing NCI Designated Comprehensive Cancer Centers; elevating the importance of pain management and survivorship throughout the nation's cancer programs; authorizing the Office of Survivorship within NCI; freeing the NCI to engage private entities to further cancer research; and providing patients with greater access to experimental therapies.

In the coming months, I look forward to working with the Chairman, the Administration and other members interested committed to winning the War on Cancer, to get this bill to markup, to the floor and to the President's desk.

By Mr. LUGAR:

S. 1900. A bill to amend the African Growth and Opportunity Act to expand certain trade benefits to eligible sub-Saharan African countries, and for other purposes; to the Committee on Finance.

Mr. LUGAR. Mr. President, I rise today to introduce the “United States-Africa Partnership Act.” This bill builds on the important trade and investment initiatives that were contained in the African Growth and Opportunity Act (AGOA) passed in 2000.

The original African Growth and Opportunity Act and the expansion of AGOA that I am introducing today emphasize the need to elevate the African private sector. The AGOA legislation offers enhanced trade benefits, more U.S. private sector investment, and a higher level dialogue with African governments. It envisions a new economic partnership between the United States and African nations.

To gain these benefits, African countries are expected to undertake sustained economic reform, abide by international human rights practices, and strengthen good governance. These standards have been used by the U.S. to stimulate reforms in Asia, Latin America, Eastern Europe and elsewhere. There is no reason to expect that they will not be successful in Africa as well.

Private investment tends to follow good governance and economic reform, but the private sector takes cues from government policies and involvement.

It is very much in our interest to play a constructive role in the evolving political and economic transition in Africa. A stable and prosperous Africa will be better equipped to cooperate on a range of shared global problems such as weapons proliferation, terrorism, narcotics, the environment and contagious diseases. African economic success also can create new markets for American exports. If jobs are created and foreign exchange is earned through enhanced exports, Africa will have greater capacity to buy goods and services from abroad. They will likely purchase machinery, electronics, financial services, agricultural products, and many other goods and services from U.S. suppliers.

If we had ignored Taiwan and Korea in the 1960s when they were at stages of economic development comparable to many African societies today, we would have missed out on enormous opportunities in East Asia. Years from now, I hope we can look back and say that we were present at a crucial juncture in Africa's growth and development and that we played a constructive role in that change.

In an effort to reverse the persistent under-performance by African economies and to stimulate American involvement in Africa, I introduced the African Growth and Opportunity Act in the United States Senate in 1999. Since its enactment in 2000, AGOA has been a positive economic force in Africa. In 2002, 94 percent of U.S. imports from AGOA-eligible countries entered duty-free. The United States imported \$9 billion in merchandise duty-free under AGOA in 2002, a 10 percent increase from 2001.

Imports from African countries, not counting oil, jumped 50 percent last year. In South Africa, sub-Sahara's most important economy, exports of automobiles have increased sixteenfold in the past two years. The tiny country of Lesotho, population 2.2 million, generated \$318 million in AGOA exports in 2002. New export-oriented garment factories have created 25,000 jobs. For the first time in its history, private sector manufacturing employment—thanks to trade—exceeds government employment.

Performances like this, which occurred despite the recent slowdown in world trade, are the direct result of AGOA. The legislation lets African countries export some 1,800 products duty-free, without quotas, to the United States. It is a direct response to developing countries' long-time plea; trade, not aid, is the real key to ending poverty and bringing about sustainable, long term economic growth.

Despite these signs of progress, many Africa economies remain in bad shape. Of the 64 least developed countries in the world, 38 are in Africa. Per capita output of goods and services actually dropped during the 1990s, according to the World Bank, and with only 1.4 percent of world trade in 2001, sub-Saharan Africa has been falling behind the rest of the world. During the 1990s,

global gross domestic product grew a robust 44 percent; the figure for Africa was only 8.5 percent. From 1990 to 2001, gross national income per capita in sub-Saharan Africa actually declined by .2 percent.

Africa is in need of help, and expanding AGOA should be a part of the development strategy for the continent. The experience of AGOA has taught us valuable lessons about the path to enhanced investment and economic development and has confirmed some of the key principles that proponents of market-based development have used to guide policy. First, AGOA has demonstrated that a commitment to good governance and a positive investment climate is important to economic growth. Countries such as Lesotho, which has made significant efforts in recent years to promote economic reform and stable democracy, have derived the most benefit from the AGOA provisions. Second, the experience of AGOA has demonstrated that regional integration is as essential to development as access to the U.S. and other foreign markets. Using the infrastructure and economic stability of South Africa as a base, neighboring southern African countries have worked together to take advantage of the benefits under AGOA.

AGOA should not be seen as an end in itself. Rather, it is an initial step designed to expand development and decrease poverty by promoting greater integration of Africa into the global trading community. Achieving these goals will require both enhancements to the AGOA framework and additional steps to address the compelling problems facing Africa. Our trade efforts must be part of a broader American partnership with the often-neglected countries of Africa.

This partnership starts with three issues. First, we must help address the HIV/AIDS crisis in Africa. In addition to the human tragedy that HIV/AIDS has created in Africa, the epidemic severely limits the economic growth that would reduce Africa's poverty. When workers are forced to call in sick more days than they are able to work, when government positions are experiencing regular turnover, and when scarce capital must be diverted from investment to dealing with the AIDS crisis, it is nearly impossible to build a stable economy.

Earlier this year, Congress passed legislation establishing a program under which the United States will contribute \$15 billion over the next 5 years to address the HIV/AIDS crisis in Africa. The President signed this bill into law and has placed his prestige behind its effective implementation. It is my hope that this leadership and much needed funding will start to turn the tide in the fight against the HIV/AIDS epidemic.

Second, we have begun an effort to rethink the way that aid is delivered to the world's poorest countries, most of which are in Africa. Earlier this year,

the Senate Foreign Relations Committee took action on the President's Millennium Challenge Corporation initiative. This initiative would deliver up to \$8 billion over the next three years to the world's poorest countries, and it would condition that aid on the development of policies by the recipient countries that will make that aid more effective. These policies include a commitment to just and democratic governance and economic freedom. The Millennium Challenge Corporation would build on the lessons of AGOA, which has demonstrated that private investment will flow to countries that build a stable, predictable investment climate. The incentives provided by Millennium Challenge Corporation dollars would help to establish conditions that will cause private investment dollars to flow to the poorest countries.

Third, we need to move forward with enhancements to AGOA itself. That is my purpose in introducing the United States Africa Partnership Act (USAPA)—also known as "AGAO III." The current AGOA expires in 2008. My bill would extend AGOA benefits until 2015. This coincides with the goal of the World Trade Organizations to have a "tariff free world" by 2015. We should take action on this extension soon so that investors will have the certainty they need when making investment decisions involving Africa.

AGOA contains a provision that allows least developed countries (LDCs) to export capped quantities of apparel made from third country fabric to the U.S. duty free. All other countries must use U.S. or African fabric inputs in order to receive duty-free treatment. This "special rule" for LDCs expires on September 30, 2004. USAPA would extend this provision for four additional years until September 30, 2008.

It also would eliminate the import sensitivity test with respect to African products and nuisance provisions in the rule of origin for apparel. The AGOA rule of origin is modified so that it applies only to the essential components of apparel. USAPA also clarifies the definitions of certain fabrics for customs purposes, including hand-loomed folklore articles.

USAPA would develop initiatives to provide technical and capacity building experience. In the area of agriculture, it directs the Secretary of Agriculture to develop a comprehensive plan to increase import and export abilities in agricultural trade. It also provides that 20 full-time personnel of the Animal and Plant Health Inspection Service be stationed in at least 10 AGOA eligible countries to provide technical assistance in meeting U.S. import requirements and trade capacity building.

In an effort to stimulate business partnerships, the bill I introduce today also addresses investment incentives and encourages the Overseas Private Investment Corporation, the Export-Import Bank, and the Foreign Agricultural Service to facilitate investment in AGOA eligible countries. It directs

the Secretary of the Treasury to seek negotiations regarding tax treaties with eligible countries.

In addition, it encourages U.S. private investment in African transportation, energy and telecommunications and increases coordination between U.S. and African transportation entities to reduce transit times and costs between the United States and Africa.

Finally, the bill grants funding for the continuation of the AGOA forums and establishes an AGOA task force to facilitate the goals of the Act.

The original African Growth and Opportunity Act launched an effort to formulate a new American strategy towards Africa. It sought to establish the foundation for a more mature economic relationship with those countries in Africa that undertake serious economic and political reforms. That effort was supported by virtually all sub-Saharan African nations, and it had wide support among American businesses and non-governmental organizations. We should now seize the opportunity to further integrate African countries into the world economy.

The United States-Africa Partnership Act that I introduce today recognizes the enormous potential for economic growth and development in sub-Saharan Africa. It embraces the vast diversity of people, cultures, economies, and potential among forty-eight countries and nearly 700 million people. A stable and economically prosperous Africa can provide new partnerships that will contribute greatly to our commercial and security interests. I urge all members to support the United States-Africa Partnership Act so that we can achieve the mutual long-term benefits that it would bring to Africa and to our country.

By Mr. REED (for himself, Mr. SPECTER, Mr. DURBIN, and Mr. ALLEN):

S. 1902. A bill to establish a National Commission on Digestive Diseases; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I rise today, along with my colleague, Senator SPECTER of Pennsylvania, to introduce the National Commission on Digestive Diseases Act.

It is estimated that over 62 million Americans presently suffer from a range of painful, debilitating and in some cases, fatal digestive diseases. Conditions such as inflammatory bowel disease (IBD), irritable bowel syndrome (IBS), colorectal cancer, gastroesophageal reflux disease impact the lives of our friends, loved ones and neighbors. These diseases produce total estimated direct and indirect costs in excess of \$40 billion annually. Of course, these figures do not take into account the serious physical and emotional toll digestive diseases have on those afflicted.

Thanks to significant advances in medical science, we are now on the brink of some major scientific breakthroughs in the area of digestive disease research. However, in other areas

of this diverse field, we still lack even a basic understanding of the condition itself, let alone effective methods of treatment and prevention.

The bill I am proposing today would call upon the Secretary of the Department of Health and Human Services (HHS) to establish a Commission of scientific and health care providers with expertise in the field, as well as persons suffering from digestive ailments, to assess the state of digestive disease research and develop a long range plan to direct our scientific research agenda with regard to digestive disease. The Commission would submit their report to Congress in 18 months.

This legislation would build upon the successes of a digestive disease commission that was assembled roughly 25 years ago with a similar goal. The 1976 Commission's findings directed significant progress in the area of digestive disease research.

While the plan set forth by the first Commission has certainly accomplished a great deal, the burden of digestive diseases in this country remains substantial and advancements in genetics and medical technology compel the assembly of a new commission to guide our research efforts well into the 21st century.

I look forward to working with my colleagues towards expeditious passage of this important, bipartisan legislation.

Mr. SPECTER. Mr. President, I have sought recognition today to join my colleague Senator REED of Rhode Island to introduce the National Commission on Digestive Diseases Act.

Each year, more than 62 million Americans are diagnosed with digestive diseases and disorders. These conditions, such as colorectal, liver and pancreatic cancers, inflammatory bowel disease, irritable bowel syndrome, gastroesophageal reflux disease (GERD) and chronic hepatitis C require patients to undergo rigorous courses of medical therapies and treatment. As Chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I am acutely aware that while promising research developments have been made in these areas, the causes of many of these diseases are unknown and their incidence is on the rise.

In 2001, the Lewin Group conducted a study of the economic burden to our society resulting from the direct and indirect costs associated with just 17 of the over several hundred digestive diseases. The results of this study revealed that the total costs associated with physician care, inpatient and outpatient hospital care as well as loss of work for patients with digestive disorders was \$42 billion in the year 2000. It is clear from this study and the findings of digestive disease specialists around the country that these disorders represent enormous health and economic consequences for the nation.

The National Commission on Digestive Diseases Act would address the

burden of digestive diseases in a comprehensive and coordinated manner. This legislation would create a panel of scientists in the relevant disciplines, patient representatives, employers and other appropriate experts to conduct a comprehensive study on the current state of scientific and clinical knowledge in digestive diseases. The commission would then be charged with evaluating the resources necessary to expedite the discovery of treatments and cures for patients with these diseases and develop a 5-10 year long-range plan for effectively addressing these needs.

In 1976, Congress created a Commission on Digestive Diseases Research which serves as the successful model for this new initiative. Following 18 months of deliberations, the 1970s commission created a long-range plan and recommendations that laid the groundwork for significant progress in the area of digestive diseases research. The state of scientific knowledge has changed substantially since the late 1970s, however, and the advent of genetics and genomics research, as well as the discovery of additional digestive diseases, compels us to look anew at the challenges that digestive diseases present to patients and those who care for them.

It is my hope that this legislation will advance our understanding of the causes, effective treatments, possible prevention, and cures for digestive diseases. I look forward to working with my colleagues to enact this important bipartisan legislation.

By Ms. MURKOWSKI (for herself and Mr. CAMPBELL):

S. 1905. A bill to provide habitable living quarters for teachers, administrators, other school staff, and their households in the rural areas of Alaska located in or near Alaska Native Villages; to the Committee on Indian Affairs.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill that will have a profound effect on the retention of teachers, administrators, and other school staff in remote and rural areas of Alaska. I am pleased to have Mr. CAMPBELL join me in introducing this bill.

In rural areas of Alaska, school districts face the challenge of recruiting and retaining teachers, administrators and other school staff due to the lack of housing. In the Lower Kuskokwim School District in western Alaska, they hire one teacher for every six who decide not to accept job offers. Half of the applicants not accepting a teaching position in that district indicated that their decision as related to the lack of housing.

Earlier this year, I traveled through rural Alaska with Education Secretary Rod Paige. I wanted him to see the challenges of educating children in such a remote and rural environment. At the village school in Savoonga, the principal slept in a broom closet in the school due to the lack of housing in

that village. The special education teacher slept in her classroom, bringing a mattress out each evening to sleep on the floor. The other teachers shared housing in a single home. Needless to say, there is not enough room for the teachers' spouses. Unfortunately, Savoonga is not an isolated example of the teacher housing situation in rural Alaska.

Rural Alaskan school districts experience a high rate of teacher turnover due to the lack of housing. Turnover is as high as 30 percent each year in some rural areas with housing issues being a major factor. How can we expect our children to receive a quality education when the good teachers don't stay? How can we meet the mandates of No Child Left Behind in such an educational environment? Clearly, the lack of teacher housing in rural Alaska is an issue that must be addressed in order to ensure that children in rural Alaska receive the same level of education as their peers in more urban settings.

My bill authorizes the Department of Housing and Urban Development to provide teacher housing funds to the Alaska Housing Finance Corporation, which is a State agency. In turn, the corporation is authorized to provide grant and loan funds to rural school districts in Alaska for teacher housing projects.

This legislation will allow school districts in rural Alaska to address the housing shortage in the following ways: construct housing units; purchase housing units; lease housing units; rehabilitate housing units; purchase or lease property on which housing units will be constructed, purchased or rehabilitated; repay loans secured for teacher housing projects; provide funding to fill any gaps not previously funded by loans or other forms of financing; and conduct any other activities normally related to the construction, purchase, or rehabilitation of teacher housing projects.

Eligible school districts that accept funds under this legislation will be required to provide the housing to teachers, administrators, other school staff, and members of their households.

It is imperative that we address this important issue immediately and allow the flexibility for the disbursement of funds to be handled at the local level. The quality of education of our rural students is at stake.

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. 1905

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 "Rural Teacher Housing Act of 2003".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) housing for teachers, administrators, other school staff, and their households in remote and rural areas of Alaska is often substandard, if available at all;

(2) as a consequence, teachers, administrators, other school staff, and their households are often forced to find alternate shelter, sometimes even in school buildings; and

(3) rural school districts in Alaska are facing increased challenges, including meeting the mandates of the No Child Left Behind Act, in recruiting employees due to the lack of affordable, quality housing.

(b) PURPOSE.—The purpose of this Act is to provide habitable living quarters for teachers, administrators, other school staff, and their households in rural areas of Alaska located in or near Alaska Native Villages.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) ALASKA HOUSING FINANCE CORPORATION.—The term “Alaska Housing Finance Corporation” means the State housing authority for the State of Alaska, created under the laws of the State of Alaska, or any successor thereto.

(2) ELEMENTARY SCHOOL.—The term “elementary school” has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) ELIGIBLE SCHOOL DISTRICT.—The term “eligible school district” means a public school district (as defined under the laws of the State of Alaska) located in the State of Alaska that operates one or more schools in a qualified community.

(4) NATIVE VILLAGE.—The term “Native Village”

(A) has the meaning given that term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602); and

(B) includes the Metlakatla Indian Community of the Annette Islands Reserve.

(5) OTHER SCHOOL STAFF.—The term “other school staff” means pupil services personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative school personnel.

(6) QUALIFIED COMMUNITY.—

(A) IN GENERAL.—The term “qualified community” means a home rule or general law city incorporated under the laws of the State of Alaska, or an unincorporated community (as defined under the laws of the State of Alaska) in the State of Alaska situated outside the limits of such a city, with respect to which, the Alaska Housing Finance Corporation has determined that the city or unincorporated community—

(i) has a population of 6,500 or fewer individuals;

(ii) is situated within or near a Native Village, as determined by the Alaska Housing Finance Corporation; and

(iii) is not connected by road or railroad to the municipality of Anchorage, Alaska.

(B) CONNECTED BY ROAD.—In this paragraph, the term “connected by road” does not include a connection by way of the Alaska Marine Highway System, created under the laws of the State of Alaska, or a connection that requires travel by road through Canada.

(7) SECONDARY SCHOOL.—The term “secondary school” has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(8) SECRETARY.—The term “Secretary” means the Secretary of Housing and Urban Development.

(9) TEACHER.—The term “teacher” means an individual who is employed as a teacher in a public elementary or secondary school,

and meets the teaching certification or licensure requirements of the State of Alaska.

(10) TRIBALLY DESIGNATED HOUSING ENTITY.—The term “tribally designated housing entity” has the meaning given that term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

(11) VILLAGE CORPORATION.—The term “Village Corporation” has the meaning given that term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), and includes urban and group corporations, as defined in that section.

SEC. 4. RURAL TEACHER HOUSING PROGRAM.

(a) GRANTS AND LOANS AUTHORIZED.—The Secretary shall provide funds to the Alaska Housing Finance Corporation in accordance with the regulations promulgated under section 5, to be used as provided under subsection (b).

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds received pursuant to subsection (a) shall be used by the Alaska Housing Finance Corporation to make grants or loans to eligible school districts, to be used as provided in paragraph (2).

(2) USE OF FUNDS BY ELIGIBLE SCHOOL DISTRICTS.—Grants or loans received by an eligible school district pursuant to paragraph (1) shall be used for—

(A) the construction of new housing units within a qualified community;

(B) the purchase and rehabilitation of existing structures to be used as housing units within a qualified community;

(C) the rehabilitation of housing units within a qualified community;

(D) the leasing of housing units within a qualified community;

(E) purchasing or leasing real property on which housing units will be constructed, purchased, or rehabilitated within a qualified community;

(F) the repayment of a loan used for the purposes of constructing, purchasing, or rehabilitating housing units, or for purchasing real property on which housing units will be constructed, purchased, or rehabilitated, within a qualified community, or any activity under subparagraph (G);

(G) any other activities normally associated with the construction, purchase, or rehabilitation of housing units within a qualified community, including—

(i) connecting housing units to various utilities;

(ii) preparation of construction sites;

(iii) transporting all equipment and materials necessary for the construction or rehabilitation of housing units to and from the site on which such housing units exist or will be constructed; and

(iv) environmental assessment and remediation of construction sites or sites where housing units exist; and

(H) the funding of any remaining costs for the construction, purchase, or rehabilitation of housing units within a qualified community, the purchase of real property within a qualified community, or any activity listed under subparagraph (G) that is not financed by loans or other sources of funding.

(c) OWNERSHIP OF HOUSING AND LAND.—

(1) IN GENERAL.—All housing units constructed, purchased, or rehabilitated, or real property purchased, with grant or loan funds provided under this Act, or with respect to which funds under this Act have been expended, shall be owned by the relevant eligible school district, municipality (as defined under the laws of the State of Alaska), Village Corporation, the Metlakatla Indian Community of the Annette Islands Reserve, or a tribally designated housing entity. Ownership of housing units and real property may be transferred between such entities.

(d) OCCUPANCY OF HOUSING UNITS.—

(1) IN GENERAL.—Except as provided under paragraphs (2) and (3), each housing unit constructed, purchased, rehabilitated, or leased with grant or loan funds under this Act, or with respect to which funds awarded under this Act have been expended, shall be provided to teachers, administrators, other school staff, and members of their households.

(2) NON-SESSION MONTHS.—A housing unit constructed, purchased, rehabilitated, or leased with grant or loan funds under this Act, or with respect to which funds awarded under this Act have been expended, may be occupied by individuals other than teachers, administrators, other school staff, or members of their household, only during those times in which school is not in session.

(3) TEMPORARY OCCUPANTS.—A vacant housing unit constructed, purchased, rehabilitated, or leased with grant or loan funds under this Act, or with respect to which funds awarded under this Act have been expended, may be occupied by a contractor or guest of an eligible school district for a maximum period of time, to be determined by the Alaska Housing Finance Corporation.

(e) COMPLIANCE WITH LAW.—Each eligible school district receiving a grant or loan under this Act shall ensure that all housing units constructed, purchased, rehabilitated, or leased with such grant or loan funds, or with respect to which funds awarded under this Act have been expended, meet all applicable laws, regulations, and ordinances.

(f) PROGRAM POLICIES.—

(1) IN GENERAL.—The Alaska Housing Finance Corporation, after consulting with eligible school districts, shall establish policies governing the administration of grant and loan funds made available under this Act. Such policies shall include a methodology for ensuring that funds provided under this Act are made available on an equitable basis to eligible school districts.

(2) REVISIONS.—Not less than every 3 years, the Alaska Housing Finance Corporation shall, in consultation with eligible school districts, consider revisions to the policies established under paragraph (1).

SEC. 5. REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to carry out this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of Housing and Urban Development such sums as are necessary for each of the fiscal years 2005 through 2014, to carry out this Act.

(b) LIMITATION.—The Secretary and the Alaska Housing Finance Corporation shall each use not more than 5 percent of the funds appropriated in any fiscal year to carry out this Act for administrative expenses associated with the implementation of this Act.

By Mr. SESSIONS (for himself and Mr. MILLER):

S. 1906. A bill to provide for enhanced Federal, State, and local enforcement of the immigration laws, and for other purposes; to the Committee on the Judiciary.

Mr. SESSIONS. Mr. President, I rise today to introduce the Homeland Security Enhancement Act of 1003. Senator MILLER and I have taken the lead in encouraging a culture of cooperation of all levels of immigration law enforcement—Federal, State, and local—and seek to build an immigration law enforcement system that uses unified

databases for information sharing from one level to another.

The subject matter of the bill introduced today is one I care very deeply about—the ability of State and local law enforcement to voluntarily aid the Federal Government in the Enforcement of immigration law. Let me be clear, this bill is not about the commandeering of State and local police forces or about forcing them to dedicate resources toward immigration law enforcement, it is simply about their authority to participate in immigration law enforcement if they so choose.

I am convinced that our ability to successfully enforce our immigration laws is a test of whether we will be a Nation governed by laws.

Many of the immigration reforms enacted by this Congress since 9/11 have been aimed at fixing the first half of our broken immigration system, the visa issuance process that allowed terrorists to enter our country under the guise of legality.

It is now time to look at the second half of our broken immigration system—the half that allows people to remain here illegally for indefinite time periods, regardless of how they came here.

We know that Americans strongly value our heritage as a Nation of immigrants. Americans openly welcome legal immigrants and new citizens with character, ability, decency, and a strong work ethic. However, it is also clear Americans do not feel the same way about illegal immigration. The fact is that a large majority of Americans feel that State and local governments should be aiding the Federal Government in stopping illegal immigration.

A RoperASW poll published in March of this year titled “Americans Talk About Illegal Immigration” found that 88 percent of Americans agree, and 68 percent “strongly” agree, that Congress should require State and local government agencies to notify the INS, now ICE, and their local law enforcement when they determine that a person is here illegally or has presented fraudulent documentation. Additionally, 85 percent of Americans agree, and 62 percent “strongly” agree that Congress should pass a law requiring State and local governments and law enforcement agencies, to apprehend and turn over to the INS, now ICE, illegal immigrants with whom they come in contact.

Those numbers speak volumes about the desires of the American population. It is important to note that those numbers were collected on requiring state and local action. It is very likely that a poll on this bill, a bill that is about volunteer State and local action would yield even stronger support.

America's strength is based on its commitment to the rule of law. Inscribed on the front of the Supreme Court Building just down the street are the words, “Equal Justice Under Law.”

In the world of immigration laws, a facade of enforcement that holds no

real consequences for law breakers is both dangerous and irresponsible. If the only real consequence of coming to this country illegally is a social label, then our immigration laws are but a brightly painted sepulcher full of dead bones, for it is impossible to be a Nation governed by the rule of law, if our laws have no real effect on the lives of the people they govern.

Our illegal alien population is at a record high. The lack of immigration enforcement in our country's interior has resulted in 8-10 million illegal aliens living in the U.S. with another estimated 800,000 illegal aliens joining them every year—that is on top of the more than 1 million that legally immigrate each year. These numbers make it easy for criminal aliens to disappear inside our borders.

Of the 8-10 million illegal aliens present today, the Department of Homeland Security has estimated that 450,000 are “alien absconders”—people that have been issued final deportation orders but have not shown up for their hearings.

An estimated 86,000 of them are criminal illegal aliens—people convicted of crimes they committed in the U.S. who should have been deported, but have slipped through the cracks and are still here.

The next number is perhaps the most concerning—3,000 of the “alien absconders” within our borders are from one of the countries that the State Department has designated to be a “state sponsor of terrorism.”

The number of illegal aliens outweighs the number of federal agents whose job it is to find them within our borders by 5,000 to 1. The enforcement arm of the old INS, now called The Bureau of Immigration and Customs Enforcement (ICE) has a mere 2,000 interior agents inside the borders. Leaving the job of interior immigration enforcement solely to them will guarantee failure.

State and local police, a force 650,000 strong, are the eyes and ears of our communities. They are sworn to uphold the law. They police our streets and neighborhoods every day. Their role is critical to the success of our immigration system.

For that critical role to be effective, a few very important things need to happen: 1. State and local law enforcement need clear authority to voluntarily act; 2. the NCIC needs to contain critical immigration related information that can be accessed on the roadside; 3. Federal immigration officials have to take custody of illegal aliens apprehended by State officers, they can not continue to tell them to just let them go; 4. the Institutional Removal Program has to be expanded so that criminal aliens are detained after their State sentences until deportation, they can't be released back into the community just to be searched for by federal officials at a later date; and 5. critically needed federal bedspace has to be given to DHS for they can not guar-

antee effective removal without adequate detention space.

The Homeland Security Enhancement Act that Senator MILLER and I are introducing today will do all of those things.

Let me tell you about a few of the problems in immigration enforcement that started my interest in this area and prompted me to author this bill.

A few years ago, police chiefs and sheriffs in Alabama began to tell me that they had been shut out of the system and felt powerless to do anything about Alabama's growing illegal immigrant population.

As I went to town hall meetings and conferences with police, I heard the same story—“we have given up calling the INS because INS tells us we have to have 15 or more illegal aliens in custody or they will not even come pick them up.”

Even worse is that Alabama police were told that the aliens could not be detained until the INS could manage to send someone. They were told they had to just let them go! They were being told this, even though I thought the legal authority of State and local officers to voluntarily act on violations of immigration law was clear. If there is any doubt that State and local officers have this authority, Congress needs to fix that, which is what this bill will do.

Only two circuits have expressly ruled on State and local law enforcement authority to make an arrest on an immigration law violation. In 1983, the Ninth Circuit, while not mentioning a preexisting general authority, held that nothing in federal law precludes the police from enforcing the criminal provisions of the Immigration and Naturalization Act. See *Gonzales v. City of Peoria*, 722 F.2d 468 (9th Cir. 1983).

The Tenth Circuit has reviewed this question on several occasions, concluding squarely that a “State trooper has general investigatory authority to inquire into possible immigration violations.” *United States v. Salinas-Calderon*, 728 f.2d 1298, 1301 n.3 (10th Cir. 1984).

As the Tenth Circuit has described it, there is a “preexisting general authority of State or local police officers to investigate and make arrests for violations of federal law, including immigration laws.” *United States v. Vasquez-Alvarez*, 176 F.3d 1294, 1295 (10th Cir. 1999). And again, in 2001, the Tenth Circuit reiterated that “State and local police officers [have] implicit authority within their respective jurisdictions ‘to investigate and make arrests for violations of federal law, including immigration laws.’” *United States v. Santana-Garcia*, 264 F.3d 1188, 1194 (citing *United States v. Vasquez-Alvarez*, 176 F.3d 1294, 1295).

None of these Tenth Circuit holdings drew any distinction between criminal violations of the INA and civil provisions that render an alien deportable.

It appears that the Ninth Circuit started the confusion regarding the distinction between civil and criminal violations in *Gonzales v. City of Peoria* by asserting in dicta that the civil provisions of the INA are a persuasive regulatory scheme, and therefore only the federal government has the power to enforce civil violations. See *Gonzales v. City of Peoria*, 722 F.2d 468 (9th Cir. 1983).

This confusion was, to some extent, fostered by an erroneous 1996 opinion of the Office of Legal Counsel (OLC) of the Department of Justice, the relevant part of which has since been withdrawn by OLC.

Why was the Federal agency responsible for immigration enforcement telling my police chiefs in Alabama to just let illegal aliens go?

To be fair, ICE probably does not have the manpower or detention space to take custody and detain all illegal aliens. With less than 20,000 appropriated detention beds, ICE tells my office that they do not have the bed space to detain all the illegal aliens that they apprehend; instead, they have to give first priority to detaining the worst of the worst—individuals such as convicted felon aliens.

It is shocking to me that even though we know that detention is a key element of effective removal, we do not even detail all illegal aliens that have been convicted of crimes, even convicted of felonies, before removal. Last February, in a report titled “the Immigration and Naturalization Service’s Removal of Aliens Issued Final Orders” the Department of Justice Inspector General found that 87 percent of those not detained before removal never get deported. Even in high risk categories, the IG found that only fractions of non-detained violators are ever removed—35 percent of those with criminal records and 6 percent of those from “state sponsors of terrorism.”

These percentages have not changed substantially since 1996, when the last IG report issued on the ability to remove aliens found that 89 percent of aliens with final deportation orders that are not detained are never removed.

But we cannot lay all the blame on DHS—they can only detain illegal aliens that they have space to detain. They are using all of the bedspace that they have and are releasing people that should be detained because there is no more room. The Homeland Security Enhancement Act would add the critical bedspace DHS needs to fulfill its mission of interior enforcement.

The third problem that has been brought to my attention is the inadequate way we share immigration information with State and local police. We have databases full of information on criminal aliens and aliens with final deportation orders, but that information is not directly available to state and local police. They have to make a special second inquiry to the immigration center in Vermont just to see if an illegal alien is a wanted by DHS.

Without easy access to immigration database information, and with ICE unwilling to come and identify every suspected illegal alien, State and local police cannot quickly and accurately identify who they have detained and who they will be releasing back into the community if they follow ICE’s instruction to “just let them go.”

State and local police are accustomed to checking for criminal information in the NCIC (National Crime Information Center) database, which is maintained by the FBI. They can and routinely do access the NCIC on the roadside when they pull over a car or stop a suspect.

An NCIC check, which takes just minutes, includes information about individuals with outstanding warrants. Even fugitives that use false identification can be identified on the roadside through use of the NCIC when, as is often the case, a police officer has access to an instant fingerprint scanner in his car.

Separately, ICE operates the Law Enforcement Support Center, which makes immigration information available to State and local police, but requires a second additional check after NCIC that most State and local police either don’t know about or don’t have the time to perform.

The Hart Rudman Report, “America Still Unprepared—America Still In Danger,” found that one problem America still confronts is “650,000 local and State police officials continue to operate in a virtual intelligence vacuum, without access to terrorist watchlists.” The first recommendation of the report was to “tap the eyes and ears of local and State law enforcement officers in preventing attacks.” On page 19, the report specifically cited the burden of finding hundreds of thousands of fugitive aliens living among the population of more than 8.5 million illegal aliens living in the U.S. and suggested that the burden could and should be shared with 650,000 local, county, and State law enforcement officers if they could be brought out of the information void.

If State and local police are not accessing the immigration information we have worked hard to make available, we must find a way to get the information to them, through systems that are used to using. Our bill will get information to them through the system that are already using—the NCIC.

As part of its Alien Absconder Initiative, ICE tells us that it is in the process of entering information on the estimated 450,000 alien absconders into NCIC. As of October 31, only information on 15,200 alien absconders had been entered into NCIC. That number is totally unacceptable and is shocking to me.

This should only be the beginning. At the least, the NCIC should contain information on all illegal aliens who have received final orders of departure and all illegal aliens who have signed voluntary departure agreements. In

truth, the NCIC should contain information on all violations of law.

Our bill will ensure that when a NCIC roadside check is done on an individual pulled over for speeding, police will know immediately if the individual has already been ordered to leave the country, has signed a legal document promising to leave, or has overstayed their visa.

Understanding the value of getting immigration information to State and local police comes from understanding that they are the ones who will come into contact with the dangerous illegal aliens on a day-to-day basis.

Three 9/11 hijackers were stopped by State and local police in the weeks preceding 9/11. Hijacker Mohammad Atta, believed to have piloted American Airlines Flight 77 into the World Trade Center’s north tower, was stopped twice by police in Florida. Hijacker Ziad S. Jarrah was stopped for speeding by Maryland State Police two days before 9/11. And, Hani Hanjour, who was on the flight that crashed into the Pentagon, was stopped for speeding by police in Arlington, VA. Local police can be our most powerful tool in the war against terrorism.

The D.C. Snipers were caught because of the fingerprint collected by local police. John Lee Malvo was identified when the fingerprint collected from a magazine at the scene of the liquor store murder and robbery in Montgomery, Alabama matched with the fingerprints collected by INS agents in Washington State. Had both law enforcement entities not done their job by taking prints, it is possible that the identity of John Lee Malvo could have been a mystery for weeks longer.

In February, a 42-year-old woman sitting on a park bench in New York with her boyfriend was dragged away and gang-raped by five deportable illegal immigrants. Although 4 of the 5 had State criminal convictions and 2 had served jail time, the INS claims they were never told about them—thus, they were not deported as the law requires.

Fifty-six illegal aliens were caught by State and local police, and convicted of molestation and child abuse, long before ICE’s “Operation Predator” found them a few weeks ago living in New York and Northern New Jersey after they should have been deported. Of the 56 arrested, one had raped his 10-year-old niece; another has sexually assaulted a 6-year-old boy; one had raped his 7-year-old niece; and another has sexually assaulted a 2-year-old.

The 9/11 hijacker cases, the D.C. sniper cases, and a multitude of criminal alien cases clearly illustrate that our State and local police are on the front lines in combating alien crime. To cut them out of the system, as we do now, whether intentionally or unintentionally, is to eliminate our most effective weapon against criminal and terrorist aliens.

The opponents of this bill will say that we don’t want immigrants to succeed and that we don’t want people to

come here. That is absolutely not true. We believe in the rule of law. We believe that people should come here to be citizens of this country under the color of law. We want people to come here and reach their fullest potential. But, we believe that a Nation has the right to set the standards by which it accepts people, and if it sets those standards it ought to create a legal system to enforce those standards. This bill will work to enforce the immigration standards our Nation has created.

The opposition will say that State and local police can not adequately respect the civil rights of illegal aliens, and that enforcement will cost too much and will discourage the reporting of crimes. It is curious logic to say that we trust our police to enforce laws against citizens but not against non-citizens here illegally.

I know that State and local police are trained to protect the civil rights of all types of suspects and defendants and that they do so every day in this country. In Alabama, State troopers receive annual training on racial profiling. In New York, the NYC Police Department operations order #11 strictly prohibits racial profiling in law enforcement actions. If Alabama and New York are consistent in how they instruct and train their State and local police with regards to racial profiling, it is safe to assume that the rest of the Nation does as well.

Under this bill, State and local police will have to respect the civil rights of illegal aliens the same way they respect the civil rights of all people against whom they enforce the law. State and local police will continue to be held responsible for violations of civil rights; this bill does not change that fact.

The opposition will say that this bill is expensive; that it costs too much. It is always expensive to enforce the law. I do not think this bill is overly expensive. We have made it as cost affordable as we can by electing to efficiently use resources already available to us. Law enforcement is not an area where it pays to pinch pennies. In immigration enforcement, I believe that it costs us too much not to enforce the law. I believe it is time that Congress take responsibility for providing DHS with the resources they need to do the job we have given them.

When it comes to immigration enforcement in America, the rule of law is not prevailing. If we are serious about securing the homeland, we simply must get serious about immigration enforcement.

It is time to talk about the big picture—time to be honest about what it will really take to fix our broken immigration system. In most cases, we don't need tougher immigration laws, we just need to utilize our existing resources and use some new resources to enforce the laws we already have.

If State and local police are confused about their authority to enforce immi-

gration laws, that authority needs to be clarified. This bill will do that. If State and local police can not access immigration background information on individuals quickly enough, we should change that. This bill makes that information more accessible. If DHS is not taking custody of the illegal aliens being apprehended by State and local police, we need to make it possible for them to do so. This bill will address the practice of "catching and releasing" illegal aliens. If we do not have enough detection space to hold people that break the law, then we need more detention space. This bill gives DHS 50 percent more bedspace to use in immigration enforcement. If illegal aliens are being released back into the community after their prison sentences instead of being deported, we need to fix the system that releases them. This bill will extend the Institutional Removal Program to ensure that custody is transferred from the state prison to federal officials at the end of the alien's prison sentence.

Once again I would like to thank Senator MILLER for joining with me to introduce this legislation. It is imperative that we take critical steps toward regaining control of our out-of-control immigration system. This bill is a critical step in the right direction. I encourage my colleagues to study this bill and to join Senator MILLER and I as we work to pass the Homeland Security Act of 2003.

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. 1906

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 "Homeland Security Enhancement Act of 2003".

TITLE I—ENHANCING FEDERAL, STATE, AND LOCAL ENFORCEMENT OF THE IMMIGRATION LAWS

SEC. 101. FEDERAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.

Notwithstanding any other provision of law and reaffirming the existing inherent authority of States, law enforcement personnel of a State or a political subdivision of a State have the inherent authority of a sovereign entity to apprehend, arrest, detain, or transfer to Federal custody aliens in the United States (including the transportation of such aliens across State lines to detention centers), in the enforcement of the immigration laws of the United States. This State authority has never been displaced or preempted by Congress.

SEC. 102. STATE AUTHORIZATION FOR ENFORCEMENT OF FEDERAL IMMIGRATION LAWS ENCOURAGED.

(a) IN GENERAL.—Effective 2 years after the date of enactment of this Act, a State (or political subdivision of a State) that has in effect a statute, policy, or practice that prohibits law enforcement officers of the State, or of a political subdivision within the State, from enforcing Federal immigration laws or

from assisting or cooperating with Federal immigration law enforcement in the course of carrying out the officers' law enforcement duties shall not receive any of the funds that would otherwise be allocated to the State under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)).

(b) REALLOCATION OF FUNDS.—Any funds that are not allocated to a State due to the failure of the State to comply with this section shall be reallocated to States that comply with this section.

SEC. 103. CIVIL AND CRIMINAL PENALTIES FOR ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES.

(a) ALIENS UNLAWFULLY PRESENT.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by adding after section 275 the following:

"CRIMINAL PENALTIES AND FORFEITURE FOR UNLAWFUL PRESENCE IN THE UNITED STATES

"SEC. 275A. (a) In addition to any other violation, an alien present in the United States in violation of this Act shall be guilty of a misdemeanor and shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both. The assets of any alien present in the United States in violation of this Act shall be subject to forfeiture under title 18, United States Code.

"(b) It shall be an affirmative defense to a violation of subsection (a) that the alien overstayed the time allotted under the visa due to an exceptional and extremely unusual hardship or physical illness that prevented the alien from leaving the United States by the required date."

(b) INCREASE IN CRIMINAL PENALTIES FOR ILLEGAL ENTRY.—Section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1325(a)) is amended by striking "6 months," and inserting "1 year,".

(c) PERMISSION TO DEPART VOLUNTARILY.—Section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) is amended—

(1) by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security"; and

(2) in subsection (a)(2)(A), by striking "120" and inserting "30".

SEC. 104. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NCIC.—Not later than 180 days after the date of enactment of this Act, the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall provide the National Crime Information Center of the Department of Justice with such information as the Director may have on any and all aliens against whom a final order of removal has been issued, any and all aliens who have signed a voluntary departure agreement, and any and all aliens who have overstayed their visa. Such information shall be provided to the National Crime Information Center regardless of whether or not the alien received notice of a final order of removal and even if the alien has already been removed.

(b) INCLUSION OF INFORMATION IN THE NCIC DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States, regardless of whether or not the alien has received notice of the violation and even if the alien has already been removed; and".

SEC. 105. STATE AND LOCAL LAW ENFORCEMENT PROVISION OF INFORMATION ABOUT APPREHENDED ILLEGAL ALIENS.

(a) **PROVISION OF INFORMATION.**—

(1) **IN GENERAL.**—In order to receive funds under the State Criminal Alien Assistance Program described in section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)), States and localities shall provide to the Department of Homeland Security the information listed in subsection (b) on each alien apprehended in the jurisdiction of the State or locality who is believed to be in violation of an immigration law of the United States.

(2) **TIME LIMITATION.**—Not later than 10 days after an alien described in paragraph (1) is apprehended, information required to be provided under paragraph (1) must be provided in such form and in such manner as the Secretary of Homeland Security may, by regulation or guideline, require.

(b) **INFORMATION REQUIRED.**—The information listed in this subsection is as follows:

- (1) The alien's name.
 - (2) The alien's address or place of residence.
 - (3) A physical description of the alien.
 - (4) The date, time, and location of the encounter with the alien and reason for stopping, detaining, apprehending, or arresting the alien.
 - (5) If applicable, the alien's driver's license number and the State of issuance of such license.
 - (6) If applicable, the type of any other identification document issued to the alien, any designation number contained on the identification document, and the issuing entity for the identification document.
 - (7) If applicable, the license plate number, make, and model of any automobile registered to, or driven by, the alien.
 - (8) A photo of the alien, if available or readily obtainable.
 - (9) The alien's fingerprints, if available or readily obtainable.
- (c) **REIMBURSEMENT.**—The Department of Homeland Security shall reimburse States and localities for all reasonable costs, as determined by the Secretary of Homeland Security, incurred by that State or locality as a result of providing information required by this section.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated such sums as necessary to carry out this Act.

SEC. 106. INCREASED FEDERAL DETENTION SPACE.

(a) **CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security shall construct or acquire, in addition to existing facilities for the detention of aliens, 20 detention facilities in the United States, with 500 beds per facility, for aliens detained pending removal or a decision on removal of such alien from the United States.

(2) **ADDITIONAL FACILITIES.**—Whenever the capacity of any detention facility remains within a 1 percent range of full capacity for longer than 1 year, the Secretary of Homeland Security shall construct or acquire additional detention facilities beyond the number authorized in paragraph (1) as are appropriate to eliminate that condition.

(3) **DETERMINATIONS.**—The need for, or location of, any detention facility built or acquired in accordance with this subsection shall be determined by the detention trustee within the Bureau of Immigration and Customs Enforcement.

(4) **USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.**—In acquiring detention facilities under this subsection, the Secretary of Homeland Security shall consider the trans-

fer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) for use in accordance with subsection (a)(1).

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as necessary to carry out this section.

(c) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 241(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1231(g)(1)) shall be amended by striking “may expend” and inserting “shall expend”.

SEC. 107. FEDERAL CUSTODY OF ILLEGAL ALIENS APPREHENDED BY STATE OR LOCAL LAW ENFORCEMENT.

(a) **IN GENERAL.**—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by adding after section 240C the following:

“**CUSTODY OF ILLEGAL ALIENS**

“**SEC. 240D.**

“(a) If the chief executive officer of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension of an illegal alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

“(1) shall—

“(A) not later than 48 hours after the conclusion of the State charging process or dismissal process, or if no State charging or dismissal process is required, not later than 48 hours after the illegal alien is apprehended, take the illegal alien into the custody of the Federal Government and incarcerate the alien; or

“(B) request that the relevant State or local law enforcement agency temporarily incarcerate or transport the illegal alien for transfer to Federal custody; and

“(2) shall designate a Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of the criminal or illegal aliens to the Department of Homeland Security.”.

“(b) The Department of Homeland Security shall reimburse States and localities for all reasonable expenses, as determined by the Secretary of Homeland Security, incurred by a State or locality in the incarceration and transportation of an illegal alien as described in subparagraphs (A) and (B) of subsection (a)(1). Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (a)(1) shall be the average cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State) plus the cost of transporting the criminal or illegal alien from the point of apprehension, to the place of detention, and to the custody transfer point if the place of detention and place of custody are different.

“(c) The Secretary of Homeland Security shall ensure that illegal aliens incarcerated in Federal facilities pursuant to this subsection are held in facilities which provide an appropriate level of security.

“(d)(1) In carrying out this section, the Secretary of Homeland Security may establish a regular circuit and schedule for the prompt transfer of apprehended illegal aliens from the custody of States and political subdivisions of States to Federal custody.

“(2) The Secretary of Homeland Security may enter into contracts with appropriate State and local law enforcement and detention officials to implement this subsection.

“(e) For purposes of this section, the term ‘illegal alien’ means an alien who—

“(1) entered the United States without inspection or at any time or place other than that designated by the Secretary of Homeland Security;

“(2) was admitted as a nonimmigrant and who, at the time the alien was taken into custody by the State or a political subdivision of the State, had failed to—

“(A) maintain the nonimmigrant status in which the alien was admitted or to which it was changed under section 248; or

“(B) comply with the conditions of any such status;

“(3) was admitted as an immigrant and has subsequently failed to comply with the requirements of that status; or

“(4) failed to depart the United States under a voluntary departure agreement or under a final order of removal.”.

(b) **AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.**—There is authorized to be appropriated \$500,000,000 for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) for fiscal year 2004 and each subsequent fiscal year.

SEC. 108. TRAINING OF STATE AND LOCAL LAW ENFORCEMENT PERSONNEL RELATING TO THE ENFORCEMENT OF IMMIGRATION LAWS.

(a) **TRAINING MANUAL AND POCKET GUIDE.**—

(1) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall establish—

(A) a training manual for law enforcement personnel of a State or political subdivision of a State to train such personnel in the investigation, identification, apprehension, arrest, detention, and transfer to Federal custody of aliens in the United States (including the transportation of such aliens across State lines to detention centers and identification of fraudulent documents); and

(B) an immigration enforcement pocket guide for law enforcement personnel of a State or political subdivision of a State to provide a quick reference for such personnel in the course of duty.

(2) **AVAILABILITY.**—The training manual and pocket guide established in accordance with paragraph (1) shall be made available to all State and local law enforcement personnel.

(3) **APPLICABILITY.**—Nothing in this subsection shall be construed to require State or local law enforcement personnel to carry the training manual or pocket guide established in accordance with paragraph (1) with them while on duty.

(4) **COSTS.**—The Department of Homeland Security shall be responsible for any costs incurred in establishing the training manual and pocket guide under this subsection.

(b) **TRAINING FLEXIBILITY.**—

(1) **IN GENERAL.**—The Department of Homeland Security shall make training of State and local law enforcement officers available through as many means as possible, including residential training at Federal facilities, onsite training held at State or local police agencies or facilities, online training courses by computer, teleconferencing, and videotape, or the digital video display (DVD) of a training course or courses.

(2) **FEDERAL PERSONNEL TRAINING.**—The training of State and local law enforcement personnel under this section shall not displace or otherwise adversely affect the training of Federal personnel.

(c) **ADMINISTRATION FEES.**—The Secretary of Homeland Security may charge a fee for training under subsection (b) that shall be an amount equal to not more than half the actual costs of providing such training.

(d) **CLARIFICATION.**—Nothing in this Act or any other provision of law shall be construed

as making any immigration-related training a requirement for, or prerequisite to, any State or local law enforcement officer exercising that officer's inherent authority to apprehend, arrest, detain, or transfer to Federal custody illegal aliens during the normal course of carrying out their law enforcement duties.

(e) TRAINING LIMITATION.—Section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) is amended—

(1) by striking “Attorney General” each place that term appears and inserting “Secretary of Homeland Security”; and

(2) in paragraph (2), by adding at the end the following: “Such training shall not exceed 14 days or 80 hours, whichever is longer.”

SEC. 109. IMMUNITY.

(a) PERSONAL IMMUNITY.—Notwithstanding any other provision of law, a law enforcement officer of a State or local law enforcement agency shall be immune, to the same extent as a Federal law enforcement officer, from personal liability arising out of the enforcement of any immigration law, provided the officer is acting within the scope of the officer's official duties.

(b) AGENCY IMMUNITY.—Notwithstanding any other provision of law, a State or local law enforcement agency shall be immune from any claim for money damages based on Federal, State, or local civil rights law for an incident arising out of the enforcement of any immigration law, except to the extent that the law enforcement officer of that agency, whose action the claim involves, committed a violation of Federal, State, or local criminal law in the course of enforcing such immigration law.

SEC. 110. PLACES OF DETENTION FOR ALIENS ARRESTED PENDING EXAMINATION AND DECISION ON REMOVAL.

(a) IN GENERAL.—Section 241(g) of the Immigration and Nationality Act (8 U.S.C. 1231(g)) is amended by adding at the end the following:

“(3) POLICY ON DETENTION IN STATE AND LOCAL DETENTION FACILITIES.—In carrying out paragraph (1), the Secretary of Homeland Security shall ensure that an alien arrested under section 287(a) is detained, pending the alien's being taken for the examination described in that section, in a State or local prison, jail, detention center, or other comparable facility, if—

“(A) such a facility is the most suitably located Federal, State, or local facility available for such purpose under the circumstances;

“(B) an appropriate arrangement for such use of the facility can be made; and

“(C) such facility satisfies the standards for the housing, care, and security of persons held in custody of a United States marshal.”

(b) DETENTION FACILITY SUITABILITY.—Notwithstanding any other provision of law, a facility described in section 241(g)(3)(C) of the Immigration and Nationality Act, as added by subsection (a), is adequate for detention of persons being held for immigration related violations.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 241 of the Immigration and Nationality Act (8 U.S.C. 1231) is amended by striking “Attorney General” each place that term appears and inserting “Secretary of Homeland Security”.

SEC. 111. INSTITUTIONAL REMOVAL PROGRAM.

(a) CONTINUATION.—

(1) IN GENERAL.—The Department of Homeland Security shall continue to operate and implement the program known as the Institutional Removal Program (IRP) which—

(A) identifies removable criminal aliens in Federal and State correctional facilities;

(B) ensures such aliens are not released into the community; and

(C) removes such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The Institutional Removal Program shall be extended to all States. Any State that receives Federal funds for the incarceration of criminal aliens shall—

(A) cooperate with Federal Institutional Removal Program officials;

(B) expeditiously and systematically identify criminal aliens in its prison and jail populations; and

(C) promptly convey such information to Federal IRP authorities as a condition for receiving such funds.

(b) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State have the authority to—

(1) hold an illegal alien for a period of up to 14 days after the alien has completed the alien's State prison sentence in order to effectuate the transfer of the alien to Federal custody when the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until personnel from the Bureau of Immigration and Customs Enforcement can take the alien into custody.

(c) TECHNOLOGY USAGE.—Technology such as videoconferencing shall be used to the maximum extent possible in order to make the Institutional Removal Program (IRP) available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable in order to make these resources available to State and local law enforcement agencies in remote locations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the Institutional Removal Program—

- (1) \$10,000,000 for fiscal year 2004;
- (2) \$20,000,000 for fiscal year 2005;
- (3) \$30,000,000 for fiscal year 2006;
- (4) \$40,000,000 for fiscal year 2007;
- (5) \$50,000,000 for fiscal year 2008;
- (6) \$60,000,000 for fiscal year 2009;
- (7) \$70,000,000 for fiscal year 2010; and
- (8) \$80,000,000 for fiscal year 2011.

TITLE II—ENHANCING ENFORCEMENT OF THE IMMIGRATION AND NATIONALITY ACT IN THE INTERIOR THROUGH IMPROVED DOCUMENT SECURITY

SEC. 201. DRIVERS LICENSES.

(a) EXPIRATION DATE FOR CERTAIN ALIENS.—

(1) IN GENERAL.—Section 656 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (5 U.S.C. 301 note) is amended by inserting after subsection (a) the following:

“(b) STATE-ISSUED DRIVER'S LICENSES EXPIRATION DATE.—A Federal agency may not accept for any identification-related purpose a driver's license issued by a State unless, if the driver's license is issued to an alien who is in lawful status but who is not an alien lawfully admitted for permanent residence, the period of validity of the license expires on the date on which the alien's authorization to remain in the United States expires.”

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect beginning on October 1, 2007, but shall apply only to licenses issued to an individual for the first time and to replacement or renewal licenses issued according to State law.

(b) CONDITION OF FUNDS.—Section 402(b)(1) of title 23, United States Code, is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following: “(E) prohibit aliens who are not in lawful status, as determined under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), from being issued a driver's license in that State.”

SEC. 202. SECURE AND VERIFIABLE IDENTIFICATION REQUIRED FOR FEDERAL PUBLIC BENEFITS.

(a) IN GENERAL.—In the provision in the United States of a Federal public benefit or service that requires the recipient to produce identification, no Federal agency, commission, or other entity within the executive, legislative, or judicial branch of the Federal Government may accept, recognize, or rely on (or authorize the acceptance or recognition of, or the reliance on) any identification document, unless—

(1) the document was issued by a United States Federal or State authority and is subject to verification by a United States Federal law enforcement, intelligence, or homeland security agency; or

(2) the recipient—

(A) is lawfully present in the United States;

(B) is in possession of a passport; and

(C) is a citizen of a country for which the visa requirement for entry into the United States is waived if the alien possesses a passport from such country.

(b) IMMUNITY.—An elected or appointed official, employee, or other contractor or agent of the Federal Government who takes an action inconsistent with subsection (a) is deemed to be acting beyond the scope of authority granted by law and shall not be immune from liability for such action, unless such immunity is conferred by the Constitution and cannot be waived.

By Mr. DASCHLE (for himself, Mr. JOHNSON, Mr. LEAHY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. BAUCUS, Mr. DAYTON, Mr. HARKIN, Mr. FEINGOLD, Mr. BINGAMAN, Mr. JEFFORDS, Mr. EDWARDS, and Mr. SCHUMER):

S. 1907. A bill to promote rural safety and improve rural law enforcement; to the Committee on the Judiciary.

Mr. DASCHLE. 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:

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 “Rural Safety Act of 2003”.

TITLE I—SMALL COMMUNITY LAW ENFORCEMENT IMPROVEMENT GRANTS

SEC. 101. SMALL COMMUNITY GRANT PROGRAM.

Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-2) is amended by adding at the end the following:

“(d) RETENTION GRANTS.—

“(1) IN GENERAL.—The Attorney General may make grants to units of local government and tribal governments located outside a Standard Metropolitan Statistical Area, which grants shall be targeted specifically for the retention for 1 additional year of police officers funded through the COPS Universal Hiring Program, the COPS FAST Program, the Tribal Resources Grant Program-Hiring, or the COPS in Schools Program.

“(2) PREFERENCE.—In making grants under this subsection, the Attorney General shall give preference to grantees that demonstrate financial hardship or severe budget constraint that impacts the entire local budget and may result in the termination of employment for police officers described in paragraph (1).

“(3) LIMIT ON GRANT AMOUNTS.—The total amount of a grant made under this subsection shall not exceed 20 percent of the original grant to the grantee.

“(4) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection \$15,000,000 for each of fiscal years 2005 through 2009.

“(B) SET-ASIDE.—Of the amount made available for grants under this subsection for each fiscal year, 10 percent shall be awarded to tribal governments.”

SEC. 102. SMALL COMMUNITY TECHNOLOGY GRANT PROGRAM.

Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended by striking subsection (k) and inserting the following:

“(k) LAW ENFORCEMENT TECHNOLOGY PROGRAM.—

“(1) IN GENERAL.—Grants made under subsection (a) may be used to assist the police departments of units of local government and tribal governments located outside a Standard Metropolitan Statistical Area, in employing professional, scientific, and technological advancements that will help those police departments to—

“(A) improve police communications through the use of wireless communications, computers, software, videocams, databases, and other hardware and software that allow law enforcement agencies to communicate and operate more effectively; and

“(B) develop and improve access to crime solving technologies, including DNA analysis, photo enhancement, voice recognition, and other forensic capabilities.

“(2) COST SHARE REQUIREMENT.—A recipient of a grant made under subsection (a) and used in accordance with this subsection shall provide matching funds from non-Federal sources in an amount equal to not less than 10 percent of the total amount of the grant made under this subsection, subject to a waiver by the Attorney General for extreme hardship.

“(3) ADMINISTRATION.—The COPS Office shall administer the grant program under this subsection.

“(4) NO SUPPLANTING.—Federal funds provided under this subsection shall be used to supplement and not to supplant local funds allocated to technology.

“(5) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—There are authorized to be appropriated \$40,000,000 for each of fiscal years 2005 through 2009 to carry out this subsection.

“(B) SET-ASIDE.—Of the amount made available for grants under this subsection for each fiscal year, 10 percent shall be awarded to tribal governments.”

SEC. 103. RURAL 9-1-1 SERVICE.

(a) PURPOSE.—The purpose of this section is to provide access to, and improve a communications infrastructure that will ensure a reliable and seamless communication between, law enforcement, fire, and emergency medical service providers in units of local government and tribal governments located outside a Standard Metropolitan Statistical Area and in States.

(b) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall make grants, in accordance with such regulations as the Attorney General may prescribe, to units of local govern-

ment and tribal governments located outside a Standard Metropolitan Statistical Area for the purpose of establishing or improving 9-1-1 service in those communities. Priority in making grants under this section shall be given to communities that do not have 9-1-1 service.

(c) DEFINITION.—In this section, the term “9-1-1 service” refers to telephone service that has designated 9-1-1 as a universal emergency telephone number in the community served for reporting an emergency to appropriate authorities and requesting assistance.

(d) LIMIT ON GRANT AMOUNT.—The total amount of a grant made under this section shall not exceed \$250,000.

(e) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section \$25,000,000 for fiscal year 2005, to remain available until expended.

(2) SET-ASIDE.—Of the amount made available for grants under this section, 10 percent shall be awarded to tribal governments.

SEC. 104. JUVENILE OFFENDER ACCOUNTABILITY.

(a) PURPOSES.—The purposes of this section are to—

(1) hold juvenile offenders accountable for their offenses;

(2) involve victims and the community in the juvenile justice process;

(3) obligate the offender to pay restitution to the victim and to the community through community service or through financial or other forms of restitution; and

(4) equip juvenile offenders with the skills needed to live responsibly and productively.

(b) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall make grants, in accordance with such regulations as the Attorney General may prescribe, to units of rural local governments and tribal governments located outside a Standard Metropolitan Statistical Area to establish restorative justice programs, such as victim and offender mediation, family and community conferences, family and group conferences, sentencing circles, restorative panels, and reparative boards, as an alternative to, or in addition to, incarceration.

(c) PROGRAM CRITERIA.—A program funded by a grant made under this section shall—

(1) be fully voluntary by both the victim and the offender (who must admit responsibility), once the prosecuting agency has determined that the case is appropriate for this program;

(2) include as a critical component accountability conferences, at which the victim will have the opportunity to address the offender directly, to describe the impact of the offense against the victim, and the opportunity to suggest possible forms of restitution;

(3) require that conferences be attended by the victim, the offender and, when possible, the parents or guardians of the offender, and the arresting officer; and

(4) provide an early, individualized assessment and action plan to each juvenile offender in order to prevent further criminal behavior through the development of appropriate skills in the juvenile offender so that the juvenile is more capable of living productively and responsibly in the community.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) \$10,000,000 for fiscal year 2005 for grants to establish programs; and

(B) \$5,000,000 for each of fiscal years 2006 and 2007 to continue programs established in fiscal year 2005.

(2) SET-ASIDE.—Of the amount made available for grants under this section for each fiscal year, 10 percent shall be awarded to tribal governments.

TITLE II—CRACKING DOWN ON METHAMPHETAMINE

SEC. 201. METHAMPHETAMINE TREATMENT PROGRAMS IN RURAL AREAS.

Subpart I of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended by inserting after section 509 the following:

“SEC. 510. METHAMPHETAMINE TREATMENT PROGRAMS IN RURAL AREAS.

“(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Substance Abuse Treatment, shall make grants to community-based public and nonprofit private entities for the establishment of substance abuse (particularly methamphetamine) prevention and treatment pilot programs in units of local government and tribal governments located outside a Standard Metropolitan Statistical Area.

“(b) ADMINISTRATION.—Grants made in accordance with this section shall be administered by a single State agency designated by a State to ensure a coordinated effort within that State.

“(c) APPLICATION.—To be eligible to receive a grant under subsection (a), a public or nonprofit private entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(d) USE OF FUNDS.—A recipient of a grant under this section shall use amounts received under the grant to establish a methamphetamine abuse prevention and treatment pilot program that serves one or more rural areas. Such a pilot program shall—

“(1) have the ability to care for individuals on an in-patient basis;

“(2) have a social detoxification capability, with direct access to medical services within 50 miles;

“(3) provide neuro-cognitive skill development services to address brain damage caused by methamphetamine use;

“(4) provide after-care services, whether as a single-source provider or in conjunction with community-based services designed to continue neuro-cognitive skill development to address brain damage caused by methamphetamine use;

“(5) provide appropriate training for the staff employed in the program; and

“(6) use scientifically-based best practices in substance abuse treatment, particularly in methamphetamine treatment.

“(e) AMOUNT OF GRANTS.—The amount of a grant under this section shall be at least \$19,000 but not greater than \$100,000.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated \$2,000,000 to carry out this section.

“(2) SET-ASIDE.—Of the amount made available for grants under this section, 10 percent shall be awarded to tribal governments to ensure the provision of services under this section.”

SEC. 202. METHAMPHETAMINE PREVENTION EDUCATION.

Section 519E of the Public Health Service Act (42 U.S.C. 290bb-25e) is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (F), by striking “and” at the end;

(B) in subparagraph (G), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(H) to fund programs that educate rural communities, particularly parents, teachers, and others who work with youth, concerning the early signs and effects of methamphetamine use, however, as a prerequisite to receiving funding, these programs shall—

“(i) prioritize methamphetamine prevention and education;

“(ii) have past experience in community coalition building and be part of an existing

coalition that includes medical and public health officials, educators, youth-serving community organizations, and members of law enforcement;

“(iii) utilize professional prevention staff to develop research and science-based prevention strategies for the community to be served;

“(iv) demonstrate the ability to operate a community-based methamphetamine prevention and education program;

“(v) establish prevalence of use through a community needs assessment;

“(vi) establish goals and objectives based on a needs assessment; and

“(vii) demonstrate measurable outcomes on a yearly basis.”;

(2) in subsection (e)—

(A) by striking “subsection (a), \$10,000,000” and inserting “subsection (a)—

“(1) \$10,000,000”;

(B) by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(2) \$5,000,000 for each of fiscal years 2005 through 2009 to carry out the programs referred to in subsection (c)(1)(H).”;

(3) by adding at the end the following:

“(f) SET-ASIDE.—Of the amount made available for grants under this section, 10 percent shall be used to assist tribal governments.

“(g) AMOUNT OF GRANTS.—The amount of a grant under this section, with respect to each rural community involved, shall be at least \$19,000 but not greater than \$100,000.”.

SEC. 203. METHAMPHETAMINE CLEANUP.

(a) IN GENERAL.—The Attorney General shall, through the Department of Justice or through grants to States or units of local government and tribal governments located outside a Standard Metropolitan Statistical Area, in accordance with such regulations as the Attorney General may prescribe, provide for—

(1) the cleanup of methamphetamine laboratories and related hazardous waste in units of local government and tribal governments located outside a Standard Metropolitan Statistical Area; and

(2) the improvement of contract-related response time for cleanup of methamphetamine laboratories and related hazardous waste in units of local government and tribal governments located outside a Standard Metropolitan Statistical Area by providing additional contract personnel, equipment, and facilities.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated \$20,000,000 for fiscal year 2005 to carry out this section.

(2) FUNDING ADDITIONAL.—Amounts authorized by this section are in addition to amounts otherwise authorized by law.

(3) SET-ASIDE.—Of the amount made available for grants under this section, 10 percent shall be awarded to tribal governments.

TITLE III—LAW ENFORCEMENT TRAINING SEC. 301. SMALL TOWN AND RURAL TRAINING PROGRAM.

(a) IN GENERAL.—There is established a Rural Policing Institute, which shall be administered by the National Center for State and Local Law Enforcement Training of the Federal Law Enforcement Training Center (FLETC) as part of the Small Town and Rural Training (STAR) Program to—

(1) assess the needs of law enforcement in units of local government and tribal governments located outside a Standard Metropolitan Statistical Area;

(2) develop and deliver expert training programs regarding topics such as drug enforcement, airborne counterdrug operations, domestic violence, hate and bias crimes, computer crimes, law enforcement critical inci-

dent planning related to school shootings, and other topics identified in the training needs assessment to law enforcement officers in units of local government and tribal governments located outside a Standard Metropolitan Statistical Area; and

(3) conduct outreach efforts to ensure that training programs under the Rural Policing Institute reach law enforcement officers in units of local government and tribal governments located outside a Standard Metropolitan Statistical Area.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated \$10,000,000 for fiscal year 2005, and \$5,000,000 for each of fiscal years 2006 through 2009 to carry out this section, including contracts, staff, and equipment.

(2) SET-ASIDE.—Of the amount made available for grants under this section for each fiscal year, 10 percent shall be awarded to tribal governments.

By Mr. COCHRAN (for himself and Mr. KENNEDY):

S. 1909. A bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is a privilege to join with Senator COCHRAN in supporting the Stroke Treatment and Ongoing Prevention Act of 2003. The STOP Stroke Act is a vital first step in building a national network of effective care to diagnose and quickly treat victims of stroke.

For over 20 years, stroke has consistently been the third leading cause of death in our country. Every 45 seconds, another American suffers a stroke. Every 3 minutes, another American dies. Few families today are untouched by this cruel, debilitating, and often fatal disease that strikes indiscriminately, robbing us of our loved ones.

More than ever today, help is available. Modern medicine is generating new scientific advances that increase the chance of survival and partial or even full recovery following a stroke. We are learning how to manage this disease more effectively, and we are also learning how to prevent it from happening in the first place.

But science doesn't save lives and protect health by itself. We have to put new discoveries into action. We need to educate as many people as possible about the warning signs of stroke, so that they know enough to seek medical attention. We need to train doctors and nurses in the best techniques of care. We need better ways to treat victims as quickly and as effectively as possible—so that they have the best chance of full recovery.

Our bill provides grants to States to develop statewide programs for stroke care, so that the most effective care will be available to patients as quickly and efficiently as possible to reduce the level of disability caused by stroke.

Stroke systems will rely on information sharing among agencies and individuals involved in the study and provision of care, in addition to training for health professionals on the signs of stroke and guidelines on best practices.

The bill also authorizes the Secretary of HHS, acting through CDC, to operate the Paul Coverdell National Acute Stroke Registry to develop and collect data and analyze the care of acute stroke patients. Funds were appropriated for the registry at the end of the last Congress, but the registry has not yet been authorized. In fact, the Senate passed the act unanimously last year, and it came very close to House passage. Literally millions of our fellow citizens will benefit from the lives saved and the better care they will receive as a result of this legislation. It's long past time for Congress to act.

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

S. 1911. A bill to amend the provisions of title III of the Trade Act of 1974 relating to violations of the TRIPS Agreement, and for other purposes; to the Committee on Finance.

Mr. LEAHY. Mr. President, today I introduce an important, bipartisan piece of legislation that will amend the Trade Act of 1974 to help ensure that America's intellectual property rights are properly protected by our trading partners and that disputes between America and other governments can be investigated and resolved in a quick and sensible manner.

This bill makes commonsense changes to three important aspects of the Trade Act of 1974. First, this bill makes certain that our partners who benefit from trade with the United States adequately protect American intellectual property. The TRIPS standards (Trade Related Aspects of Intellectual Property) that the World Trade Organization uses today in order to determine if a country is protecting intellectual property laws were written in the early 1990s—before digital piracy had become widespread. Our legislation will codify the necessity on the part of other nations to keep intellectual property protections current with technology.

In addition, this measure will establish a petition process for bringing intellectual property claims against trade partners in the Caribbean Basin who fail to enforce intellectual property rights while benefiting from profitable trading programs. Under current law, there is no provision for parties to petition the United States Trade Representative to investigate whether or not one of our Caribbean partners is meeting the criterion of “fair and effective” enforcement of intellectual property rights in order to benefit from special trade programs. This legislation invests the USTR with the power to ensure that beneficiaries of favorable trading programs will not be rewarded for failing to protect intellectual property in a meaningful way.

Finally, this bill will correct an undesirable and unintended technical deficiency of the Trade Act of 1974 when applied to the dispute mechanisms of the World Trade Organization. Current

timelines for investigating intellectual property violations under the Trade Act force the USTR to designate certain countries as failing to protect intellectual property before a complete investigation can be completed and make it virtually impossible to negotiate with that country or bring a WTO dispute settlement case in order to resolve a dispute. This bill amends Section 301 of the Trade Act to make sure that investigations can proceed before policy is made.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 269—URGING THE GOVERNMENT OF CANADA TO END THE COMMERCIAL SEAL HUNT THAT OPENED ON NOVEMBER 15, 2003

Mr. LEVIN (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. REED, Mr. LAUTENBERG, Mr. DODD, Mr. WYDEN, Mr. JEFFORDS, and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 269

Whereas on November 15, 2003, the Government of Canada opened a commercial hunt on seals in the waters off the east coast of Canada;

Whereas an international outcry regarding the plight of the seals hunted in Canada resulted in the 1983 ban by the European Union of whitecoat and blueback seal skins, and the subsequent collapse of the commercial seal hunt in Canada;

Whereas the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) bars the import into the United States of any seal products;

Whereas in February 2003, the Ministry of Fisheries and Oceans in Canada authorized the highest quota for harp seals in Canadian history, allowing nearly 1,000,000 seals to be killed over a 3-year period;

Whereas harp seal pups can be legally hunted in Canada as soon as they have begun to molt their white coats at approximately 12 days of age;

Whereas 97 percent of the seals culled in the 2003 slaughter were pups between just 12 days and 12 weeks of age, most of which had not yet eaten their first solid meal or learned to swim;

Whereas a 2001 report by an independent team of veterinarians invited to observe the hunt by the International Fund for Animal Welfare concluded that the seal hunt failed to comply with basic animal welfare regulations in Canada and that governmental regulations regarding humane killing were not being respected or enforced;

Whereas the 2001 veterinary report concluded that as many as 42 percent of the seals studied were likely skinned while alive and conscious;

Whereas the commercial slaughter of seals in the Northwest Atlantic is inherently cruel, whether the killing is conducted by clubbing or by shooting;

Whereas many seals are shot in the course of the hunt, but escape beneath the ice where they die slowly and are never recovered, and these seals are not counted in official kill statistics, making the actual kill level far higher than the level that is reported;

Whereas the commercial hunt for harp and hooded seals is not conducted by indigenous

peoples of Canada, but is a commercial slaughter carried out by nonnative people from the East Coast of Canada for seal fur, oil, and penises (used as aphrodisiacs in some Asian markets);

Whereas the fishing and sealing industries in Canada continue to justify the expanded seal hunt on the grounds that the seals in the Northwest Atlantic are preventing the recovery of cod stocks, despite the lack of any credible scientific evidence to support this claim;

Whereas 2 Canadian Government marine scientists reported in 1994 that the true cause of cod depletion in the North Atlantic was over-fishing, and the consensus among the international scientific community is that seals are not responsible for the collapse of cod stocks;

Whereas harp and hooded seals are a vital part of the complex ecosystem of the Northwest Atlantic, and because the seals consume predators of commercial cod stocks, removing the seals might actually inhibit recovery of cod stocks;

Whereas certain ministries of the Government of Canada have stated clearly that there is no evidence that killing seals will help groundfish stocks to recover; and

Whereas the persistence of this cruel and needless commercial hunt is inconsistent with the well-earned international reputation of Canada: Now, therefore, be it

Resolved, That the Senate urges the Government of Canada to end the commercial hunt on seals that opened in the waters off the east coast of Canada on November 15, 2003.

Mr. LEVIN. Mr. President, today I am joined by a number of my colleagues in submitting a resolution in the hope that the Canadian government will cease its support of the slaughter of seals. The images from this senseless slaughter are difficult to view but even harder to accept: skinning of live animals, some no older than 12 days, and the dragging of live seals across the ice using steel hooks.

On November 15, 2003, the Government of Canada opened a commercial hunt on seals in the waters off the east coast of Canada. This hunt is supported by millions of dollars of subsidies to the sealing industry every year from the Canadian Government. These subsidies facilitate the slaughter of innocent animals and artificially extend the life of an industry that has ceased to exist in most developed countries. These subsidies can not be justified and should be ended.

Few would argue that this industry still serves a legitimate purpose. Two years ago, an economic analysis of the Canadian sealing industry concluded that it provided the equivalent on only 100 to 150 full-time jobs each year. In addition, the analysis found that these jobs cost Canadian taxpayers nearly \$30,000 each. The report concluded that when the cost of government subsidies provided to the industry was weighed against the landed value of the seals each year, the net value of the sealing industry was close to zero.

There is little about the Canadian sealing industry that is self-sustaining. The operating budget of the Canadian Sealers Association continues to be paid by the Canadian government; their rent each month is paid by the

provincial government of Newfoundland and Labrador; seal processing companies continue to receive subsidies through the Atlantic Canada Opportunities Agency; Human Resources Development Canada, and other federal funding programs for staffing and capital costs. The sealing industry, through the Sealing Industry Development Council and other bodies, receives assistance for product research and development, and for product marketing initiatives, both overseas and domestically. All the costs of the seal hunt for ice breaking services and for search and rescue, provided by the Canadian Coast Guard, are underwritten by Canadian taxpayers.

Many believe that subsidizing an industry that only operates for a few weeks a year and employs only a few hundred people on a seasonal, part-time basis is simply a bad investment on the part of the Canadian government. The HSUS has already called upon the Canadian government to end these archaic subsidies and instead work to diversify the economy in the Atlantic region by facilitating long-term jobs and livelihoods.

The clubbing of baby seals can't be defended or justified, and Canada should end it just as we ended the Alaska baby seal massacre 20 years ago. I urge my colleagues to support this resolution.

SENATE RESOLUTION 270—CONGRATULATING JOHN GAGLIARDI, FOOTBALL COACH OF ST. JOHN'S UNIVERSITY, ON THE OCCASION OF HIS BECOMING THE ALL-TIME WINNINGEST COACH IN COLLEGIATE HISTORY

Mr. COLEMAN (for himself and Mr. DAYTON) submitted the following resolution; which was considered and agreed to:

S. RES. 270

Whereas John Gagliardi began his coaching career in 1943 at the age of 16 when his high school football coach was drafted and John Gagliardi was asked to take over the position;

Whereas John Gagliardi won 4 conference titles during the 6 years he coached high school football;

Whereas John Gagliardi graduated from Colorado College in 1949 and began coaching football, basketball, and baseball at Carroll College in Helena, Montana, winning titles in all 3 sports;

Whereas John Gagliardi took over the football program at St. John's University in Collegeville, Minnesota, in 1953 and the football team won the Minnesota Intercollegiate Athletic Conference title in his first year as coach;

Whereas by the end of the 2002 season, John Gagliardi had won 3 national championships, coached 22 conference title teams, appeared in 45 post-season games and compiled a 376-108-10 record during his 50 years at St. John's University;

Whereas under the leadership of John Gagliardi, St. John's University has been nationally ranked 37 times in the past 39 years, and the university set a record with a 61.5 points per game average in 1993;

Whereas over 150 students participate in the St. John's University football program