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## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, November 4, 2003, at 12:30 p.m.

## Senate

MONDAY, NOVEMBER 3, 2003

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

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

Let us pray.

Eternal God, we stand in awe of You. Your love is constant and Your mercies are new every morning. Thank You for listening when we call and for destroying the record of our faults and failures. Lord, forgive us when we shackle ourselves with pride. Save our Nation from sin, which brings reproach, decline, and destruction. Cover our transgressions with Your righteousness which brings exaltation and salvation. Let not evil overcome us, but may we overcome evil with good.

Bless our Senators today with a constant awareness of Your presence. Let kindness guide their speech and integrity shape their decisions. Keep their feet on the right path and be a shield for all who fight for freedom. In Your wonderful name we pray. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, today the Senate will begin consideration of the conference report to accompany the Iraq and Afghanistan supplemental bill. The order that was entered into on Thursday provided for the time until 5 p.m. today to be equally divided for debate. That conference report will be agreed to at 5. However, no rollcall vote will be necessary.

Also under a previous consent agreement, the Senate will then debate the Interior appropriations conference report. There will be up to an hour of debate on that conference report prior to the vote. Senators should, therefore, expect a rollcall vote to occur sometime between 5:30 and 6 today.

We were also able to reach an agreement for consideration of the fair credit reporting bill. The chairman and ranking member of the Banking Committee have been working through the amendment list in an effort to facilitate its passage. I would anticipate beginning that bill either this evening or first thing tomorrow morning so we can finish the fair credit legislation early this week.

Last week I also mentioned the expiration of the Internet tax moratorium. I had hoped to address an extension of that moratorium prior to that deadline. However, several Senators expressed their reservation about an agreement for that bill. At the close of last week, we were able to reach a consent agreement to proceed to the bill, most likely on Thursday of this week. We will also continue with the appropriations process as the conference reports become available.

Nominations remain a focus of the Senate's attention. We will continue to work toward the scheduling of those nominations on the executive calendar. Another continuing resolution will be necessary by the close of business this week. Even with a short-term extension of the continuing resolution, we will still push to complete the remaining items at the earliest time this year.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mrs. DOLE). Under the previous order, the leadership time is reserved.

### EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN, 2004—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 3289, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate

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



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agree to the same, signed by all conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of October 30, 2003.)

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Madam President, I am pleased to bring to the Senate this conference report to provide supplemental funding for military and reconstruction efforts in Iraq and Afghanistan.

The Congress, specifically the Senate, asked the President not to request any funds for our efforts in Iraq and Afghanistan in the fiscal year 2004 appropriations bill. The President honored our request, and that bill has already been signed into law. The funding for our efforts in Iraq and Afghanistan is in the conference report now before us.

Our men and women in uniform face life-threatening obstacles every day and are counting on us to provide them with the resources they need to get the job done. This supplemental will provide the equipment, fuel, ammunition and pay our forces need and deserve as they continue their tasks in Iraq, Afghanistan, and in the other locations where they continue to stand in harm's way fighting the global war on terrorism. They are the reason we need to approve this emergency funding.

One thing is very clear: As the President has said time and again: We will not walk away from Iraq. We will not withdraw our forces from Iraq; we will not leave the Iraqi people in chaos; and we will not create a vacuum for terrorist groups to fill.

Our Nation has always had one goal—we finish what we start, and we will not fail to do so now. This appropriations bill will enable us to fulfill our responsibilities to our men and women in uniform and to the people of Iraq and Afghanistan.

This conference report before us provides \$64.7 billion for military operations. Included in this amount is \$17.8 billion for the salaries and benefits of active, Guard and Reserve military personnel activated for duty in Iraq, Afghanistan and other areas around the world. Together they continue to fight our war against terrorists and terrorism; \$39.2 billion for operations and maintenance in support of Operation Iraqi Freedom, Operation Enduring Freedom and Operation Noble Eagle, of which \$1 billion is to support coalition partners; \$5.5 billion for procurement, including an additional \$62.1 million for improved armor for humvees; \$333.8 million for military research, development, and evaluation; and \$658 million for the defense health program.

In addition, this conference report provides benefits to our reservists who are ordered to active duty by authorizing coverage of their medical and dental screening. The conferees also expanded pre-mobilization and post-mobilization eligibility for Tricare and made Tricare available to reservists who are unemployed or who are not offered health care benefits by their civilian employer.

Our forces are stationed in some of the most dangerous parts of the world. They face formidable enemies and serious threats. They face these obstacles because they have made a commitment to our freedom; they have decided that, if necessary, they will give what Lincoln called "the last full measure of devotion" to defend freedom. This Congress must meet their level of commitment by funding their mission.

In addition to meeting our obligations, we also support additional funds to rebuild Iraq and Afghanistan. It's a simple and straight-forward premise—security brings stability and stability fosters democracy. An Iraq and Afghanistan well on the way to economic well-being and self-governance offers the fastest way to get our military men and women home. To that end, this conference report provides \$21.2 billion to carry out the activities of our Government in connection with the reconstruction and rehabilitation of Iraq and Afghanistan. The majority of these funds, \$18.4 billion, is for Iraq for security, rehabilitation and reconstruction, including \$100 million for democracy building activities in Iraq to support the development of a constitution and national elections.

Other items funded include: \$983 million for operating expenses for the coalition provisional authority; \$16.6 million for safe and secure facilities for the United States Agency for International Development in Iraq and Afghanistan; at least \$38 million for operating expenses of the United States Agency for International Development for costs associated with Iraq and Afghanistan; \$872 million to continue political and economic development programs in Afghanistan; \$170 million for Department of State narcotics control, law enforcement, nonproliferation, anti-terrorism and demining programs in Afghanistan; \$287 million to continue programs and activities to build the new Afghan army; \$50 million for peacekeeping expenses in Iraq relating to additional foreign armed forces; \$35 million for anti-terrorism training and equipment needs in Afghanistan. The conferees also agreed to provide \$200 million for assistance to Liberia, \$200 million for assistance to Jordan, and \$20 million for assistance to Sudan.

This conference agreement does not stop at funding our obligations; it also provides specific mechanisms to account for how our appropriated money is spent. This bill creates a new position: The Inspector General for the Coalition Provisional Authority. The IG will work with Ambassador Bremer,

and together they will keep track of the funding allocated for Iraq's reconstruction. The IG will issue quarterly reports on the CPA's activities. This position ensures that we will always have a clear record of who is responsible for the funds appropriated to CPA and how they are spent. This position gives us a new tracking and record-keeping system, a comprehensive review process, and transparency in the allocation of funds. Most importantly, it ensures that funds will be used efficiently to build a new and free Iraq. We have an obligation to our total force and an obligation to the Iraqi and Afghanistan people to finish what we started.

This legislation meets those obligations, and I urge the Senate to promptly approve it.

The PRESIDING OFFICER. Who yields time?

The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, I come to the Senate floor this morning with a real sadness in my heart. Yesterday, we learned of the loss of a Chinook helicopter in Iraq. During the course of the day, I was contacted in Chicago, and then again in Springfield, with rumors that it involved the Illinois National Guard. The rumor was confirmed this morning. The pilot of the helicopter that was shot down in Iraq was a member of the Illinois Air Guard and we believe he was assigned out of the Peoria Guard unit. He is one of many who have been lost in this conflict from the beginning.

What we learn every morning as we learn the news of another soldier, or 2, or 3, or in this case yesterday, 16, is the real cost of war. I have tried to call the families of those in my home State of Illinois who have lost a soldier. I have not been able to get through to all of them, and it is understandable that in their sorrow and grief, many of them are not taking phone calls. Those I have reached are families who are proud of the men and women in uniform who volunteered to serve our Nation and then gave their lives. They thank the military, too, for the kind treatment their family received upon the notification of the loss and all of the help and consolation during the funeral ceremonies.

But we have to face reality. These are the real costs of war. We come to the floor of the Senate today to debate an appropriations bill that, in all honesty, is just money. The real cost of war is human lives. Sixteen were lost in the helicopter crash over the weekend, and another soldier was killed in another incident. Now we have lost more American servicemen in Iraq since the President declared that the major military operations were completed than we did during the invasion.

It doesn't tell the whole story, though, to just count those who lost their lives, as tragic as that may be. Many listed as wounded are sometimes forgotten and they never should be.

Some of the wounds these soldiers have been exposed to are serious, grievous.

Two weeks ago, I went to Walter Reed Hospital to visit with some of the returning soldiers, to meet one soldier from Ohio who lost the sight in one of his eyes, to meet with another soldier from my State of Illinois, the community of Pleasant Hill, a small farm town, who took a mortar round and survived. They didn't think they could take him from the scene, but he managed to live long enough. He made it to Germany, where they didn't think he would survive, but he did; and he was at Walter Reed with his mother and father dreaming of the day when he could get back to Pike County, IL, to a small farm town, his home.

These are the wounded of war who lose limbs, who face grievous, serious injuries that will haunt them for a lifetime. These are the real costs of war and a reminder, too, that we stand today in Iraq, 6 months after the end of the so-called military success that the President announced, still struggling to bring stability to that country. But understand, I don't think we can cut and leave. Those of us who warned in the beginning that once we made this decision, we had to remember it is easier to get into a war than to get out of a war—we have learned that in the last 6 months.

Our superb military forces went into Iraq and, in a matter of 3 weeks, took down Saddam Hussein, this dictator, and his cruelty ended. We were so proud of the men and women in uniform who did that so quickly.

But then came the second phase. That, unfortunately, has not gone nearly as well. The United States made a serious miscalculation when it entered this war in Iraq, invaded that nation, without the support of its traditional allies. With the exception of Great Britain, the so-called coalition of the willing was a very thin coalition. There were many countries offering some help, a few soldiers; but really when it came down to it, this President decided to embark on a war, with the approval of Congress, that took us into a wartime situation unlike anyone has seen. The President did not follow his father's model of bringing the United Nations behind his effort or true global coalition, but decided he would take the small coalition into the war in Iraq.

We didn't need a massive global coalition to win the military battle. We knew we had the best military in the world. We still do. But after the military battle, it is clear now we need allies more than ever. America needs countries to stand beside us with their soldiers, with their resources, with their commitment to finding stability in Iraq, and every day, when we see these bloody headlines of American soldiers being killed, we are reminded that had this been a global coalition, a broader coalition, had we moved in concert with our traditional allies, what we are facing today could have been so much different.

The burden of Iraq weighs heavy on the shoulders of America, and each day as we wake up to hear the news of more deaths of American soldiers, more wounded service men and women overseas, we understand that burden, but we can never understand it like the families who have suffered the losses. Our heart goes out to them. They are in our thoughts and prayers every single moment of every day, as they should be.

We come to the floor today to talk about the other costs of war, the appropriations necessary to keep this war going. It is a massive emergency supplemental appropriations bill. The total is \$87,442,198,000. This, of course, represents one of the largest emergency supplemental bills we have considered. It represents a commitment of at least \$1 billion a week to sustain our troops in Iraq, and then a commitment beyond it to an effort to build Iraq. It would be easy to say reconstruct Iraq if we had destroyed it during the element of invasion, but that didn't occur. Most of what we are doing is building a country that had been decimated by a dictator. We are providing things that for 10 or 20 years Saddam Hussein never provided to his people, in the hope that we can prove to them they can move toward democracy; that they can move toward a free-market system; that they can have stability, perhaps be a beacon of hope for the Middle East.

If that is the ultimate outcome, then there is some success to this story, but today, in one of the darkest hours with some of the saddest news, it is difficult to look at this and understand how even money is going to solve our problems.

I voted against this preemptive and precipitous war, but today I face a moral dilemma. I cannot and will not support President Bush's unilateralist, aggressive foreign policy of preemption. It is wrong. It was wrong when we voted on it in October of last year. It is wrong in November of this year. It is based on the false premise that we can somehow identify our enemies even if they haven't threatened the United States, even if they have not created a situation of eminent danger. It relies, of course, on information and information based on intelligence, and what do we have to say today about our intelligence-gathering agencies leading up to our invasion of Iraq?

We said we needed to go to Iraq to stop them from obtaining nuclear weapons and using them against their neighbors and against us. It turns out now that was an empty threat. There is no evidence of nuclear weapons nor program in Iraq.

We said there was an arsenal of biological and chemical weapons, weapons of mass destruction, which, again, could threaten the region, the people of Iraq, and the United States, and yet Dr. Kay, after more than 6 months and millions of dollars and hundreds of inspectors, has come up emptyhanded,

cannot find a shred of evidence of these weapons of mass destruction.

In the President's State of the Union Address they said, oh, we have proof they were moving fissile material from Africa to Iraq to build nuclear weapons, and even the President has had to say that was not accurate.

We said as well, if you remember 9/11, you can understand why we needed to invade Iraq—because al-Qaida of 9/11 and Saddam Hussein of Iraq were linked. Even the President had to come forward and concede a few weeks ago that statement is not true, either. It is true we changed a regime. We have eliminated Saddam Hussein. But the premise of that war has been challenged and has been found faulty.

So today we consider this supplemental appropriations bill to provide the money that our men and women need to sustain the military effort in Iraq and to come home safely. All of these funds are emergency spending. What that means, of course, is that we are not cutting other Government spending nor raising taxes to find the \$87 billion. We are adding this money to America's mortgage. This is our second mortgage on America, \$87 billion—the greatest deficit in the history of the United States, and it continues to grow as this administration continues to call for more tax cuts for wealthy people. This, unfortunately, is part of our legacy.

One of the most difficult parts of this bill is the fact that this conference committee stripped out the provision the Senate added on a bipartisan roll-call vote. Republicans and Democrats came together and said at least \$10 billion of the \$20 billion to reconstruct Iraq should come from the Iraqi people, from their oil reserves. Is that an incredible request, that this country with the second largest oil reserve in the world would help to pay for its own infrastructure? The Bush administration said it was unacceptable. No loan provision will be put in this bill. If anyone has to borrow money to build Iraq, it will be America's families, not the people of Iraq. That is a sad outcome.

Frankly, it means that much of what we were told by this administration before the war just was not true. Paul Wolfowitz, on March 27, 2003, testifying before the House Defense Appropriations Subcommittee, said as follows:

And on rough recollection, the oil revenues of that country could bring between \$50 and \$100 billion over the course of the next 2 or 3 years. . . . We're dealing with a country that can really finance its own reconstruction and relatively soon.

Assistant Secretary Wolfowitz said those words to this Congress 6 months ago. This man, who was urging America to invade Iraq and telling us they could pay for their own reconstruction, and where are we today? The Bush administration has rejected the idea that Iraq would pay for this. No, American taxpayers have to pay for it. It has to come out of the Social Security trust fund. It has to come out of investments

in education and health care in America. The Bush administration insists on it.

Listen to what Secretary of Defense Donald Rumsfeld said on the same day:

I don't believe the United States has the responsibility for reconstruction, in a sense . . . and the funds can come from those various sources I mentioned: frozen assets, oil revenues and a variety of other things, including the Oil for Food, which has a very substantial number of billions of dollars in it.

Six months ago, those were the words of the Secretary of Defense to the American people through Congress, and I quote again. He said:

I don't believe the United States has the responsibility for reconstruction. . . .

How clear can we be? Yet today, face it, America, taxpayers, and families, we are accepting an \$87 billion responsibility. Instead of asking Iraq to borrow against its bountiful oil reserves, we are asking our children and grandchildren to continue to borrow to build Iraq.

I also want to tell you there is one thing that was done in that conference committee which I think was shameful—shameful: the decision of this conference committee to strip out a provision in the bill which I added on the floor of the Senate. Let me explain it.

Across America, men and women serving in the Guard and Reserve have been activated. Usually their activation was only for a few months but now, because of the fact we are stretched thin around the world, these guardsmen and reservists, much like the helicopter pilot who was killed over the weekend from my State of Illinois, have been activated and asked to serve for longer and longer periods of time, causing extraordinary hardship to their family.

Some dismiss it and say they knew what they were getting into. When they signed up for the Guard and Reserve, they knew they were going to be activated. This is true. I won't argue with that.

Frankly, I ask my friends and colleagues in the Senate to at least show some compassion for those and their families who have been activated and, because of that activation, suffer an extraordinary economic hardship.

Across America, dozens of States and local units of government—my own home State of Illinois, the city of Chicago—have decided if their employees are activated in the Guard and Reserve, they will make up the difference in pay so that while they are off serving their country and risking their lives they can at least have peace of mind that their paycheck will be protected. That State government, that city government will make up the difference in pay. Thank God for their charity and compassion. Thank God they care enough for these men and women to make that commitment, as they have repeatedly. It is not just units of government. Private corporations have done the same thing. We ap-

plaud them. We call them patriot corporations because they stand behind the men and women in uniform.

I came to the Senate floor and I said to my colleagues, if we applaud those who stand behind the men and women in uniform to make certain they do not lose their pay while they are activated, can we do no less for Federal employees, the employees of the U.S. Government? By a resounding vote of 96 to 3, this bipartisan vote on the Senate floor, we said, yes, we will stand behind the Federal employees who activate.

How many are involved? Of the 1.2 million Guard and Reserve in America today, 10 percent are Federal employees, 120,000. Currently 23,000 are activated. Some do not see a cut in pay, but many see dramatic cuts in pay. What I asked for was the same type of justice and caring from the Federal Government we asked from State and local governments.

We passed that amendment, and I felt good that we made this commitment. Frankly, I sang the praises of the Senate and those who were involved. We went to the conference committee, and on a party-line vote, with every Republican Senator voting no, they removed this provision from the bill. Many of the Senators who just a few days before on this floor had voted for the provision to protect the pay of activated Federal employees turned around, within a few days, and voted no. That does not set a very good example, does it? If we will not provide the same kind of compensation for Federal employees as State and local governments do, how can we in good conscience turn to businesses and say, stand behind your guardsmen, stand behind your reservists; they are serving our country; they deserve your help, when we turn our backs on them in this bill?

It was the first thing we did when we sat down in conference. It was the first vote we took. It was a sad day. Unfortunately, I will have to offer this amendment again in the hopes that the next time around, if it passes on the Senate floor, the Senate conferees will stand up for it. They did not do that this time.

I also want to say we are paying a great amount of money out of our Federal Treasury to search for weapons of mass destruction. I cannot disclose the sum because it is classified. Trust me, it is very large. The Iraq Survey Group is in this so far futile search for weapons of mass destruction. I asked in this bill that they at least give us a quarterly report on what progress was being made. That was stripped out of the bill—no report necessary.

The amendment would require the special adviser to the Director of the Central Intelligence Agency for the strategy in Iraq, Dr. David Kay, to provide both classified and unclassified written status to Congress on a quarterly basis. That accountability was removed in this bill.

Another provision that was stripped out of this bill relates to profiteering

by corporations out to make a buck on a war. During World War II, Harry Truman called war profiteering treason. President Franklin Roosevelt said: I do not want to see a single war millionaire created in the United States as a result of this world disaster.

But when the Appropriations Committee considered this bill, they deleted an amendment by Senator LEAHY, Senator FEINSTEIN, and myself to criminalize war profiteering, price gouging and fraud. The same law that was passed during World War II was stripped out in conference. I do not understand it. I do not understand how anyone could be opposed to prosecuting those who want to defraud and overcharge the U.S. Government and the American taxpayers in time of war. It is unseemly that this has been stripped out in light of questionable no-bid and secretly bid contracts that have been let for Iraq construction.

Since the late 1980s, the move to privatize just about everything the Government does has led to the granting of billion-dollar contracts to a handful of huge companies. We have heard the names: Halliburton, Bechtel. They go on and on. With no surprise, many of them are politically well connected. This amendment was eliminated. It would not have hurt this conference, it would not have hurt this country to include that provision in the law as fair warning to those who would profiteer during a war that we will come down on them like a ton of bricks. But, no, it was removed.

There are many elements in this bill which trouble me. There are some which deserve praise. Access to TRICARE was enhanced for members of the Guard and Reserve; \$100 million was added to secure and destroy conventional munitions in Iraq, the ordinance that is being used to bring down our helicopters and killing our soldiers every single day; \$500 million for recent disasters, including the California wildfires and Hurricane Isabel; \$100 million to help Liberia recover from its brutal civil war; \$60 million for Afghan women and girls; and a modification of language Senator MURRAY, Senator LANDRIEU, and I offered on the Senate floor to ensure the assistance provided for Iraq and Afghanistan advances the social, economic, political rights, and opportunities for women and girls.

I want to especially salute Senator MURRAY and Senator LANDRIEU. They had to fight to restore this money in the conference committee. Before the conference committee came together, a staffer stripped it out and they restored it. It took a lot of hard work on their part, but I think most of us realize women and girls in Afghanistan have been brutalized by the Taliban and by the previous government. Frankly, we need to stand behind them. I am glad this money was restored.

I voted reluctantly for the Iraq supplemental when the Senate passed it the first time for the same reason I

mentioned earlier. As much as I believe this war was begun in a wrong fashion, with a policy that can no longer be defended, I have to say that as long as 120,000 of our best and brightest soldiers are over there risking their lives every single day, we have to stand by them.

I believe the sensible loan provisions which Senator DORGAN from North Dakota, who is now in the Chamber, supported, as well as his effort to say that the Iraqis will pay for the cost of the war with their own oil were just sensible. They are what American families would say, but unfortunately it is not what the Bush administration would say, and those have been removed.

This deletion of the reservist pay provision is one which I hope we can visit again. I hope next time instead of 96 to 3, we will have a 100-to-0 vote in the Senate. Maybe that is what it takes to convince conferees to stay with a provision once we have adopted it in the Senate.

The American people will ultimately be the judge of our work today. Sadly, they are the ones who are not only paying the bills and writing the checks. They understand the costs of war sometimes better than elected officials. The families with soldiers overseas and those who have seen those soldiers injured or killed understand the costs of war far more than anyone on any Appropriations Committee ever could.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. DORGAN. Madam President, I will take a few moments to discuss the Iraq supplemental conference report. At the start of this process, we attempted to have two portions we might consider. One would be the military, which provides almost \$1 billion a week to support our troops, and the second is the Iraq reconstruction fund, which is the amount of money the American taxpayer will be asked to fund for the reconstruction of Iraq.

We were not successful in separating these two, and so this travels as one. As a result of that, I offered an amendment to provide that Iraqi oil ought to bear the burden of Iraq reconstruction. We did not target Iraq's infrastructure. We did not target or attempt to bomb their roads, their bridges, their dams, their power structure. So the requirement that the U.S. taxpayer should pay for the reconstruction of Iraq is a requirement that does not make much sense to me.

Iraq, by the way, has the second largest oil reserves in the world, something people have frequently said on the Senate floor. If they have the second largest oil reserves in the world and are capable of producing, according to Ambassador Bremer, 3 million barrels of oil a day beginning next July, that is \$16 billion a year in export value, \$160 billion in 10 years. There are ample resources, by pumping oil out of the

sands of Iraq, to pay for the reconstruction of Iraq. It ought to be that oil, not the burden of the American taxpayer, that pays for the reconstruction of Iraq. I lost that vote on the Senate floor. The President did not support it. The majority did not support it. They said the American taxpayer must bear the burden of the reconstruction of Iraq. I think that is wrong. It does not make any sense to me. But, again, the requirement is included with the requirement to support our troops.

This country cannot send its sons and daughters to war and then say to them, oh, by the way, when you need some additional money for equipment and ammunition and those kinds of things, we will not provide them. We have no other alternative. We have an obligation to provide that which our military needs to complete this mission. We must do that. So this is going to pass today. I will support it. I support reluctantly the provisions that have to do with the reconstruction of Iraq for the reasons I just mentioned. It is unthinkable to me that the American taxpayer will now be required to come up with \$18.6 billion. The reason it is \$18.6 billion is because, with my colleague Senator WYDEN, I offered the amendment to cut \$1.8 billion. The cut of \$1.8 billion, which was accepted by the Senate, includes cutting money to construct two new high-security prisons at \$50,000 a bed, \$100 million to restore marshes, \$4 million for a nationwide telephone numbering system in Iraq, \$9 million to create ZIP Codes and do a postal architecture in Iraq, \$10 million to modernize the business practices of Iraqi television and radio, \$20 million for 1-month-long catch-up business courses at \$10,000 per pupil. That is more than twice as much as the Harvard Business School costs. You get the point. I was able to cut \$1.8 billion, so this is \$1.8 billion less than it otherwise would have been, but it is \$18.6 billion.

I think there is great question of whether that money will be spent effectively. Let me give some examples. A contract is let to provide air-conditioners in hundreds of public buildings. Then it goes to another contractor and then a subcontractor and that which represented air-conditioners in that contract has now become \$11 ceiling fans. Let me say that again. That which was air-conditioners in the contract, when installed by the subsequent subcontractor, became \$11 ceiling fans.

What happened to the money? Halliburton is importing oil into the country of Iraq at \$1.59 a gallon. The Iraqi oil officials say we can get that oil for 98 cents a gallon. So what is happening? Is the American taxpayer getting squeezed to the tune of \$300 million here? It looks like it to me.

These are the kinds of questions that I think are very important to ask. I am going to be chairing a hearing today at 1:30 on these issues. The Democratic Policy Committee is holding a hearing

on contracting in Iraq to make sure that, if the American taxpayer has to pay for this—and apparently by this it does because those of us who attempted to make it the burden of Iraqi oil to pay for Iraq reconstruction lost—if that is the case, when you send \$18.6 billion out into the wind, I am telling you there is going to be a lot of waste, fraud, and abuse unless we set up conditions to watch it carefully.

This started with sole-source contracts. That is the way this started. That is not what we want to have happen in the future. So there is a requirement for contracts that are bid, which is important, but the question is how do you make sure there is not abuse as a result of this, and waste and fraud? We need to care a great deal about that. I do not understand. I just don't understand the circumstances here, when it is Katie bar the door if you want money for reconstruction of Iraq. The taxpayers will ante that up. We have an unlimited supply of money.

That is what some say. I don't think that makes any sense. We are going to borrow money in this country so we can send that money to Iraq for the reconstruction of Iraq for a whole series of things that have deteriorated for 20 years in Iraq. We didn't destroy them. Then Iraq, incidentally, is going to pump oil out of the ground. They have liquid gold under that soil; the second largest reserves in the world are there. Then, guess what. When Ambassador Bremer testified before the Appropriations Committee I asked him: Why can't we use Iraqi oil to pay for Iraqi reconstruction?

He said: Very simple; it's because Iraq has a lot of foreign debt.

I said: Who does Iraq owe money to?

He said: Germany, France, Russia.

At that point I didn't know enough to respond to him. I checked after the hearing and found, yes, indeed, Iraq owes money to Germany, France, and Russia. But that is not the biggest debt it owes. Mr. Bremer didn't know, or failed to mention to me, the largest debts are to Saudi Arabia and Kuwait—interesting. Wouldn't it be a perversity if the American taxpayers are borrowing money to ship it to Iraq to pay for reconstruction, and then Iraq is pumping 3 million barrels of oil a day beginning July 1 and selling the oil on the open market making \$16 million a year and using the money to pay Saudi Arabia on past debts?

It is incredible to think of the perversity of that kind of situation. I don't know whether Mr. Bremer simply didn't know that Iraq owes large debts to the Saudis and Kuwaitis or just neglected to mention it. They do owe money to France, Germany, and Russia, but it is a lesser amount of money. Most Americans have a right to take a look at this and say this is a missed priority and a missed opportunity. The reason those of us who attempted to change the construct of this were denied the opportunity to do so by a vote in the Senate was we were told every

single dollar of this is necessary for the support of our troops, and the quicker we get things back on track in Iraq, the quicker the troops come home. Therefore, we were told it is necessary to reconstruct the ZIP Code system in Iraq, number the telephone system in a different way, and restore marshlands.

That, of course, is all patently nuts. I mean only in this town would people not laugh out loud at that assertion. You don't need to do that to provide for the safety of our troops.

We have a responsibility, it seems to me, to try to make sure that we win this battle in Iraq. Yes, indeed, it is a battle. This weekend another 16 soldiers, tragically, lost their lives. All of us are heartbroken about those losses. We cannot withdraw from Iraq. Some say let's pull out tomorrow. We can't do that. There is not any way this country can do that. There would be a bloodbath in Iraq tomorrow if we pulled out. So we have a responsibility to stay in Iraq at this point.

But what we have a responsibility to do, in my judgment, is to put this back on track by making it less a U.S. occupation and more an international occupation. That means it is very important for us, as Secretary Rumsfeld said this weekend, to build up the security forces in Iraq—that is very important—and do a lot of other things so at some point we can withdraw our troops. But especially we must understand that we need to get other countries to commit troops so this is, in fact, an international occupation in Iraq, not just a U.S. occupation.

In response to that, some would say it is an international occupation.

It is not. It is not. The overwhelming, 90 percent of the occupation is American. We need it to be an international occupation now and we need to set the stage to do the things to allow there to be security in Iraq, to allow the Iraqis to develop a government, and then to allow us to withdraw our soldiers and bring our soldiers home. We can't do that this week, we can't do that this month, but our goal is to do that. In the context of doing that we provided \$66 million requested by the Pentagon to keep those troops in Iraq, to provide the funds they need while they are in Iraq.

Attached to this is the \$18.6 billion now for the reconstruction of Iraq. I regret that is there. Although that reconstruction may well be necessary in many cases, it ought not be an obligation borne by the American taxpayer. It just should not be. Yet here in the Senate we vote, and when we lose a vote, we lose. I lost the vote believing this ought to be a burden of Iraqi oil.

Now we will pass, today, the Iraq supplemental conference report. The President will sign it, and the funds will begin to flow for our troops and we will also see substantial money that begins to go in contracts to reconstruct Iraq.

This afternoon, as I indicated, I will chair a hearing that looks at that, to

evaluate exactly what is happening with those funds.

We had some sole-source contracts with Halliburton, Bechtel, and others that were not bid. There was some allegation of substantial waste. We will have testimony today about some very wealthy families in Iraq who are extracting kickbacks from suppliers and from contractors in Iraq. We will have other questions about waste of money and waste, fraud, and abuse in this contracting.

I think all of us want the same thing. I don't think anybody would object to making sure that we put a structure in place to protect the American taxpayer against the waste, fraud, and abuse.

You talk about a bunch of hogs in a corn crib, I will tell you how to get that sound going. You just provide \$18 billion out there and say to companies: Come and get a part of this and do something in Iraq. I will show you the opportunity for substantial waste, fraud, and abuse. We ought to make sure, if we are going to do this—and we are because I lost on this—if we are going to do this and provide \$18.6 billion in taxpayer funds, then let's make sure we shut down the opportunity to waste this money.

Madam President, I yield the floor and I suggest the absence of a quorum. I ask unanimous consent the quorum call be charged equally against both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I wish to make special note of thanks to staff of the subcommittees who worked so hard on this important legislation. This bill before the Senate required the work of seven of the appropriations subcommittees—Defense, Foreign Operations, Military Construction, Homeland Security, Commerce-Justice-State, HUD-VA, and Labor-HHS. The members of our committee staff have put in long hours working not only on this bill but on our other regular fiscal year 2004 appropriations bills. It meant working nights and most weekends of the last 5 weeks.

I especially thank our staff director, Jim Morhard, who has shepherded this bill through and coordinated these subcommittees, and got us to the place where we are now.

I especially thank Sid Ashworth, clerk of the Defense Subcommittee, and her counterpart on the Democratic side, Charlie Houy; and Paul Grove, clerk of the Foreign Operations Subcommittee, and his counterpart, Tim Reiser. These four hammered out the compromises on the major provisions of the legislation before the Senate

today. Paul Grove deserves special recognition. He is a true professional who has worked tirelessly to help us complete action on both the supplemental and the fiscal year 2004 Foreign Operations appropriations bill at the same time.

He worked literally around the clock yesterday and into today. I am not sure he has seen his family or has gotten more than 2 or 3 hours sleep every night for the last 2 weeks. I am serious. He has been a totally dedicated man. His efforts represent the dedication of the staff of the Senate Appropriations Committee. I am very proud of these people. I hope everyone in the Senate realizes how hard they have worked to get this bill before the Senate today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### AGENCY FUNDING

Mr. GREGG. Mr. President, I rise today to address an issue within the Appropriations Committee's jurisdiction, which is the subcommittee that I chair, the Subcommittee on Commerce, Justice, State, and the Judiciary, and a letter sent to the committee as a result of the mark which came out of the full committee markup process funding those major agencies. This subcommittee has very broad jurisdiction. It is an exciting committee, quite honestly, of which to be chairman. It has the Commerce Department, it has the Justice Department, it has Judiciary, the FTC, FCC, and a number of other major agencies, including State Department.

As a result of the allocation process, which is a process by which the chairman of the full committee assigns each of the 13 subcommittees within the Appropriations Committee an amount of money they can spend on the various agencies which they have responsibility for, which amount is tied to the overall budget passed by the Senate, so that the overall budget, which I believe was \$784 billion, is chopped into parts and each subcommittee gets a part of that budget which it then allocates to the various agencies for which it has responsibility.

As a result of that process, this subcommittee, the Subcommittee on Commerce, Justice, State, and the Judiciary, was the only subcommittee which actually received less of an allocation. In other words, our number that we had for our agencies was less than what, first, the President requested by, I believe, \$700 million, and, second, what the House had allocated to this same group of agencies by \$900 million. Our subcommittee, when it was assigned our number, was almost \$1 billion below the amount which was available to the House subcommittee and

even more significantly below what the President had requested for these agencies. That was a responsibility I was willing to accept.

I am happy to try to do my job around here. If my job involves being fiscally responsible, I am more than happy to do that. So when the chairman made this decision, which was a reasonable decision in light of the very stringent numbers he had to work with, I worked with them and produced a bill which met those numbers.

Our bill came out at a funding level which was significantly below the House number. A number of the agencies which were impacted obviously were not happy about that. Most of them, however, were sophisticated enough to realize that in the end there was going to be a compromise between our committee and the House committee and that I suspect our number will move up closer to the House number and, therefore, closer to the President's number.

Most of the other agencies were fairly responsible in their reaction to this, fairly reserved. For example, we received a letter from the Justice Department, which took many of the major cuts—not cuts but reductions in increases—that I had to make. This letter was a very matter of fact, accurate statement of where they thought they needed more money.

I cannot argue with their position. In fact, in many ways, if I have more money as we move down the road, I will address those concerns very aggressively: for example, in the areas of the FBI, ATF, DEA, and general operations of the Justice Department. These were reasonable objections. They disagreed with our funding levels, but the Attorney General understood that we had a problem.

Then we received a letter from the State Department. Now, the State Department is supposed to be diplomatic. I believe that should be one of their skills. This was not a diplomatic letter. It was excessive, inaccurate, and inflammatory. It essentially attacked the Appropriations Committee and the subcommittee in terms which I thought were grossly overstated and inappropriate. In it, the Department questioned our commitment to national security, questioned our commitment to the State Department, and then went on to raise specific problems with the bill that were not dollar related, for the most part, but were policy related, many of which were actually policy initiatives that the State Department knew or had to know were inaccurate. They based an inflammatory letter on facts which were wrong.

I am going to go through that letter, point by point, and address those issues. I am not going to address the overall funding issue too much because this gets into my allocation, the allocation we received, and down the road we will be able to address that. Down the road, we will be able to address

that. But that was not really the essence of this letter.

This letter was a very vitriolic attack on the Appropriations Committee, regrettably, by the Secretary of State, signed by the Secretary of State, and I think it has to be responded to.

I am going to try to do it in a matter-of-fact way. I am not going to raise my language to the level he raised his because I think his level was inappropriate and extraordinarily undiplomatic. But let me pursue the specifics.

The Department's—when I say “Department,” I am referring, of course, to the State Department. The Department's appeal letter criticizes the bill for not providing full funding for the Diplomatic Readiness Initiative. The Diplomatic Readiness Initiative is the State Department's plan to hire 1,158 new Foreign Service officers over 3 years. The \$97 million requested in fiscal year 2004 represents the third and final year of funding for this unprecedented hiring surge.

The Department's target levels, both in terms of funding and personnel, for the Diplomatic Readiness Initiative were arrived at in a rather arbitrary way, in our opinion. State never undertook a comprehensive review to determine where and how many additional staff might be needed. In fiscal year 2002, the committee asked the Department to provide justification for the requested 1,158 new hires. The committee repeated that request, and the request went unanswered.

The committee, this year, asked the State Department to explain where the 399 new Foreign Service officers, requested in fiscal year 2004, would be stationed—What bureaus? What embassies?—a fairly reasonable request from the appropriations committee charged with protecting the pocketbooks of American taxpayers. The State Department could not answer the question.

If any internal review process had taken place to determine the proper personnel levels for overseas posts, the Department would have easily been able to tell the committee where these new FSOs would be placed, but they could not.

The problem concerning the Diplomatic Readiness Initiative goes hand in hand with the issue of right-sizing. “Right-sizing” refers to the configuration of U.S. Government overseas personnel to the minimum necessary to support national interests.

According to the General Accounting Office—this is not our committee—but according to a General Accounting Office report, the State Department “has no comprehensive process in place for developing the staffing projections that are essential to the right-sizing process.”

In its appeal letter, the Department states that this claim is “no longer accurate.” But the Department's very use of the words “no longer” is an admission it did not, in fact, have a right-sizing process in place when the Diplo-

matic Readiness Initiative was put forward.

In the absence of any indicators that State has undertaken right-sizing on its own, the committee decided to include two provisions that would compel the State Department to right-size downward, hopefully, two posts in Western Europe.

For the sake of argument, however, let us assume that State was, in fact, able to justify its Diplomatic Readiness Initiative requests and that it did have an effective right-sizing program in place.

The Department's letter claims that the bill provides only \$67.4 million for the Diplomatic Hiring Initiative. That simply is not true. It is not accurate, like much else in this letter. The Senate report clearly states that \$90 million is available for the Diplomatic Readiness Initiative. The State Department is dissatisfied because the committee considers its request for 68 new consular officers to be part of the diplomatic readiness, not an add-on.

In fiscal year 2004, the State Department requested 68 new consular officers in addition to the final tranches of 399 new Foreign Service Officers. State claims the increase is necessary due to unanticipated personnel needs.

The last-minute addition of the 68 new FTEs, at a cost of \$22.6 million, confirms the committee's suspicion that the Department, in fact, had not undertaken any meaningful workforce planning.

The second point the Department makes here: the Department's appeal letter criticizes the bill for not providing any funding for the Bureau of Legislative Affairs, or “H”, as it is commonly known.

For the sake of full disclosure, it should be noted that the Bureau of Legislative Affairs wrote the letter that was sent to us by the State Department, which I think, on its face, should explain why we zeroed it out. But I will go into more specifics.

The House bill contains language capping both the funding and the personnel of that Bureau. Why would both the House and the Senate Appropriations Committees move to limit or, in our case, strike the office's funding? The reality is that both House and Senate appropriators are unhappy with the performance of this office and are unconvinced of its necessity. There are currently 69 full-time equivalents at H at an annual cost of \$7.7 million.

The Senate CJS Subcommittee works almost exclusively with the State Department's budget office, not the Bureau of Legislative Affairs. In the interest of fairness to my House and Senate colleagues who might utilize the H Department, I would consider reducing the Bureau of Legislative Affairs' budget by one-quarter to account for the services that are not provided to our subcommittee but for which we seem to be paying. And possibly the House will take the same position. That would allow, of course, H to be able to



work with the authorizing committees and other Congressional offices. So we are willing to adjust there.

But I think people can understand why, after I complete my analysis of this letter, this Bureau does not merit funding from the committee.

The Department appeal letter also criticizes the bill for not providing any funding for the Office of Legal Adviser, or "L", as it is commonly known. As the letter points out, the committee certainly does not believe the State Department's legal needs should go uncovered. Situations will undoubtedly arise that will require a legal response from the Department of State. This is why the committee would likely have moved in conference to restore at least a portion of this office's funding, and we will do that.

The committee did not provide funding for L in fiscal year 2004 to make a point as to the failures of L's performance in a number of areas. This office has several times overstepped its bounds.

The Office of Legal Adviser is responsible for providing timely legal advice and support to the Secretary of State. However, L regularly inserts itself into the policymaking process, even to the point of telling the Congress what the Congress does and does not intend by the laws we pass.

With all due respect to the good people who work at L, Senator HOLLINGS and I and other members of the Appropriations Committee really are not interested in having State Department lawyers tell us what we meant when we passed laws. This is exactly, however, what L did when Senator HOLLINGS tried to pass legislation allowing Americans who were held hostage during the Iranian hostage crisis to file claims for damages against Iran.

Whether my colleagues agree or disagree with Senator HOLLINGS' position—and it has been a position of some controversy—on this particular issue there can be no disagreement over the Office of Legal Adviser's slick lobbying tactics and outright refusal to follow the congressional direction.

Another source of frustration is L's past attempts to withhold information from the committee. An April, 2003, Department of State Inspector General's report described the case of a State Department employee who was committing fraud against the Department. The IG report did not clarify the outcome of the case, stating only that the employee had been recommended for removal. As an oversight responsibility, we inquired as to whether the person had been removed or not. L directed the Legislative Affairs Office not to provide this information to the committee on the basis that it had Privacy Act protection.

I believe the American people, and certainly the appropriations committee, have a right to know whether or not a person accused of fraud by the IG has been removed from that office.

The American people have a right to know whether an employee caught

stealing their tax dollars remains on the Federal payroll. So, the committee reiterated its request. At that point, the State Department told the committee what we already knew to be true: that the Privacy Act contains a statutory waiver for congressional committees of jurisdiction.

State then told the committee it could have the information only if it could produce a letter of request. However, the statutory waiver contains no mention of a letter. We refused to sign a letter and gave the State Department a deadline to make the information available to the committee. This was many months ago, and we are still waiting for the information.

A congressional committee of jurisdiction should not be at the mercy of the State Department's legal department and its internal rules for access to information. Such rules are obviously intended to withhold information from the American people that could potentially embarrass the State Department.

It is regrettable that the Office of Legal Adviser can so flagrantly defy the wisdom, the spirit, and the intent of a waiver for congressional committees of jurisdiction.

The Department's appeal letter further criticizes the bill for not providing funding for the Office of Brazilian/Southern Cone Affairs and the Deputy Assistant Secretary for that office. There is a very straightforward reason for the committee's decision not to provide funding for this office.

In 2002, the Department decided to consolidate the Rio de Janeiro, Brazil, operations into leased facilities rather than construct a new consulate building. This decision left the Department holding several properties in Rio de Janeiro that it could not sell due to the 1991 Brazilian law that requires individuals and businesses to be current on their Social Security payments to the Government of Brazil before they can legally transfer property title.

In 1996, the State Department discontinued the payment of employer contributions into the Brazilian Social Security system for foreign service national employees because the Department deemed the Brazilian Social Security system to be fiscally unsound. The Department deemed it to be fiscally unsound. The Department set up its own pension system for the FSNs.

The result of this is that the United States now owes approximately \$10 million in arrears to the Government of Brazil. The State Department had in the past refused to pay the arrears. The committee supported its decision not to do so because we had already paid that \$10 million in two accounts to benefit these employers.

However, when the Department eventually needed to dispose of the property in Rio de Janeiro, it requested a reprogramming of \$10 million to repay the arrears. The committee denied the Department's request, citing the principle of the matter and the fact that

American taxpayers were, in essence, being asked to pay twice for these FSN pensions.

Shortly thereafter, it was brought to the committee's attention that certain officials from the Bureau of Western Hemisphere Affairs were trying to arrange a property swap with the Government of Brazil. In other words, the committee specifically told the Department not to pay back the arrears, and the Bureau sought a way around the committee's denial of the funding.

In light of these inexcusable actions and in light of the low fiscal year 2004 allocation, the committee decided that the appropriate funding level for the Office of Brazilian/Southern Cone Affairs was zero. The bill makes it clear that even the Department of State is accountable for the expenditure of the American taxpayers' dollars.

The Department's appeal letter further criticizes the bill for not providing funds for the Bureau of Oceans and International Environmental and Scientific Affairs. It is the responsibility of this bureau to promote U.S. interests in oceans, manage fish resources, protect marine environment through treaties, and promote U.S. interests in the international management of fresh water, forests, hazardous chemicals, and the atmosphere. Why would anyone want to abolish an office with such an important portfolio?

The answer is that OES is not really getting the job done. The people at OES are very skilled diplomats, but they are not using their talents to negotiate effective, forceful treaties on fisheries, forests, and the atmosphere. They are instead burning time and talent lobbying for more resources for themselves or trying to wriggle out of initiatives which Congress has asked them to undertake.

For the record, the bill does not abolish the OES functions, as some have accused. The bill transfers all of the OES's oceans-related responsibilities to the National Oceanic and Atmospheric Administration. That seems reasonable.

The bill does not reassign many of OES's other core functions, such as climate change, deforestation, et cetera. This is because the Commerce, Justice, State Subcommittee does not have jurisdiction over the agencies responsible for these activities. It is not our place to say that the EPA Administrator should negotiate climate change treaties on behalf of the United States since the State Department can't seem to manage to do it.

The committee has received quiet praise from a range of groups, from industry to NGOs, on the elimination of this office. These groups share our frustration with the OES's inability, and sometimes unwillingness, to do its job in what we consider to be an effective manner and have congratulated the committee on its decision to move OES functions to agencies that actually care about and have expertise in issues such as endangered turtles, lumber imports, and global climate change.



What is the root of the committee's frustration with the OES? OES has contravened statutory requirements to seek binding international treaties on endangered sea turtles and shark finning. On trade issues, OES has consistently pressed a U.S. position that sacrifices the environmental and conservation agenda. It is important to note that things were no better under prior administrations.

Finally, there is widespread frustration with the lack of expertise and institutional knowledge of the OES negotiators due to State's policy of constantly rotating Foreign Service officers. Simply put, the committee got tired of being ignored by OES, and the Congress should also be tired of this.

This year, the committee decided to take action. The action taken was constructive. It reassigned these important functions to people who actually understand the issues and who are willing to pursue them.

Further, the State Department's appeal letter objects to the bill's inclusion of \$52 million for the Center for Anti-Terrorism and Security Training. The CAST facility would allow the Department to consolidate training for the Bureau of Diplomatic Security and the Anti-Terrorism Assistance Program.

The Department requested \$52 million for this project in fiscal year 2003. The House objected, and the Department ultimately did not receive the funding last year. In light of this, the committee included the \$52 million in fiscal year 2004. It was assumed that if the Department had requested the funds in fiscal year 2003 it would then want them to be included in the fiscal year 2004 funding. However, the Department's appeal letter objects to their inclusion this year.

The State Department's inconsistency on this matter leads one to seriously question the processes by which it determines its budgetary priorities. In my humble opinion, they do need a center where they are able to train their Bureau of Diplomatic Security people, who have expanded radically in number over the last few years. State's inconsistency on this matter is hard to understand. State's complaints about the decisions of this committee are rather bold, given this inconsistency.

The Department's appeal letter next objects to the bill's inclusion of \$40 million for security enhancements for so-called soft targets. These funds are intended to be used to pay for security enhancements such as guards, shatter-resistant windows, emergency warning systems, and bollards at staff housing and American schools overseas. I started this initiative in the fiscal year 2003 budget. A total \$15 million was included in that bill, along with language drawing particular attention to the security needs of our overseas schools. Or at least I thought \$15 million was included in the bill.

The State Department has recently informed the committee that it has

chosen to interpret this figure as \$15 million over 3 years, not \$15 million for each of 3 years as the committee intended. And since the actual funding level for the soft target initiative will fall \$10 million below what was envisioned for fiscal year 2003, the fiscal year 2004 level will have to be at least \$25 million to meet the goal.

The Department has argued that \$40 million is too much for this program. It is the committee's position that this is the right amount, especially since the Department appears to be playing budget games with this important initiative. It is extremely disheartening, in light of the pledges given to us by leadership at the State Department, that they would now try to decrease this funding to protect soft targets.

Some of us are personally very committed to making sure that, when our Foreign Service people go overseas and take their families with them, we give those families reasonable protection. It appears the Department, perhaps, is not.

The Department's appeal letter objects to the bill's inclusion of language limiting the number of personnel working in U.S. Embassies in Paris, France, and Berlin, Germany. The letter states: "This micro-management circumvents the Department's right-sizing plan process".

The bill includes caps on personnel because, as discussed earlier, the Department has no right-sizing process in place. And our Embassies in Paris and Berlin are a living—and growing—testament to this. I addressed this problem of right-sizing earlier, and I will not belabor the point.

There are a couple of factors that led the committee to choose Paris and Berlin as the places to begin this mandatory right-sizing. The U.S. Embassy in Paris has grown so large that the post now occupies several annexes throughout the city in addition to the primary Embassy building. Recently, the Department requested to utilize \$25 million to renovate a building into which personnel from other annexes could be consolidated. As if the \$25 million price tag weren't bad enough, shortly after State made this request the committee discovered that the roof of the building had collapsed. State continued to push for approval of the funds to renovate the dilapidated building—right up until both the House and Senate Appropriations subcommittees denied this request.

As far as Berlin is concerned, the committee had originally been told that the new embassy building planned for the historic Pariser Platz site would have to be smaller than normal, due to the small size of the property—about 1.5 acres. This is how State justified to the committee the cost of purchasing and renovating an ample new consular compound in Frankfurt, Germany. State's rationale was—and the committee agreed—that if the embassy building in Berlin had to be smaller than necessary, some personnel could

be transferred to what was to become a "regional hub" in Frankfurt.

A little under a year ago, the State Department informed the committee that the Berlin building would actually be much larger than normal. In fact, the new embassy building envisioned for Berlin is a 24,000 square meter colossus, what the Department terms a "special project." The result is that we have an enormous "regional hub" compound in Frankfurt and a supersized embassy building in Berlin. The convoluted history of the Berlin project leads one to question whether the State Department takes the concept of right-sizing seriously at all.

The Department's letter also criticizes the bill for reducing the funding level of the Berlin project by \$70 million. The Berlin project, unlike all of the other capital projects requested in fiscal year 2004, is not driven by security needs. The bill redirects this \$70 million to construction of a new consulate building in Karachi, Pakistan. The design/construction phase for Karachi was not scheduled to begin until fiscal year 2005. However, given the current security situation in Pakistan, the committee felt it should begin as soon as possible.

Employees of the U.S. Consulate General in Karachi have come under attack on four separate occasions during the last decade. On two such occasions, the consulate building itself was attacked. The most recent attack occurred in February, 2003, when a gunman opened fire on the local police assigned to the consulate. In light of this, the committee decided that our consulate in Karachi was in urgent need of reconstruction. Shrinking the size of an already-too-large building in Berlin, Germany, seemed like a very reasonable price to pay for a badly needed security construction project in Pakistan. It is the committee's policy to address the security needs of our embassies and consulates overseas before constructing buildings that are desirable for historical and cultural reasons.

The Department's appeal letter criticizes the bill for not providing full funding for the U.S. payment to the United Nations. The difference between the requested amount of \$1 billion and the recommendation of \$922 million can be explained by the committee's decision not to provide the requested funds for the United States to rejoin UNESCO. However, the Department may not be aware of this, but we have had significant discussions with the White House and members of the administration, and I fully expect we will be funding UNESCO.

Another factor contributing to the "cut" to this account was the committee's decision not to provide the funds for the United States share of the costs of the U.N. Human Rights Commission. The House bill contains a provision that would withhold funds for this U.N. body as well. The U.N. Human Rights Commission is notorious because it is

chaired by Libya and boasts such members as Sudan, Cuba, and Zimbabwe. Human Rights Watch this year called the U.N. Human Rights Commission: "An abusers club of governments hostile to human rights."

The U.N. Human Rights Commission ignores the real human rights violators. No resolution in the history of the commission has ever been passed on states such as Syria, China, Saudi Arabia or Zimbabwe. The commission has not addressed gross and systematic human rights abuses in countries such as Bahrain, Chad, Liberia, Malawi, Mali, Saudi Arabia, Syria, United Arab Emirates, Yemen, and Zimbabwe. The Commission is a platform for Israel-bashing. It has spent more time on Israel than any other country. Eleven percent of its total substantive meeting time has been spent on Israel alone, while 24 percent of its time has been spent on all other U.N. states combined.

Lastly and most alarmingly, the U.N. Human Rights Commission is being used as a forum for the expression of values and positions that run completely counter to America's own. One member state objected to the inclusion of language calling cross amputation "cruel, inhuman and degrading treatment" on the grounds that it was an offense to all Muslim countries. The Commission has also adopted a resolution affirming the legitimacy of "all available means," including suicide-bombing, "to resist foreign occupation and for self-determination." At one meeting, the Libyan Chairman shouted that the U.S. war against terror showed that the U.S. "despised humanity."

Should we stand by as American tax dollars are allowed to flow to such an organization? The House of Representatives doesn't think so. The Senate Appropriations Committee didn't think so. Apparently, the Department of State thinks so.

The last portion of the "cut" to this account is explained by the bill's discontinuation of funding for a number of the smaller international organizations. In the past, the committee has directed the State Department to review the list of smaller international organizations to which the United States belongs to determine which of these may no longer be worthwhile for the United States. State has not done so. This year, the committee began making eliminations. The committee gave the State Department the chance to review the list itself, but it did not act.

The Department's appeal letter criticizes the bill for not providing full funding for the U.S. share of the cost of United Nations peacekeeping missions. The bill provides only \$483 million for peacekeeping while the request was \$550 million. This, the State Department correctly points out, is a difference of \$67 million.

What the Department's appeal letter does not acknowledge is that, on Sep-

tember 30, 2003, the committee approved a reprogramming providing that \$100 million in this account would be carried forward to fiscal year 2004. The result of this? State is not going to have a \$67 million shortfall, it is going to have a \$33 million windfall.

The State Department knew this \$100 million in carryover would be available when they wrote their appeal letter. They knew that the Senate CJS bill assumed that ample carryover funding would be available. This is the most egregious part of the Department's appeal letter. It is an outright fabrication.

But let's turn to the real issues. The report accompanying the fiscal year 2004 bill directs the International Criminal Tribunal for Rwanda to complete its work by 2004 and the International Criminal Tribunal for the Former Yugoslavia to complete its work by 2006. Both ICTY and ICTR have been criticized for being slow and unprofessional, for having inadequate staff, for the passivity of their judges, and for their insufficient oversight of expenditures and employees. The Department of State itself has criticized these tribunals for their shortcomings. For these reasons, the Senate report includes language urging the U.N. to develop an exit strategy for these Tribunals.

The committee's disappointment in the performance of the Yugoslavia and Rwanda Tribunals had little to do, however, with the level of funding they received (about one-third of the requested amount). This funding decision had more to do with the fact that the bills for these 2 Tribunals—that is, the amount the U.N. assesses to the United States each year—have been much lower than anticipated for the past few years. The State Department has, for several years, budgeted about twice what it really needed to pay the U.S.'s bills for the Yugoslavia and Rwanda Tribunals. In light of this year's low allocation, we decided to hold back these funds and use them elsewhere. State recently estimated that the bills for fiscal year 2004 would come in at just around the requested level. The committee will likely adjust this level upwards in conference, since it is not interested in creating new U.S. arrears without a compelling reason. But it is important to note that the low Senate level for the Tribunals resulted from State's own budgetary ineptitude.

State was quick to lash out at the committee for not providing full funding for the Yugoslavia and Rwanda War Crimes Tribunals. Yet, State itself is withholding funds for the Special Court for Sierra Leone. The Special Court is assigned the task of prosecuting those who committed atrocities during Sierra Leone's gruesome civil war. In fiscal year 2003, Congress appropriated \$10 million for the Special Court. State refused to provide the entire \$10 million, in a blatant disregard of congressional intent. The Chief Prosecutor for Sierra Leone has told the committee that

without the additional \$5 million, the Special Court may have to shut down as early as February.

The Department has criticized this bill for trimming down what, in past years, was a grossly inflated budget for the U.N.-run tribunals while denies the United States- and British-led tribunals its promised funding. This inconsistency is worrisome.

The Department also objects to report language under peacekeeping that directs the United Nations to develop an exit strategy for the U.N. Peacekeeping force in Cyprus. The reason for this language is simple. It is not fair for U.S. taxpayers to have to pay for missions in countries that are on the cusp of joining the European Union.

The last two years have seen the U.S. take on tremendous new global responsibilities, with Afghanistan and Iraq representing the largest. The U.S. cannot afford to keep taking on new missions if its existing missions never go away. The U.N. mission to Cyprus began in 1964, 39 years ago. The State Department needs to use the U.S.' voice in the Security Council to ensure that U.N. peacekeeping missions are held to some sort of reasonable time frame.

The Department also objects to the bill's failure to include language allowing it to carry over 15 percent of the fiscal year 2004 peacekeeping appropriations into fiscal year 2005. As I mentioned earlier, the peacekeeping bills have been coming in much lower than expected. In fiscal year 2004, the Department's peacekeeping appropriation was \$167 million above what it actually needed. Assuming this trend continues, the Department's request to carry over 15 percent of its peacekeeping appropriations is the equivalent of an advanced appropriation, something which the subcommittee of which I am chairman has tried to avoid. As a rule, the committee does not provide advanced appropriations since they take funding decisions away from the elected representatives of the people and hand it over to the agencies. This is simply a matter of policy and proper management.

The Department's appeal letter further criticizes the bill for not providing full funding for Educational and Cultural Exchanges, but the Department's appeal letter does not tell the whole story. In fiscal year 2004, the Office of Management and Budget decided to move the former Soviet exchange programs, at a cost of approximately \$100 million, over to the Commerce-State-Justice Subcommittee from the Foreign Operations Subcommittee. This maneuver was intended to make room for the expanded Middle East exchange programs in the Foreign Operations budget. This was an OMB initiative. Whether or not one agrees that these programs belong in Commerce-State-Justice, there were simply not enough funds in the subcommittee's 302(b) allocation to absorb them.

The committee has always generously supported the exchanges. They

are one part of the State Department's public diplomacy program that consistently produces good results, but even the committee has to question whether, if the former Soviet exchanges are no longer a high priority area for the United States—which the administration's budget signals they are not—then their funding needs to be reduced and they need to be folded into an existing exchange program under Commerce-Justice-State. OMB and the State Department should be committed, as I am, to reprioritizing rather than simply adding more and programs. In any event, OMB should not act unilaterally, creating an impossible situation for the subcommittee given its low allocation, and then, with the State Department, write a letter complaining about it.

The Department's appeal letter further objects to language in the bill designed to prevent the State Department from making a reprogramming request more than once. The committee decided to include this language after the Department requested to reprogram funding for the same project five times. In this particular instance, the committee denied the Department's request to utilize Commerce-Justice-State funding to construct two USAID annexes. The committee's position has always been that the Commerce-Justice-State Subcommittee should not have to build buildings for agencies over which it does not have any oversight. Seems reasonable to us.

The USAID's operating budget does not fall under the jurisdiction of Commerce-Justice-State and, thus, this subcommittee has no way of ensuring that USAID is managing its funds wisely, that its requests for new buildings are legitimate, and that all of the personnel it places in these buildings are needed in those buildings. Moreover, separating USAID's building function from the oversight of its own appropriators—the Foreign Operations Subcommittee—allows USAID to escape accountability for its capital program, which is not good budgeting procedure.

The State Department apparently has failed to grasp this concept that when the committee says no it means no.

The Department's appeal letter further objects to language in the bill requiring the Department to submit the U.N.'s budget along with its own budget to the committee.

The regular dues of the United States to the U.N. are paid through the Commerce-Justice-State bill. In the fiscal year 2004, these dues will amount to \$1 billion for the U.N. regular payments and \$550 million for peacekeeping, for a total of \$1.5 billion of American tax dollars. This amount represents almost 20 percent of the entire State Department account, yet none of these funds—none of these funds—are justified in any meaningful way or any meaningful detail to the committee. All this bill language does is allow the committee to see for what this \$1.5 billion is being used.

The Department's appeal letter says it would be "impractical" for State to submit the U.N.'s budget to the subcommittee. I don't see why. Furthermore, the Department's letter states that the fact the committee has requested to receive the U.N.'s budget "suggests that the committee would intend to exercise oversight over the U.N. budget to the same degree that it does over other accounts in the President's budget request." This, of course, is preposterous and inaccurate. The committee could never exercise this kind of oversight over the U.N. budget. The U.N. is an independent international organization. The committee can't make the U.N. do anything. Only the Security Council can make the U.N. do something.

All this language does is ensure the committee is able to account for the expenditures of U.S. tax dollars. The Appropriations Committee is given the responsibility by the Constitution and by the taxpayers of the United States to make sure their tax dollars are being spent effectively and to know where their tax dollars are going. It seems reasonable that we should at least get an accounting from the U.N. of how \$1.5 billion is being spent, and that is all we are seeking.

The State Department's appeal letter further objects to language included in the bill that provides for an automatic transfer of funding in the event of a visa fee shortfall. The Department's Border Security Program—essentially its consular operations—is funded exclusively from revenue generated through the Machine Readable Visa Fee Program. Since September 11, the number of visa applications to the United States has declined dramatically. This has created a shortfall in excess of \$100 million in the Department's Border Security Program. This has obvious national security implications.

The Department has been aware of this problem for more than a year now. The committee has asked the Department several times to propose a comprehensive solution to this problem. In the absence of a solution, the committee vowed to transfer funds from the Department's main operating account to cover the shortfall. Consequently, the committee included language in the fiscal year 2004 bill that provides just such a safety mechanism—an automatic transfer of funds—to ensure that funding shortfalls do not disrupt the Department's critical Border Security operation.

For the record, the committee has still not received a proposal from the State Department. The Department's current ad hoc system for addressing funding shortfalls in the Border Security Program is unacceptable. The Department leaves the committee little choice but to insist that this language be carried forward in the report.

The Department's appeal letter objects to language included in the bill that would withhold funds for any U.N.

peacekeeping mission that places U.S. troops under the command of a foreign national. This language is part of a larger debate over the International Criminal Court. Identical language was included in last year's Commerce-Justice-State conference report, which passed both the Senate and the House. The House included identical language this year. Congress has spoken on this matter and the matter rests as it is. Why the State Department would write such an inflammatory letter now claiming that this language is inappropriate is beyond my understanding, especially given the history of this language.

The Department's appeal letter objects to the language included in the report requiring the Department to demonstrate that consolidation of its payroll system would result in a savings for the American taxpayer. What an outrageous idea that we should ask the State Department to prove that something they are planning will save money, and then actually have them show us how it does save money.

There is also report language requiring the Department to submit a reprogramming before it obligates any funding for payroll consolidation. Last January, the Office of Management and Budget announced an initiative to consolidate the Federal payroll system. It is estimated that this consolidation will reduce the number of agencies processing employee checks from 22 to 4, which could save the taxpayers up to \$1 billion over the next 10 years.

The committee is very supportive of this initiative. However, State's payroll needs are very different from the payroll needs of domestic agencies. The State Department currently pays over 25,000 Americans both domestically and overseas and over 35,000 local national employees in 180 different countries bi-weekly in local currencies.

The purpose of this report language is to ensure that if any payroll consolidation takes place at the State Department, that State's unique needs are met.

The committee has a right to exercise oversight over these funds. In fact, it is our obligation to do so, and I would think that State would encourage it rather than resist it.

The Department's appeal letter objects to report language that requires the Department to move the Office of Foreign Missions out of the Bureau of Diplomatic Security to the Bureau of Management. The Office of Foreign Missions was created to review and control the operations of foreign missions in the United States and to administer the benefits available to them. The Office of Foreign Missions was originally invented as a stand-alone office under the Secretary of State. In 1996, however, the office was moved to the Bureau of Diplomatic Security. The person who was then the director of the office took OFM with him when he was appointed head of Diplomatic Security.

The committee's reason for including this report language is straightforward. We have talked to several foreign ambassadors who say the Office of Foreign Missions acts as though its primary mission is to police foreign missions rather than assist them. We have even had foreign diplomats tell us that they feel as though the Office of Foreign Missions treats them like "criminals". This is unacceptable. I am certain this penchant for heavyhandedness can be explained by the Office of Foreign Missions' being housed in the Department's security branch.

For the second year in a row, the committee has asked the Department to consider moving the office back. The language was ignored the first time and hopefully we can get it to work this time.

The appeal letter objects to report language that directs the Department not to grant visas to any person caught trafficking in looted Iraqi antiquities. It objects to that language. This language says, essentially, that anyone found to be responsible for looting and damaging Iraq's historical and culturally significant works is barred from receiving a U.S. visa.

U.S. visas are not a right. They are a privilege. Any person who attempts to profit from the misfortune of the Iraqi people should lose this privilege. Why the State Department opposes this is beyond us. It is especially disconcerting that the Department objects to this language in the context of an inflammatory letter that questions this committee's commitment to national security.

The appeal letter objects to report language requiring that children over the age of 1 be present for the adjudication of a U.S. passport. This minor change in Department policy, though admittedly an inconvenience for passport applicants, would help prevent international child abductions. Currently, State Department regulations do not require children under the age of 14 to appear personally when passport applications are made on their behalf. As a result, passport fraud involving the substitution of photographs of one child for another is regrettably common.

The committee included this language following a Department of State Inspector General's report that recommended precisely this policy change. By law, State Department bureaus are required to respond to the recommendations contained in an Inspector General's report. On July 8, 2003, the Assistant Secretary of State for Consular Affairs sent a memo to the Inspector General stating that she not only concurs with the IG's recommendation, but is implementing it. This is good news. But one wonders why State is attacking us for suggesting it in our bill.

Included in the appeal letter is an objection to report language directing the Department to construct a new of-

fice building in Kingston, Jamaica, instead of utilizing an existing building for both post housing and embassy functions. The committee was under the impression this plan also was already being implemented by the Bureau of Overseas Building Operations. Perhaps we could get some further clarification. It would have been better if the Department had engaged us in a constructive dialogue, rather than sending such a letter.

The appeal letter objects to the report language requiring the U.S. Representative to the Organization of Economic Cooperation and Development, OECD, to submit OECD reports to the committee prior to their release. OECD already submits these reports to its member states. The State Department, on behalf of the United States, is responsible for approving these reports before they are released.

Last year, OECD released a report that dealt with a particular U.S. domestic issue which at the time was being debated in the Congress. The OECD report was not intended to coincide with the congressional action on the particular matter. However, the release of the report nevertheless unduly influenced congressional debate on the matter. Such scenarios must be prevented in the future and this is precisely what this report language seeks to address.

The committee's position on this matter appears to have been substantiated by the recent release of an OECD report that made recommendations on another politically sensitive issue currently being debated by the Congress: vouchers. While in this instance the OECD recommendation was in line with my own views and position, I suspect the opponents of my position, or others who do not agree with the approach to choice and vouchers, might take issue with the OECD's timing. The report language merely states the Congress too shall have opportunities to review the list of OECD reports before they are released. State has twice failed to exercise discretion that should have led it to disapprove reports that inappropriately influenced congressional action. This report language would try to prevent that sort of failure on their part in the future.

That is a fairly comprehensive response to almost every point in this letter, except the overall funding levels, which brings me back to the language of the original letter. This is the language which the Secretary of State has directed at the Senate and the Senate Appropriations Committee. He says in this letter, which I think I have responded to in a very factual and reasonably understated way, that the bill passed by the full Appropriations Committee would adversely affect U.S. foreign policy and national security interests, undermine the management of the Department, is unconstitutional, misstates the legal requirements of the reprogramming process, and raises separation of powers concerns.

I think it is excessive when the Secretary of State and his Department wave the bloody shirt of national security at the Senate as a way of attacking a bill they object to for policy and funding reasons.

To say that I and other members of the Appropriations Committee would adversely affect national security interests at a time like this is an attack that is highly inappropriate, certainly not diplomatic, and that is inconsistent with the facts. As I have pointed out, the letter State has sent us is inaccurate in many areas. It is a disagreement on policies which are reasonable and should have been debated in a reasonable context.

So unlike the Justice Department, which sent us a very matter-of-fact and I thought appropriate, thoughtful letter outlining what their concerns were, and unlike the Commerce Department, which was pretty happy with our bill, the State Department has decided to raise this to a higher level of antipathy. I think it is a mistake, and I think the record will speak for itself when this letter is reviewed in the context of the facts as I have outlined them.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent to speak as if in morning business.

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

Mr. REID. Mr. President, if the Senator will withhold, I certainly have no problem with the Senator speaking. But we are on limited time. I ask that the time the Senator from Virginia is going to use apply to the 3 hours that are available under the control of the majority.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ALLEN. Thank you, Mr. President.

(The remarks of Senator ALLEN are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise to speak on the conference report providing supplemental funding for our operations in Iraq and Afghanistan.

I will support the conference report because I believe we cannot abandon

either Iraq or Afghanistan prior to ensuring that both countries are becoming free, democratic, and stable societies. We are asking our men and women in uniform to put their lives on the line to accomplish this mission. Their sacrifices must not be in vain. We have an obligation to ensure that our troops receive the resources needed to do their jobs as safely and as effectively as possible. This bill will help to accomplish that goal.

Terrorists operating in Iraq are actively working with the remnants of Saddam Hussein's regime against the establishment of a democratic government in Iraq. Every time a bomb explodes, we face a test, a test of our resolve to stay and finish the job. It is not easy to stay the course when our American troops are dying and getting wounded. But to walk away from Iraq would hand these terrorists a victory. To walk away from Iraq now would abandon innocent Iraqis to yet another authoritarian regime that oppresses human rights and threatens the entire region.

Three-quarters of the funding in this bill will help provide our soldiers with the tools they need to get the job done as safely and effectively as possible. The bill includes additional personnel and health care support, much-needed protective equipment, such as body armor and fortified Humvees that will help keep our troops safer, and funding for expanded military operations to pursue terrorists globally. The bill also provides \$18.6 billion to build a modern infrastructure for Iraq and to strengthen security forces. Basic services are a fundamental building block of a modern country. As we recently experienced with Hurricane Isabel, the lack of reliable electricity and clean water supplies can disrupt the most modern functioning of societies. That, obviously, was a very small-scale disruption compared to what is being experienced in present-day Iraq.

I agree with the administration's proposal that we must focus on building an infrastructure. When I visited Iraq in July, I was struck by how little damage to the infrastructure was caused by the war. Our precision targeting spared the bridges and much of the infrastructure of this country, but nevertheless the infrastructure is in shambles.

It is in shambles because of the decades of personal greed and neglect of Saddam Hussein. So building a modern infrastructure for Iraq is critical to helping this country get back on its feet as a functioning economy and a modern society.

Despite my support for the goal of building an infrastructure, I want to make very clear that I am very disappointed that the conferees dropped a Senate provision I offered with many of my colleagues, including Senators BAYH, ENSIGN, NELSON, and GRAHAM. That provision would have provided for half of the money to be used for the infrastructure rebuilding in the form of a

long-term loan to Iraq. Both the Senate and the House expressed strong bipartisan support for this approach. I continue to strongly believe there are ways to structure our reconstruction assistance that would provide the Iraqi people with the assistance they need, when they need it, while lessening the long-term impact on the American taxpayers.

We should make Iraq a partner in this rebuilding venture, not simply the recipient of our goodwill. Iraq has abundant human and economic resources to enable it to shoulder some of the responsibility for its own future. It has been pointed out many times—but perhaps it bears repeating—that Iraq has the second largest oil reserves in the world. The administration has estimated that within 2 years Iraq will be generating \$20 billion in annual oil revenue. With such an economic capability, Iraq undoubtedly will have the financial resources to repay this loan one day.

I recognize—I emphasize—the need for help in the short term, but surely our taxpayers could be partially repaid in the long term.

The American people are very generous. They understand that Iraq needs our help right now. But in the long term, we will be better off if we act in partnership with the Iraqi people, giving them a sense of ownership in their own infrastructure by working with them, lending money to them, and by making this a shared responsibility.

Let me point out that the World Bank and the IMF have pledged money in the form of loans at the recent donors conference. Although they attached some conditions to the establishment of a loan program, these international financial institutions clearly believe that administering loans to Iraq is doable and that the country will have the capacity to repay this money in the future.

Finally, I remain very troubled that the status of Iraq's preliberation foreign debt remains unclear. Saudi Arabia, France, Germany, and Russia should not be repaid for debts incurred by Saddam Hussein while the United States invests billions of its own dollars in reclaiming the country for the Iraqi people. Indeed, if the leaders of three of those nations had had their way, Iraq would still be suffering under the brutal regime of Saddam Hussein. The American taxpayer will be justifiably furious if one dime of his money goes even indirectly to repaying the debts incurred by Saddam Hussein.

As we go forward with the distribution of the aid provided by this bill, it is critical that the administration continue to vigorously pursue an international agreement that will ensure that the holders of Saddam-era debt will not seek repayment. American taxpayers' money simply cannot be used, even indirectly, to repay the dirty debts of a dictator. That was another advantage of our loan proposal. It would have made it very far less likely that that could occur.

This is particularly important after the donors conference made crystal clear that many wealthy nations, such as Saudi Arabia, France, and Germany, are apparently unwilling to donate any significant sums to the rebuilding cause.

Despite my reservations, I believe this package will pave the way to the day when our soldiers finally come home from Iraq. We must not waiver in our mission to eliminate terrorism and bring democracy and stability to Iraq and to the Middle East. I hope we will continue to consider ways we can achieve this goal that are fair to the American taxpayers and that recognize the need for a shared partnership with the Iraqi people.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, I ask that I be recognized to speak for up to 10 minutes with the time coming from the time previously allotted to Senator KENNEDY.

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

Mr. LEVIN. Mr. President, I am disappointed in the conference outcome on the emergency supplemental appropriations for Iraq and Afghanistan Security and Reconstruction. I had hoped that the conferees would have followed the Senate's decision to provide one-half of the funding for Iraqi reconstruction as a loan, which could become a grant only if 90 percent of Iraq's bilateral debt was forgiven. A loan would have given the Iraqis a stake in the reconstruction of their own country, which is important, I believe, for them and for us.

Beyond that issue, I am also disappointed at the administration's response thus far to a proposal most recently made by the October presiding officer of the Iraqi Governing Council, Iyad Alawi, in an opinion piece in the New York Times on Sunday, October 19. I wrote to Secretary Rumsfeld on October 22 to bring Mr. Alawi's proposal that Iraqi Army units be recalled at the mid-officer level and below to his attention and to ask that he consider it.

I ask unanimous consent that my letter to Secretary Rumsfeld be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. LEVIN. Last week I discussed the proposal with Ambassador Bremer, and I urged him to raise this issue with the entire Iraqi Governing Council. Last Friday, I discussed the issue further on the Senate floor.

The conference report before us contains \$3.2 billion for Iraqi security and

law enforcement, and an additional \$1.3 billion for justice, public safety infrastructure, and civil society. Included in those amounts is funding for the Iraqi police, border patrol, facilities protection services, the Iraqi civil defense corps, and the New Iraqi Army. While I strongly support that funding, I again call upon Secretary Rumsfeld and Ambassador Bremer to consider reassembling the units—and I emphasize units—of the Iraqi Army, and I call upon them further to ask the Governing Council in Iraq, which we established, for their advice and recommendations on the wisdom of reassembling units of the Iraqi Army.

The security situation is too serious for us to stand on ceremony. The decision of May 15 to disband the Iraqi Army may turn out to be a major mistake. The decision made on May 15 was against the advice of a study conducted under the aegis of the Department of State. It resulted in a significant Iraqi security force being tossed to the wind.

The major reason given by the Department of Defense for not reconstituting the Iraqi Army is that the army melted away when we attacked. But that happened because most of its members did not want to lay down their lives for Saddam Hussein. In fact, it was because Saddam Hussein knew the Iraqi Army might not fight for him that he created his special security forces.

The fact that the Iraqi Army would not fight for Saddam is one of the reasons we should consider reconstituting it. It is surely not a reason for not doing so.

Let me be clear, it is the units of the Iraqi Army about which I am talking. The administration's response to this proposal—that they are already signing up members of the Iraqi Army—is disingenuous. While they are using individual members for various security functions, the New Iraqi Army they are creating from scratch currently has fewer than 1,000 members.

We cannot afford to transfer security functions to Iraqis at that slow a pace. Americans are the target of more and more deadly attacks. The quicker we get the Iraqi Army back in place, the more security we are likely to have and the better off Iraq will be.

Nobody suggests that the Baathist army officers be reinstated. The proposal is that mid-level officers and below be called back and that they be vetted to rid their number of those who committed crimes under the old regime.

When I personally urged Ambassador Bremer last week to consider doing so, I further asked him to commit to taking up this issue with the Iraqi Governing Council. His reply was ambiguous, and that will not do in this extremely dangerous situation.

Ambassador Bremer is running Iraq at this time, to the extent that anyone is, but that doesn't give him a monopoly on wisdom. We are not smarter than everybody else in the world, par-

ticularly about other countries and their traditions and cultures. We should consult with the Iraqis who are presently carrying out governing functions.

In issuing Coalition Provisional Authority Regulation No. 6 last July 13, Ambassador Bremer specifically committed to "consult and coordinate on all matters involving the temporary governance of Iraq" with the Iraqi Governing Council. He should do so urgently, and he should do so visibly if we truly believe Iraq can become a democratic state. The judgment of the Governing Council on this issue may not be unanimous, but it is relevant.

There is another reason to consider shifting course. Today, the Iraqi Army is being paid a lot of money to do nothing—\$25 million a month. We know who the officers and the noncommissioned officers are and where they live. Many of them are probably frustrated and angry because they believed they were serving their country by refusing to fight for Saddam.

The stubborn refusal to reconsider decisions will not do in the dangerous security situation we face in Iraq. Stubbornly staying the course we set when we disbanded the Iraqi Army, instead of considering changing course to improve the security situation, cannot be tolerated. We do not need confessions of error. What we do need is a willingness to try some new approaches. At the top of the list should be to reconsider the May 15 decision to disband the Iraqi Army and, as part of that process, to involve the Iraqi Governing Council in reconsidering that decision.

#### EXHIBIT 1

DEAR MR. SECRETARY: Attached is a copy of an OP-ED piece from the Sunday, October 19, 2003 edition of the New York Times written by Iyad Alawi, the president of the Iraqi Governing Council for the month of October.

This highly-significant article calls for the call up of the Iraqi Army at least up to the mid-officer level, with appropriate vetting by the Coalition and the Iraqi Interior Ministry, as a way of more quickly relieving the burden on American troops and replacing them with Iraqi soldiers who have credibility and legitimacy with the Iraqi people.

Since it appears that, despite the adoption of a new UN resolution on Iraq, there are unlikely to be large numbers of additional foreign troops made available for duty with the Coalition, Mr. Alawi's proposal strikes me as worthy of serious consideration.

I would welcome an opportunity to discuss this matter with you personally and, in any event, would solicit your views on this matter.

Sincerely,

CARL LEVIN,  
Ranking Member.

Enclosure.

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

The PRESIDING OFFICER (Mr. ENZI). Will the Senator withhold?

Mr. LEVIN. I do withhold.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that I be recog-

nized to speak for up to 20 minutes, this time coming from the time previously allotted to Senator KENNEDY.

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

Mr. HOLLINGS. I thank the distinguished Chair.

Mr. President, I come to acknowledge my "Cambodian moment" in the Iraq war. I refer to the Cambodian moment that Senator Mansfield experienced after years and years of opposing the war in Vietnam. He had a practice of taking written memoranda time and again to both Presidents Johnson and Nixon, supporting the President openly on the floor of the Senate, but finally at the time Cambodia was invaded under President Nixon, he could not take it any longer and spoke out.

He went on national TV and said: This war was a mistake from the get go. The next day, he got a letter from an admirer who had just lost her son. She said: I just buried my son and came home and watched you on this program. You said it was a mistake from the get go. Why didn't you speak out sooner?

She said: My regret is that you did not speak out sooner or loudly enough for me to hear.

It is time we speak out, because unless we are going to put in 100,000 or 150,000 more United States troops and get law and order in Iraq, in Baghdad, we are going to have operation meat grinder continue, and it is our meat.

In conscience, I cannot stand silent any longer. What happens if we had invaded the city of Atlanta, let's say. We had landed at Hartsfield Airport, and then we had gone on to an aircraft carrier and said: Whoopee, mission accomplished; when the truth of the matter is, two divisions of Republican Guards have blended into the environs of Atlanta with all kind of ammunition dumps, and all they do day in and day out is raid the dumps, set traps, blow us up, kill more Americans, and we talk about schools opening and hospitals working, and that we have a water system. This cannot go on. It has to stop.

Let me start by saying I believe, unlike most of my colleagues, that the intelligence we had on Iraq was sound. We knew from the outset a lot about Iraq in the sense we had conquered it and we had two overflights, one in the north and one in the south. We had to look down and see in the middle of Iraq. For 10 years we knew exactly what was going on. If we had any doubts, we could check with the Israeli intelligence. Don't tell me Israel didn't have good intelligence on nuclear weapons because she went in there back in the eighties—she is a small country and can't play games and can't wait around for the United Nations and conferences. She had to knock that facility out.

What else did we know about Iraq? We knew they didn't have terrorists there at the time. Oh, yes, while we are



trying to internationalize a defense effort, what we find is, our effort is more or less internationalizing terrorism.

The most ridiculous thing on the TV last night was to hear the President say foreigners are in Iraq killing our soldiers. Can you imagine us, thousands of miles away, talking about foreigners killing our soldiers? Come on. What happened was, it did not have terrorists at the time we went in. They tried to connect al-Qaida to Iraq, but now the President himself has acknowledged you couldn't connect al-Qaida. They didn't have nuclear capability. And, of course, there was no democracy. There weren't people yearning for it, as Deputy Secretary of Defense Wolfowitz said, meeting us in the streets waving: Whoopee, we finally got democracy.

Anybody who knows the history of the Mideast knows that is a bunch of nonsense. They don't have democracy in Iraq, in Syria, in Iran, in Jordan, in Saudi Arabia, in Egypt, in Libya—or go right around—Libya, in the Mideast. Where does somebody think they are going to meet us in the streets and say: Whoopee for democracy?

I wish the distinguished Chair would pay attention to this one. What did George Herbert Walker Bush, the former President, say in his book, "A World Transformed"?

I firmly believed that we should not march into Baghdad. . . . To occupy Iraq would instantly shatter our coalition, turning the whole Arab world against us and make a broken tyrant into a latter day Arab hero.

. . . assigning young soldiers to a fruitless hunt for a securely entrenched dictator and condemning them to fight in what would be an unwinnable urban guerrilla war.

That is what President George Herbert Walker Bush, the President's daddy, said.

We all knew that about Iraq. But why did we go in and why did the Senator from South Carolina vote for the resolution last October? Why? I can tell my colleagues why. On August 7, Vice President CHENEY, speaking in California, said of Saddam Hussein: What we know now from various sources is that he continues to pursue a nuclear weapon.

Then on September 8: We do know with absolute certainty that he is attempting to acquire the equipment he needs in order to enrich uranium to build a nuclear weapon.

Then the President of the United States himself said, in his weekly address on September 14, before we voted in October: Saddam Hussein has the scientists and infrastructure for a nuclear weapons program and has illicitly sought to purchase the equipment needed to enrich uranium for a nuclear weapon.

Then on September 24, Prime Minister Blair said that the assessed intelligence has established beyond doubt that Saddam continues in his efforts to develop nuclear weapons.

On September 8 of last year, Condoleezza Rice said that we do not want the smoking gun to be a mushroom cloud.

On October 7, President Bush said: Facing clear evidence of peril, we cannot wait for the final proof, the smoking gun that could come in the form of a mushroom cloud.

Now, any reasonable, sober, mature, experienced individual listening to that litany knows to vote against that resolution would have been pure folly. One has to back the President.

I am not on the Intelligence Committee. I was not privy to any kind of intelligence but I knew we had a lot of intelligence. The truth is, I thought the Israeli intelligence was really furnishing all of this information and that we were going in this time for our little friend Israel. Instead of them being blamed, we could finish up what Desert Storm had left undone; namely, getting rid of Saddam and getting rid of nuclear at the same time.

I voted for the resolution. I was misled. Now we hear that this is not Vietnam. I read my friends Tom Friedman and Paul Krugman. They say this is not a Vietnam.

The heck it is not. This crowd has got historical amnesia. There is no education in the second kick of a mule. This was a bad mistake. We were misled. We are in there now, and I am hearing the same things that the Senator heard in 1966, 1967, 1968, 1969, 1970, 1971 right on through 1973.

At the time I was a young politician, having just come to the Senate, listening to those who knew. I knew Leader Mansfield would know about Vietnam. I knew my friend Senator Dick Russell was against the war in Vietnam from the get-go. Now, if Senator Mansfield had spoken up, he could have saved 10,000 lives. We would have followed him in the Senate. But he was trying to follow the mistake and the misread of Maddox and the Turner joy that brought about the Gulf of Tonkin resolution.

There are similarities. There are the misleading statements that I have just given, the litany by the President telling us all there was reconstituted nuclear. Here again we are in a guerilla war. It is an urban guerilla war, not in the bushes of Vietnam but we still again are trying to win the hearts and minds.

We were trying to victimize Vietnam. In this one we are trying to Iraqi Iraq. We are trying to do our best doing the same things over and over again. In fact, in this particular war we received the Pentagon papers a lot earlier. I ask unanimous consent that this article in USA Today entitled "Defense Memo: A Grim Outlook," by Secretary Rumsfeld, be printed in the RECORD at this particular point.

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

[From USA Today, Oct. 22, 2003]

DEFENSE MEMO: A GRIM OUTLOOK

(By Dave Moniz and Tom Squitieri)

WASHINGTON.—The United States has no yardstick for measuring progress in the war on terrorism, has not "yet made truly bold

moves" in fighting al-Qaeda and other terror groups, and is in for a "long, hard slog" in Iraq and Afghanistan, according to a memo that Defense Secretary Donald Rumsfeld sent to top-ranking Defense officials last week.

Despite upbeat statements by the Bush administration, the memo to Rumsfeld's top staff reveals significant doubts about progress in the struggle against terrorists. Rumsfeld says that "it is not possible" to transform the Pentagon quickly enough to effectively fight the anti-terror war and that a "new institution" might be necessary to do that.

The memo, which diverges sharply from Rumsfeld's mostly positive public comments, offers one of the most candid and sobering assessments to date of how top administration officials view the 2-year-old war on terrorism. It suggests that significant work remains and raises a number of probing questions but few detailed proposals.

"Are we winning or losing the Global War on Terror?" Rumsfeld asks in the Oct. 16 memo, which goes on to cite "mixed results" against al-Qaeda, "reasonable progress" tracking down top Iraqis and "somewhat slower progress" in apprehending Taliban leaders. "Is our current situation such that 'the harder we work, the behinder we get'?" he wrote.

Pentagon spokesman Lawrence DiRita declined to comment specifically on the memo, but he said Rumsfeld's style is to "ask penetrating questions" to provoke candid discussion. "He's trying to keep a sense of urgency alive."

Among Rumsfeld's observations in the two-page memo:

The United States is "just getting started" in fighting the Iraq-based terror group Ansar Al-Islam.

The war is hugely expensive. "The cost-benefit ratio is against us! Our cost is billions against the terrorists' cost of millions."

Postwar stabilization efforts are very difficult. "It is pretty clear the coalition can win in Afghanistan and Iraq in one way or another, but it will be a long, hard slog."

The memo was sent to Air Force Gen. Richard Myers, chairman of the Joint Chiefs of Staff; Deputy Defense Secretary Paul Wolfowitz; Marine Gen. Peter Pace, vice chairman of the Joint Chiefs; and Douglas Feith, undersecretary of Defense for policy.

Rumsfeld asks whether the Defense Department is moving fast enough to adapt to fighting terrorists and whether the United States should create a private foundation to entice radical Islamic schools to a "more moderate course." Rumsfeld says the schools, known as madrassas, may be churning out new terrorists faster than the United States can kill or capture them.

The memo is not a policy statement, but a tool for shaping internal discussion. It highlights a Rumsfeld trait that supporters say is one of his greatest strengths: a willingness to challenge subordinates to constantly reassess problems. The memo prods Rumsfeld's most senior advisers to think in new ways about the war on terrorism at a time when many are preoccupied with the 7-month-old war in Iraq.

In public, the Bush administration has been upbeat in describing the war on terrorism. Attorney General John Ashcroft has noted that two-thirds of al-Qaeda's leadership has been captured or killed.

Last month, Rumsfeld told PBS that "al-Qaeda has been put under enormous pressure" and "their ability to function has been significantly affected."

Mr. HOLLINGS. Mr. President, I do not know how many more similarities



we are going to get. Iraq is Vietnam all over for the Senator from South Carolina.

Now we have to either put the troops in there or else get out as soon as we can. I take it the present plan is to Iraqi Iraq; namely, train up a bunch of folks together, give them high pay. They have 70-percent unemployment so they will all grab and get a uniform and act as if they are security, but that will give us a cover and face to leave and leave as soon as we can, unless we are going to put the troops in there and get law and order.

What we have done is come into Iraq against the military requirements of taking the city. We just stopped at the airport and declared mission accomplished, and look around and wonder and say this is part of the war on terror.

This is not and was not a part of the war on terror. Yes, there are terrorists in there now, but Iraq was not a part of the war on terror. It was quiet. It was not bothering anybody. They did not have al-Qaida. They did not have nuclear capabilities. They were not connected in any way to 9/11. We went in there under a mislead.

We learned in World War II that no matter how well the gun was aimed, if the recoil is going to kill the guncrew one does not fire the gun.

Yes, it was a good aim to get Saddam but now look at the headline. I ask unanimous consent to include this particular article from the Financial Times, "Al-Qaida Exploits Insecurity in Iraq to Acquire Weapons and Swell Its Ranks."

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

[From the Financial Times, Oct. 16, 2003]

AL-QAEDA, "EXPLOITS INSECURITY IN IRAQ TO ACQUIRE WEAPONS AND SWELL ITS RANKS"

(By Peter Spiegel)

Continued instability inside Iraq has given terrorist groups easier access to shoulder-launched anti-aircraft missiles and, potentially, chemical or biological weapons, a leading think-tank reported yesterday in its annual evaluation of global security issues.

The London-based International Institute for Strategic Studies said in its newly published Military Balance survey that while the invasion of Iraq might have isolated al-Qaeda from potential state sponsors, it was also likely to have had the effect of "swelling its ranks and galvanizing its will".

"War in Iraq has probably inflamed radical passions among Muslims and thus increased al-Qaeda's recruiting power and morale and, at least marginally, its operational capability," the report states.

John Chipman, the IISS director, noted that David Kay, the US's chief weapons inspector, had recently reported that more than 100 sprawling Iraqi ammunition storage sites remain unexamined. The inference made by Mr. Kay was that evidence of unconventional weapons could still be uncovered by coalition teams inside Iraq.

But Mr. Chipman said the unexamined depots also raised grave concerns about what arms might be available to terrorist groups, said by US intelligence officials to be moving into Iraq in greater numbers.

"While the number of uninspected sites may be interesting in terms of the struggle

to find evidence of weapons of mass destruction, it is even more interesting as a comment on the ammunition that may be available to terrorist who can get access to unguarded or poorly guarded depots," Mr. Chipman said.

He added that shoulder-launched missiles were of particular concern, noting that Soviet-era SA-7s and US Stinger systems could fetch Dollars 5,000 (Euros 4,250, Pounds 3,000) on the black market, while coalition forces in Iraq were offering only Dollars 500 for those handed in to authorities.

"This proliferation problem is exacerbated by the porosity of Iraq's borders in the post-conflict stage, making it easy for weapons to flow outside the country and into the Middle East in general," Mr. Chipman said.

The IISS also argued that while it was unlikely that al-Qaeda still had the capability of a "mass-casualty attack" on US soil, its members might see a large-scale attack on US forces inside Iraq as a "feasible substitute" while they worked to reconstitute the network.

"It is worth recalling that the operational cycle for large and complex al-Qaeda operations can exceed the 25 months that have passed since 9/11," Mr. Chipman said.

The Military Balance study found that global defense spending increased 7 per cent last year in dollar terms, from Dollars 786.6bn to Dollars 842.7bn, largely because of the huge military build-up in the US and a stronger euro.

The authors predicted another 7 per cent increase this year, again citing huge Pentagon spending increases for the bulk of the rise. Still, such spending levels account for only 2.6 per cent of global GDP, as compared with 6.2 per cent in 1985.

Mr. HOLLINGS. I thank the distinguished Chair. We now have more terrorism than less terrorism. That is the fact. We have the entire world turned against us. When we cannot get Mexico and Canada to go along with us, we are in trouble.

I am hopeful the United States will win back the hearts and minds of the world's people, because we were always loved, respected, and looked up to for leadership.

In this particular venture what we have done is exactly what President George Herbert Walker Bush warned against. He said to watch out; do not go into that place. I quote again, now that my distinguished friend is here. I want that particular quote to appear in the RECORD again. He said in his book "A World Transformed":

I firmly believe that we should not march into Baghdad. To occupy Iraq would instantly shatter our coalition, turning the whole Arab world against us and make a broken tyrant into a latter-day Arab hero. Assigning young soldiers to a fruitless hunt for a securely entrenched dictator and condemning them to fight in what would be an unwinnable urban guerrilla war.

Iraq is Vietnam all over again. I know the distinguished Senator from Alaska revered our friend Senator Mansfield. I will never forget when Senator Mansfield said all Senators are equal, and when they rolled the Senator from Alaska on a particular matter he was concerned with, he, himself—that is Leader Mansfield—got up, took the floor, and put Alaska's amendments up and we passed them.

So Senator Mansfield took some 5 years and 17 memos to Presidents be-

fore he finally changed his mind and spoke. That is exactly where I am today as I enter this particular debate with respect to the supplemental. I would oppose the supplemental on one score, namely we will not pay for it. We tell that poor GI, downtown in Baghdad, we hope you don't get killed, and the reason we hope you don't get killed is because we want you to hurry back. We want you to hurry back so we can give you the bill because we are not going to pay for it. We in the Congress, my generation, we need a tax cut so we can get reelected next year. We are not going to pay for it.

This is the first war in the history of the United States where there is no sacrifice on the homefront. They all run around the mulberry bush here saying "it's not Vietnam" and that we have to stay.

We either have to get in or get out. We can't stand for operation meat grinder to continue day in and day out.

In a war on terror, I just want the administration to know that might does not make right. On the contrary, right makes might. Winning the hearts and minds of the world's peoples, I can tell you here and now, we have to get right on our policy in the Mideast. We all back Israel, but we don't back the taking over of these settlements. If you have been a conquered people—and I read where the distinguished Senator from Alaska went down into those areas for the first time in Israel—for 35 years you have looked not only for your light and water but your jobs up in Israel. Anybody with any get-up-and-go has gotten up and gone, after 35 years. You have the disenfranchised. They don't have an army or anything else like that. So don't be amazed. You have to play it with an even hand.

Might makes right in this terror war. We got onto this Iraqi venture, which was a bad mistake from the very beginning. There is not any question about it. If I went to a funeral this afternoon of a fallen soldier in Iraq, what would I say? Did they fall there for democracy? They are not going to have a democracy. It is going to be the Shiite democracy, like they have in Iran—at best. That is exactly what Secretary Rumsfeld said we were not going to have.

Was it for nuclear? No.

Was it for terrorists? No, they didn't have terrorists there.

Your son gave his life for what? As their Senator, I am embarrassed. It wasn't for any of those things. Why we went in, the administration has yet to tell us. They keep changing the rules and the goalposts every time. But somehow, somewhere they have to really put the force in there, quit trying to do it on the cheap, put the force in there and clean out that city, so they will quit killing them, or otherwise get out as fast as we can.

I thank the distinguished Chair.

THE PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the last 20 minutes of the time under the control of the previous order be divided so that Senator BYRD has 10 minutes next to last and that I have the last 10 minutes.

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

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DAYTON. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DAYTON. Mr. President, it is a sad and somber day to consider the conference report on the \$87.5 billion supplemental appropriations for the continuing wars in Iraq and Afghanistan. Yesterday was the worst loss of American lives in any day in Iraq. Sixteen American soldiers died in a helicopter brought down by a ground-launched rocket. Twenty others were wounded in that horrible moment. Another U.S. soldier was killed when his Humvee was ambushed by a roadside bomb in Baghdad.

Another convoy was attacked in Fallujah, a city west of Baghdad. One U.S. vehicle was destroyed and no casualties were officially reported. Yet another attack on that city killed two American civilians and wounded one. In Abu Ghraib, a western suburb of Baghdad, U.S. soldiers and residents reportedly fought in the streets. The residents said at least one American soldier had been killed, along with several Iraqis. That is in one terrible day.

Our deepest condolences and prayers go out to the families and friends of those brave Americans who gave their lives in the service of their country, as those who have lost their lives before them.

I will support this additional funding for one primary reason, and that is to win this war in Iraq, to secure lasting victory there and in Afghanistan, and then bring our American troops home as quickly as possible. That should be a goal we can all agree on, something that unites us all in this Chamber and as Americans. Let's do what we must to secure our military victory, to establish the framework for continuing success there, and then let's get our troops home as soon and as safe as possible.

Whether we agreed or disagreed with the decision to start this war, we are in

it now. Whether or not weapons of mass destruction are eventually found, whether they were there before or not, whether international terrorists were there or not—none of these questions, nor their answers, nor the debates over them, change or will change the situation we are in today, which is that 138,000 of our sons and daughters are in Iraq because they were sent there. They are risking their lives. Some are fighting for their lives. Some are losing their lives to carry out the orders they have been given to fulfill the mission they have been assigned. They have done so courageously, heroically and, to this point, successfully. This supplemental funding gives their Commander in Chief almost everything he asked us for. It gives the military command everything they asked us for, gives the soldiers everything they need to complete these assignments successfully, to accomplish their mission victoriously, as quickly and efficiently and completely as possible, and we do so because they must succeed.

Our country must succeed. We must prevail in the very difficult circumstances in which we are entangled in Iraq. We must win a lasting victory there militarily, economically, and socially. We must succeed and establish a new Iraqi government, which will be able to itself succeed after we leave. We must assist and enable the Iraqi people to succeed now and after we depart. We must win this war we started because the consequences of failure would be catastrophic. Failure is not an option—not for our sake, not for Iraq's sake, not for the world's sake. We must not lose this war.

I speak as somebody who voted against last year's congressional resolution that authorized the President to start this war. I thought it was premature a year ago last October. I thought it was unconstitutional. I thought it was a mistake, that it would weaken, not strengthen, our national security. I said then I hoped I was wrong. Today I don't believe I was, but that is irrelevant to what we face today—that we are fighting a war in Iraq. The Americans and the Iraqis who are supporting them there are fighting for their lives, and we must win the war and secure that peace so we can leave that country with a victory that will last.

Failure, pulling out now or at any time, followed by the collapse of that country—whatever government, whatever resulting civil war or anarchy, or if a return to power by Saddam Hussein would occur—would be a disaster for Iraq and for us. It would be devastating to our national security, to our standing in the eyes of the world, to our ability to lead that world.

Failure is not an option, so we must proceed and succeed. How? I have my ideas. Everyone else in the Senate has his or her ideas, and House Members have their ideas. Every retired general has lots of ideas. What matters most is what are the ideas of the Commander

in Chief. What is his plan of action? What must be accomplished? What is the measure of our success? What is the intended timetable for reconciling and accomplishing them?

To the question he was asked at the press conference last week, would he guarantee there would be less than 200,000 troops in Iraq a year from now, he replied, "That is a trick question." That is not a trick question. It is essential. What is the timetable for the men and women serving over there, suffering over there, fighting and dying? What is the timetable to bring them home with a victory accomplished? Those are questions that deserve answers. They deserve truthful answers because, for \$87 billion, the American people—all of us—deserve to be told the truth. Mr. President, \$87 billion is a lot to pay for the truth. It is way too much to pay for partial truths or fabrications or misrepresentations or outright lies.

This administration must tell us the truth, the whole truth, nothing but the truth, the good, the bad, the ugly, and the successes and the nonsuccesses. If not, the credibility of those who are in command will suffer. That loss of faith and trust in our leaders is something we cannot afford—ever—in this country, but especially now.

On last Saturday, a U.S. commander said that the opposition's attacks are "strategically and operationally insignificant." What are we supposed to believe the day after the most damaging, fatality-filled day of the war for Americans?

When Democratic Senators were not allowed to travel to Iraq during the last recess to see firsthand, as I was able to do with the Presiding Officer and a bipartisan delegation in July, when Democratic Senators are not allowed to see for themselves what is actually going on in that country, then what are we supposed to believe when what we are told by others turns out not to be true, such as when we are told, as we were last August, that 95 percent of that country is now peaceful and is secure, and these atrocities continue day after day taking the lives of Americans and maiming and wounding others. Tell us the truth.

Secondly, it is imperative that the administration spend this \$87.5 billion well and spend it wisely. The President insisted that all the money for economic and social rehabilitation be grants, not loans, as a majority, myself included, in the Senate would have preferred. The fact they are grants is all the more reason to make sure all those dollars go to get the job done as soon as possible because American troops' lives are depending upon it, because every day they don't come home is a day more casualties are likely to occur.

Any company, any individual, any American corporation, or American citizen who is taking money under those pretexts and is not putting that money to its proper use is a traitor to

this country and to the cause for which those men and women are fighting and risking and giving their lives.

The reports we have read of rampant overcharging by certain companies, egregious overcharging for the price of oil that is being transported into that oil-rich country, reports of kickbacks and bribes necessary to secure contracts, reports of sweetheart deals being arranged, no-bid contracts being awarded, of people in Washington setting up shop and telling those who want contracts over there that the means to achieve them, not because they are well qualified, but because they have higher up connections—that would be an abomination. It would be a waste of taxpayers' money. It would be a desecration of the memories of the men and women who have given so much on behalf of our country there, and it would delay—and this is what is most unforgivable—it would delay the achieving of success that is necessary to bring our men and women home with a lasting victory achieved.

We must get rid of Saddam Hussein. When I was in Iraq last July, I was told by a commanding general it was an urgent priority, an urgent necessity to remove him and his two sons from power permanently by whatever means necessary. The military of the United States is two-thirds of the way toward that objective. The people of Iraq must be assured, and every day they are not again delays our success. They must be assured Saddam Hussein will not return to terrorize that country ever again.

Finally, we must treat our Armed Forces in Iraq as well as we possibly can during and in the aftermath of this war, and those fighting in Afghanistan as well. I am very pleased that the conferees included an amendment my colleague from Minnesota, Senator COLEMAN, and I sponsored that earmarked \$55 million of this appropriation for the travel costs of troops to come back to the United States, to cover their airfare to their homes and back, whereas previously they were being forced to pay that airfare themselves to get back to their families and loved ones. Most of them, in fact, from Minnesota who are serving now have had their tours of duty extended from 6 months to a year, after they arrived in Iraq with no recourse, no opportunity to make those arrangements back home, except after the fact. So the chance to come home for 2 weeks is crucial for them, for their spouses, and for their children.

Given the financial sacrifices many of them have incurred by virtue of leaving better paying jobs, sometimes losing small businesses they had underway, incurring those financial hardships are such that even a round-trip plane ticket can be an almost prohibitive expense. It seems to be the least we can do and should do and, according to this bill, are going to do to thank them and give them a chance to connect with their families before they go back to again risk their lives in Iraq.

I am glad to see included an amendment that Senator GRAHAM of Florida proposed, which I was also pleased to cosponsor, that will prevent the Pentagon for charging our wounded soldiers for the cost of their meals and hospitalization or rehabilitation. It doesn't seem it should be necessary, but given they are paying that price for their service, the least we can do is feed them at our expense.

I am also pleased the conferees included the requirement that each member of the Reserve or National Guard who is serving in Iraq on active duty has to be informed in writing when their tour of duty will be concluded so they and their families will know when they can count on their return.

I strongly urge the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, that the period of demobilization, the time from when troops, especially those who are going to be deactivated, Guard men and women, reservists, from the time they arrive back home and the time when they are released to their families, homes, jobs, that time be kept to an absolute minimum—days, at least a week or two, rather than the weeks and months I am told typically it takes. It is important we treat these men and women well for what they have given on behalf of their country so that we retain their services for future needs.

I support this supplemental appropriations with the regret that it is necessary but the resolve that it is what we must do to achieve victory. I want to be able to face our fellow citizens with the assurance that it is money that is needed, money that is going to be spent as it was appropriated, and money that is going to be spent as it was intended.

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

Mr. DAYTON. I ask unanimous consent for 1 minute to conclude my remarks.

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

Mr. DAYTON. Mr. President, I want us to walk out of that situation with our heads held high—on which the hopes and dreams of the Iraqi population now depend—with the victory and success we want to achieve, with the result we want to give the Iraqi people—a democratically elected government, a country that has hope and means for a better future and which restores this country's standing in the eyes of the rest of the world, the stature, the respect we have had and that we deserve to have and that we must have to be the leader of this world in the years ahead.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Under the order, the Senator has 60 minutes. There are 58 minutes 56 seconds remaining on that 60 minutes.

Mr. BYRD. Mr. President, I thank the Chair. Mr. President, I ask unanimous consent that I yield to the distinguished Senator from California, Mrs. BOXER, who has been yielded time by the distinguished minority leader. I yield the floor to her, if the Chair so recognizes her.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I have been yielded 10 minutes by the minority leader, which I would like to use at this time.

I start off by first saying this is a very hard time for our country. Clearly, for my State, the kind of horror we have seen from these uncontrollable fires has been just unspeakable. Finally, we are getting them contained. At this point, we have lost 3,400 homes. Some 750,000 acres have burned. We have had 20 deaths, one of them a fireman from my home county.

For me, the bill that is before us is a mixed bag in many ways. It does have funding for these disasters. It does have money for our brave, courageous, and extraordinary heroes and, of course, I support all of that. What I do not support is the fact that many of the provisions have been dropped that would have made a difference in our policy there. We are going down a path that is bringing the American people pain deep within their hearts that one just cannot even measure.

I have long talked about shoulder-fired missiles and what they can do to aircraft. We have seen that in the starkest possible way. I feel so much sadness given what is happening in my State. I am glad the President is coming there tomorrow. I am writing a letter to FEMA. I have been calling Director Michael Brown, who has been very compassionate, to set up disaster centers. I have been calling on him to work with me in encouraging the mortgage companies to be as good to their mortgage holders as Fannie Mae has been, giving them a chance to recoup and getting those individual and business loans to start rebuilding, which we will. We will rebuild.

I went back to look at my own record on fire issues since maybe 5, 6, 7 years ago. We have been urging for so many years that communities close to national forests be paid special attention. So there will be more time to talk about all of that.

Today, I wish to eulogize our young men and women who have died during the war in Iraq, as well as those who have been killed during this postwar period. I simply want to call attention to the Californians who have died in this conflict. We have lost 73 young people in this war from California. My

colleagues will note that there are 72 on this list behind me. We just learned of the first woman from California today. That puts us up to 73. I want to read their names. I am not going to tell my colleague about each and every one of them. I am going to put that in the RECORD:

Michael Bitz, Jose Garibay, Jorge Gonzalez, Thomas Mullen Adams, Jose Gutierrez, Randal Kent Rosacker, Michael Vann Johnson, Jr., Ryan Beaupre, Therrel Shane Childers, Brian Matthew Kennedy, Kendall Damon Watersbey, Kevin Nave, William White, Joseph Menusa, Jesus Suarez Del Solar, Patrick T. O'Day, Francisco Flores, Aaron Contreras, Donald May, Robert Rodriguez, Michael Lalush, Brian McGinnis, Christian Gurtner, Erik Silva, Benjamin Sammis, Chad Bales, Mark Evnin, Eric Smith, Travis Ford, Devon Jones, Duane Rios, Edward Smith, Jesus Medellin, Juan Garza, Jr., Jeffrey Bohr, Jr., Jesus Gonzalez, Riayan A. Tejeda, David Owens, Jr., Jason Mileo, Troy Jenkins, Osbaldo Orozco, Jose Rodriguez, Jakub Kowalik, Douglas Marecoreyes, Andrew Lamont, William Moore, Timothy Ryan, Aaron White, Kirk Straseskie, Jonathan Lambert, Atanacio Marin, Ryan Cox, Andrew Chris, Travis Bradachnall, Paul Nakamura, David Moreno, Andrew Tetrault, Cory Geurin, Evan Ashcraft, David Perry, Daniel Parker, Kyran Jones-Huffman, Pablo Manzano, Joseph Robsky, Jr., Joshua McIntosh, Sean Silva, Jose Casanova, Sean Grilley, Michael Hancock, Jose Mora, Steven Acosta, Paul Velazquez, and this is the first woman to die in this war from California, Karina Lau, age 20, of Livingston, killed on November 2 in Iraq. Karina was onboard a Chinook helicopter when it was attacked. She was assigned to B Company, 16th Signal Battalion, 3rd Signal Brigade, in Fort Hood, TX.

We send our deepest love and sympathy to all of these families.

This is what is happening in Iraq. Maybe we do not see the bodies coming home but this is what is happening in Iraq. It was not supposed to be thus. I sit on the Foreign Relations Committee and they told us we would be welcomed as liberators. They said the purpose was to get the weapons of mass destruction, and the purpose was to get rid of Saddam Hussein.

If those were the purposes, it is time now to rethink what we are doing there. That means, it seems to me, to admit that it is not going the way the American people were promised.

We are told 80 percent of Iraq is safe. We have been told that by many people. We have been told that by Paul Wolfowitz. We have been told that by Ambassador Bremer. I am going to take them at their word—80 percent of Iraq is safe. Then why do we have to have only our young people, with a few others sprinkled in, in those areas? What we need to do is bring in the peacekeepers, if things are safe in those areas, 80 percent of the country.

We should concentrate our force in the area of the country that is so very dangerous. We should get help from the entire world to do that. This burden cannot keep on falling on America's families.

Many reporting requirements were dropped from this bill. I asked for a specific report detailing the extent to which U.S. military personnel have been replaced by international troops or Iraqi forces in secure areas of Iraq—the 80 percent solution I talked about. The conference report requires a report on U.S. efforts to increase the number of international troops, but basically it has dropped the portion where we talk about that 80 percent of the country.

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

Mrs. BOXER. I ask for an additional 2 minutes from the time of the Senator from West Virginia and then I will conclude.

Mr. BYRD. Mr. President, I yield 2 minutes of my time to the Senator from California.

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

Mrs. BOXER. I thank Senator BYRD. It has been my privilege to work with the Senator on this issue. You have been around far longer than I have been, but I have been around a long time.

I have seen Vietnam. I have seen our troops become sitting ducks. I have seen it. It doesn't have to be this way. There are other ways to deal with this.

I hope and continue to pray we will have an exit strategy that includes help from the entire civilized world. We know Iraq was a haven for a most brutal tyrant—one of the most brutal in all history, Saddam Hussein. We know that. We know he is essentially gone. That is a plus. But now Iraq has become a haven for the terrorists. It was not supposed to be thus. Doesn't it mean something when the President and his people tell the American people what is going to happen? Doesn't it mean something to say: You know what, we predicted this and this. It didn't happen. We need a new strategy.

That is what I was hoping for in this bill. Everything that really was leading toward that got voted down. Senator BYRD's amendments, Senator KENNEDY's, others, the ones that were agreed to here have been knocked out, so we do not have the type of reporting requirements that would have shown us progress.

Instead, we have a continuation of the status quo. I am very surprised, for example, that the loan turned into a grant. I don't think that is good for taxpayers.

I thank you for your patience. I thank my colleague. I pray and hope for a new strategy.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the very distinguished Senator from California, Senator BOXER, for her kind

references to me, and for her courage, for her foresight and vision, and for the strength she has shown, not only on this matter but also on many others, over the years I have served with her. I thank her for her friendship. I express only the highest of regard for her in the difficult situation she finds her State in at this time, and also, Mr. President, for the position she has so valiantly held on this particular bill that is before us, and the subject matter of this bill, throughout the time it has come before the Senate.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 44 minutes remaining.

Mr. BYRD. Mr. President, the Iraq supplemental conference report before the Senate today has been widely described as a victory for President Bush. If hardball politics and lockstep partisanship are the stuff of which victory is made, then I suppose the assessments are accurate. But if reasoned discourse, integrity, and accountability are the measures of true victory, then this package falls far short of the mark.

In the end, the President wrung virtually every important concession he sought from the House-Senate conference committee. Key provisions the Senate had debated extensively, voted on, and included in its version of the bill—such as providing half of the Iraq reconstruction funding in the form of loans instead of grants—were thrown overboard in the conference agreement. Senators who had made compelling arguments on the Senate floor only days earlier to limit American taxpayers' liability by providing some of the Iraq reconstruction aid in the form of loans suddenly reversed their position in conference and bowed to the power of the Presidency.

Before us today is a massive \$87 billion supplemental appropriations package that commits this Nation to a long and costly occupation and reconstruction of Iraq. Yet the collective wisdom of the House and Senate appropriations conference that produced it was little more than a shadow play, choreographed to stifle dissent and rubberstamp the President's request.

Perhaps this "take no prisoners" approach is how the President and his advisers define victory. But I fear they are fixated on the muscle of the politics instead of on the wisdom of the policy. The fact of the matter is, when it comes to policy, the Iraq supplemental is a monument to failure.

Consider, for example, that before the war the President's policy advisers assured the American people Iraq would largely be able to finance its own reconstruction through oil revenues, seized assets, and increased economic productivity. The \$18 billion in this supplemental earmarked for the reconstruction of Iraq is testament to the fallacy of that prediction. It is the American taxpayer, not the Iraqi oil industry, that is being called upon to shoulder the financial burden of rebuilding Iraq.

The international community on which the administration pinned such hope for helping in the reconstruction of Iraq has collectively ponied up only \$13 billion, and the bulk of those pledges—\$9 billion—is in the form of loans or credits, not grants. But still the White House claims victory for arm-twisting Congress into reversing itself on the question of loans and providing the entire \$18 billion in U.S. tax dollars in the form of outright grants to Iraq. I readily admit that how this convoluted logic can be construed as a victory for the President is beyond me.

But reconstruction is only part of the story. On May 1, the President stood on the deck of the USS *Abraham Lincoln*—strategically postured beneath a banner that declared “Mission Accomplished”—and pronounced the end of major combat operations in Iraq.

Since that day, however, more American military personnel have been killed in Iraq than were killed during the major combat phase of the war. According to the Defense Department, 376 American troops have been killed to date in Iraq and nearly two-thirds of those deaths, 238, have occurred since May 1, when the President declared that the major combat had ended.

When President Bush uttered the unwise challenge, “Bring ‘em on,” on July 2, the enemy did, indeed, “bring them on,” and with a vengeance. Since the President made that comment, more than 165 American soldiers have been killed in Iraq. As the death toll mounts, it has become clear that the enemy intends to keep on “bringing ‘em on.”

The \$66 billion in this supplemental required to continue the United States military occupation of Iraq over the next year and the steadily rising death toll are testament to the utter hollowness of the President’s declaration aboard the USS *Abraham Lincoln* and the careless bravado of his challenge to “bring ‘em on.”

It has been said many times on the floor of this Senate that a vote for this supplemental is a vote for our troops in Iraq. The implication of that statement is that a vote against the supplemental is a vote against our troops. I find that twisted logic to be both irrational and offensive. To my mind, backing a flawed policy with a flawed appropriations bill hurts our troops in Iraq more than it helps them.

Endorsing and funding a policy that does nothing to relieve American troops in Iraq is not, in my opinion, a support-the-troops measure. Our troops in Iraq and elsewhere in the world have no stronger advocate than ROBERT C. BYRD, senior Senator from the great State of West Virginia, where mountaineers are always free. I support our troops. I have been supporting our troops for more than 50 years as a Member of the Congress of the United States. I pray for the safety of our troops. I will continue to fight for a coherent policy that brings real help—not just longer deployments and empty

sloganeering—to American forces in Iraq.

The supplemental package before the Senate does nothing to internationalize the occupation of Iraq, and therefore it is not a vote for our troops in Iraq. We had a chance in the beginning to win international consensus on dealing with Iraq, but the administration was in too big a hurry, the White House was in too big a hurry. The administration squandered that opportunity when the President gave the back of his hand to the United Nations and preemptively invaded Iraq.

Under this administration’s Iraq policy, endorsed in the President’s so-called victory on this supplemental, it is American troops who are walking the mean streets of Baghdad; it is American troops who are succumbing in growing numbers to a common and all too deadly cocktail of anti-American bombs and bullets in Iraq.

The terrible violence in Iraq on Sunday—the deaths of 16 soldiers and the downing of an American helicopter, the killing of another soldier, and a bomb attack and the deaths of 2 American civilian contractors in a mine explosion—is only the latest evidence that the administration’s lack of postwar planning for Iraq is producing an erratic, chaotic situation on the ground with little hope for a quick turnaround. We appear to be lurching from one assault on our troops to the next while making little, if any, headway in stabilizing our improving security in that unfortunate country.

The failure to secure the vast stockpiles of deadly conventional weapons in Iraq, including shoulder-fired surface-to-air missiles such as the one that may have brought down the United States helicopter on Sunday, is one of many mistakes the administration made that is coming back to haunt us today.

Perhaps the biggest mistake, the costliest mistake, following the colossal mistake of launching a preemptive attack on Iraq, is the administration’s failure to have a clearly defined mission and exit strategy for Iraq.

The President continues to insist that the United States will persevere in its mission in Iraq and that our resolve is unshakable. But it is time, past time, for the President to tell the American people exactly what that mission is, how he intends to accomplish it, and what his exit strategy is for the American troops in Iraq. It is the American people out there—it is the American people—who will ultimately decide how long we will stay in Iraq.

It is not enough for the President to maintain that the United States will not be driven out of Iraq by the increasing violence against American soldiers. He must also demonstrate leadership by presenting the American people with a plan to stem the free-wheeling violence in Iraq, return the government of that country to the Iraqi people, and pave the way for the

orderly withdrawal of American troops from Iraq. We do not now have such a plan, and the supplemental conference report before the Senate does not provide such a plan. The \$87 billion in this appropriations bill provides the wherewithal for the United States to stay in Iraq when what we badly need is a course correction. The President owes the American people an exit strategy for Iraq. It is time for the President to deliver.

I have great respect and affection for my fellow Senators and my colleagues on the Senate Appropriations Committee. No one could ask for a finer committee chairman than Senator TED STEVENS. I have even greater respect and greater affection and greater dedication to the institution of the Senate and the Constitution of the United States by which this Senate was established.

Every Senator upon taking office swears an oath to support and defend the Constitution of the United States. It is the Constitution of the United States—not the President of the United States, not a political party, but the Constitution—to which all Senators swear an oath of loyalty before God and man. I am here to tell you that neither the Constitution nor the American people are well served by a process and a product that are based on blind adherence to the will of the White House and to the will of the President at the expense of congressional checks and balances. It is as if, in a rush to support the President’s policy, this White House is prepared to put blinders on the Congress.

This supplemental spending bill is a case in point. One of the earliest amendments that was defeated on the Senate floor was the one I offered to hold back a portion of the reconstruction money and give the Senate a second chance—give the Senate a second vote—on whether to release that money. Apparently, the President and his supporters did not want to give the Senate an opportunity to review the progress—or lack of progress—in Iraq and have a second chance to debate the wisdom of spending billions of taxpayers’ dollars on the reconstruction effort.

Time after time the House-Senate conference committee was given the opportunity to restore or impose accountability on the administration for the money being appropriated in the Iraq supplemental, and time after time the House-Senate conference committee majority beat back those measures. The conferees, for example, defeated on a party-line vote an amendment I offered which would have required that the head of the Coalition Provisional Authority in Iraq be confirmed by the Senate. Senate confirmation of the Coalition Provisional Authority in Iraq would have ensured that the person who is managing tens of billions of dollars in Iraq for the American taxpayers would be accountable to the public—to the people out

there who are watching through those electronic lenses. The current appointee, L. Paul Bremer III, is not. He answers to the Secretary of Defense and the President—not to Congress and not to the American people.

The conferees approved a provision creating an inspector general for the Coalition Provisional Authority, but I am dismayed to say that this individual is not subject to Senate confirmation. I am dismayed that the conferees defeated my amendment that would have required the inspector general to testify before Congress when invited. I am dismayed that the President can refuse to send Congress the results of the inspector general's work. Could it be that the President's supporters are afraid to hear what the inspector general might tell them? Could it be that the President's supporters in Congress would rather blindly follow the President instead of risking reality by opening their eyes to what could be uncomfortable facts?

The conference also stripped out my amendment to the Senate bill that would have required the General Accounting Office to conduct ongoing audits of the expenditure of taxpayer dollars for the reconstruction of Iraq. On the Senate floor my amendment required such audits, and it was adopted by a vote of 97 to zero—97 to nothing. But in the House-Senate conference, it was blown away. It was defeated in the House-Senate conference by the Senate conferees on a 15-to-14 straight-line party vote.

Sprinkled throughout the Iraq supplemental conference report, provisions euphemistically described as "flexibilities" give the President broad authority to take the money—your money—appropriated by Congress in this bill and spend it however he wishes. I tried to eliminate or limit these flexibilities—and in a few cases succeeded—but there remain billions of dollars in this measure that can be spent at the discretion of the President or the Secretary of Defense.

Although the money is appropriated by Congress, as it is required to be appropriated by Congress in section 9 of article I of the Constitution of the United States, these so-called "flexibilities" effectively transfer the power of the purse from the legislative branch to the executive branch.

The dictionary definition of "victory" is simple and straightforward: success, conquest, triumph. Within the constraints of that simplistic definition, I suppose one could construe this package to be a victory for the President.

But I believe there is a moral undercurrent to the notion of victory that is not reflected in the dictionary definition. I believe most Americans equate victory more closely with what is right than with simply winning. It is one thing to win, and the tactics be damned; it is quite another to be victorious. Victory implies doing what is right; doing what is right implies mo-

morality; morality implies standards of conduct. I do not include arm twisting and intimidation in my definition of exemplary standards of conduct.

Moreover, we should not forget that not all victories are created equal. In 280 B.C., Pyrrhus, the ruler of Epirus in northern Greece, took his formidable armies to Italy and defeated the Romans at Heraclea, and again at Asculum in 279 B.C., but suffered unbearably heavy losses. "One more such victory and I am lost," he said.

It is to Pyrrhus that we owe the term "pyrrhic victory," to describe a victory so costly as to be ruinous. This supplemental and the policy which it supports, unfortunately, may prove to be a pyrrhic victory for the Bush administration.

The conference report before the Senate today is a flawed agreement that was produced by political imperative, not by reasoned policy considerations. This is not a good bill for our troops in Iraq. This is not a good bill for American taxpayers. This is not a good bill for the mothers and fathers and sisters and brothers and husbands and wives of the troops in Iraq. This is not good policy for the United States of America.

Victory is not always about winning. Sometimes victory is simply about being right. This conference report does not reflect the right policy for Iraq or the right policy for America.

I oppose it, and I will vote "no" on final passage.

Mr. President, I yield the floor.

Before doing so, may I ask how much time I have remaining.

The PRESIDING OFFICER (Mr. CHAFEE). Eighteen minutes 42 seconds total, including the 10 minutes to close.

Mr. BYRD. I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. REED. Mr. President, I ask unanimous consent that I be permitted to use the Democratic leader's leader time.

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

Mr. REED. Thank you, Mr. President.

Mr. President, we are faced with a very difficult vote this afternoon. There are many of us who have questioned the wisdom of our policy in Iraq, dating back to October of last year, no one more eloquently or intelligently than Chairman BYRD, and his speech today echoes that sentiment so well. But for me this is a question of providing the resources necessary to support our soldiers, marines, airmen, and naval personnel in the field. Despite the questions of policy, I do believe we have to render such support, but I have reservations about particular aspects of the bill which I would like to address today.

During the debate on the bill, I offered two amendments. The first was to increase the resources allocated to acquire uparmored Humvees. These are

the tactical vehicles that are armored that provide increased protection against the improvised explosive devices being used throughout Iraq. Particularly I was concerned about the exposure of some of our National Guard forces.

The Presiding Officer and myself represent the State of Rhode Island. We have two military police companies. The Presiding Officer supported me and worked with me closely in trying to craft this amendment so we could increase the number of uparmored Humvees.

My original proposal was to increase the number in this bill by 800. I am very pleased to say this bill contains an additional 318 uparmored Humvees.

I thank Senator STEVENS particularly because on the floor he not only accepted this amendment, but he did his utmost with his staff to ensure these additional uparmored Humvees would be available to our troops in the field. This is good news to me, but better news for the troops who will use them and the families back here who each day monitor the newspapers and the television and watch and hope their soldiers, their military personnel, have every margin of safety and protection they need.

The second amendment I offered was with respect to the end strength of the active U.S. Army. Unfortunately, this proposal, although it succeeded on the floor of the Senate—it resisted a motion to table by a vote of 52 to 45—was dropped in conference. I believe eliminating this provision is a mistake. We do need additional troops. There are some who argue very strenuously we need additional troops right now in Iraq.

If one considers what has happened with the tragic loss of a Chinook helicopter, with 16 soldiers killed, and others injured, the fact that there are multiple, perhaps hundreds, of ammunition dumps throughout Iraq that are unsecured most of the time and subject to looting, the fact we are continuing to see a stiffening resistance throughout the Sunni triangle around Baghdad, all of that argues to many that we should, in fact, increase the forces on the ground.

Even if you do not concur, even if you believe, as the Secretary of Defense says over and over again, that we have enough American troops on the ground, if we are going to maintain such a deployment over the next several years, we need additional soldiers in our Army for rotation, because otherwise we will wear our Army out, and the first signs of that will be a diminution in the retention of our reservists and National Guard men and women.

The new threat we are facing in Iraq with shoulder-fired missiles is a very ominous one. These are mobile, lightweight, missile systems that can be operated by one person. They can be transported in a vehicle, easily hidden. They can be popped up, made ready to be fired within minutes, and then they



can be discarded, and the individual can flee. It is a very effective weapon.

Indeed, one of the ironies of history is we supplied these types of weapons to the Mujahedin in Afghanistan, and they played havoc with Soviet helicopters, Soviet aircraft. It is one of the factors that caused the Soviets to consider their efforts in Afghanistan as futile and to leave.

We have a new threat and that, I think, argues against not only new tactics and strategies but a reconsideration of the forces we have in Iraq and the strength we have there. Again, I point out we have approximately 1 million tons of ammunition unsecured throughout Iraq. There are about 100 of these sensitive sites reported by the New York Times that are guarded around the clock. The rest are guarded intermittently. They are a source, one could infer, for some of the munitions that are being used against our troops. Our convoys have been attacked by improvised explosive devices, by RPGs, and all of this is leading to the casualties we see each day. I think we should be very prudent and very responsible in terms of our end strength in the Army and our forces within Iraq. Both should be increased, I feel, and I am not alone.

James Dobbins, a former Ambassador, who is one of the leading experts on reconstruction, said, in his words:

Everyone agrees that we need more troops on the ground in Iraq; they just can't agree on more of what. Conservatives want more U.S. troops. Liberals want more allied troops. The Pentagon wants more Iraqi troops. My view is that they're probably all right: We're going to need all three.

Frankly, given the current end strength of the Army, we do not have enough to provide additional American forces on the ground on a sustainable rotation basis.

The Pentagon, Secretary Rumsfeld, is focusing on creating Iraqi security forces. That is an important goal. But there seems to be some confusion on the number of troops. This weekend, Secretary Rumsfeld stated that over 100,000 Iraqis were reporting to duty. Just a few days before that, Secretary Wolfowitz and Condoleezza Rice said it was 80,000 or 90,000. The numbers are unclear.

What is also unclear is the capabilities of these troops. The Iraqi Army was being trained in 8 week courses and is now being trained in about 6 weeks so we can get them into the field. This raises questions of reliability, questions of adaptability, all of these things.

Many suggest that we increase our international component. Frankly, the Turkish troops were apparently willing to come, but the Iraqis objected. It has been reported that Portugal and Bangladesh have decided against contributing troops. South Korea is delaying its decision. It is becoming increasingly obvious that the burden will fall not just in the next few months but in the next few years on the United States forces. As a result, I do believe we need more forces.

We are beginning to see already the stress on our National Guard and Reserves. Currently, more than 130,000 Guard and Reserve soldiers and airmen are deployed. Approximately 29,000 National Guard soldiers are in Iraq and Kuwait. More than 10,000 Reserve forces are in Kuwait, Afghanistan, and Iraq. We also have National Guard forces in Bosnia, Kosovo, and the Sinai.

This is tremendous stress. We are seeing, for the first time, reports—although they are still preliminary—that National Guard units are not able to make their recruiting goals.

There was a report on NBC News by Jim Avila, who referred to:

New figures, released this week, show the Army National Guard nearly 10,000 short of its 2003 goal of 62,000 recruits.

Those are the first signs that recruiting and retention are becoming a problem in the Reserve component. They will only be made up, I think, by increasing the number of Active Forces we have.

There is a very difficult challenge for Reserve Forces. They have a career. They have families. They are not full-time soldiers, although they are excellent soldiers, they are professionals. They have taken their missions on with great skill and great patriotism. In fact, we could not perform the missions of the modern military today without the Reserve and National Guard. But they have separate careers and separate lives, and eventually they will have to give some credit and some interest to those separate lives.

I believe very strongly we have to ultimately increase the end strength of our military forces. I regret it is not in this supplemental. I will endeavor in the future to continue to urge this position. I hope someday we will have it.

In the meantime, I thank, again, the chairman and Senator BYRD for their efforts. Because ultimately this bill is putting resources into the hands of our fighting men and women who are engaged in combat today, I will support the measure.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for the \$87 billion supplemental conference report, and I want to take a few minutes to explain why I support this conference report, even though I have serious misgivings about some of its provisions.

I support this conference report because I believe the United States now has an inescapable responsibility in Iraq.

We must stay the course and to do that, we must provide our troops in the field with the resources necessary to complete their mission. The defense title of this conference report provides nearly \$65 billion for that purpose, including important funding to improve the safety of our troops by securing Iraqi small arms caches which are the source of much of the munitions used to attack U.S. forces.

We must rebuild Iraq's infrastructure and assist in resurrecting a viable Iraqi

economy. We must see that a stable government is put in place. We must prevent civil war. And we must see to it that Iraq does not become a base for terror and instability throughout the region.

Nothing could be more disastrous for U.S. national security than, after bringing about regime change, if our nation were to turn tail and run and not accomplish the mission.

We would send precisely the wrong message to both our friends and our foes around the world.

If the United States were to pull out without completing the job, I believe that we would see civil war and a return of the Baathist regime, perhaps headed by someone as bad or worse than Saddam.

For many of us, the challenges that we now face in Iraq illustrate the shortcomings of a doctrine of unilateral preemption and preventive war.

When we use force against a state and seek regime change we are left with an inescapable role: Nation building.

This conference report is not perfect. Far from it. But it is critical that we do not leave the hard work of post-war reconstruction undone.

When the supplemental bill was before the Senate, I did what I could to see if it was possible to structure at least some of this package as loans—and the Senate adopted an amendment which would have made \$10 billion of the reconstruction loans.

That provision, unfortunately, was dropped in Conference over my objections and those of many of my colleagues.

I also worked with Senator DOMENICI to include additional reporting language in this bill. This amendment, which was adopted by the Senate, provided Congress and the American people real oversight over what the administration's plans were in Iraq and how the money in this supplemental was being spent.

Unfortunately, many of these reporting requirements were also stripped out in conference.

I also supported efforts to include provisions in this bill so that there would be greater international contributions to the reconstruction effort, to see if Iraqi oil could be quickly bought on-line to underwrite costs, to earmark some of the funds to be spent in Iraq on domestic priorities instead, and to try to pay for this supplemental by deferring the large tax cut for those Americans earning more than \$340,000 a year.

So if I had my way in putting this package together we would have before us a very different conference report.

Unfortunately, all these options were either debated and voted down by the Senate when we considered this bill earlier or, in the case of the loan provision, stripped out by the Republican majority in conference.

I would also like to note a provision of this bill that strikes close to home



for me and my constituents. I am pleased that the conference report provides \$500 million for FEMA disaster relief activities associated with recently declared disasters, such as the wildfires in California. Representative JERRY LEWIS and I sponsored this funding as a downpayment on what we all can expect to be a costly reconstruction effort in southern California. We in California are resilient, and I hope that this funding will help us to bounce back quickly from the catastrophic fires still burning in California.

So in the final analysis, even without the inclusion of many of the Iraq provisions I would have liked to have seen in this bill, I have come to the conclusion that the United States must step up to the plate and meet its obligations in Iraq. The United States must win the peace in Iraq.

The United States must also seek to repair the breach that exists between our nation and some of our friends and allies in the international community.

As I stated on the floor earlier when the Senate considered this supplemental, it is my sincere hope that in the reconstruction of Iraq, the United States can repair some of this damage by working with our allies, the United Nations, and the international community.

The United States has lost a great deal of good will throughout the world in the past year due to the perception that the American attitude has become "our way or the highway."

We must signal clearly and unambiguously that our attitude has changed and that we welcome the full partnership of others in the international community in Iraq.

On balance I find that I must support this conference report. Our national security and the safety and well-being of our troops demand it.

Indeed, how the United States approaches the reconstruction of Iraq may well prove to be one of the greatest tests of American leadership since World War II.

To fail in this endeavor could well escalate chaos in the Middle East and Gulf region, lead to civil war in Iraq, and allow Iraq to become a base for terror. I believe that it is important that Congress supports this conference report and that we stay the course in Iraq.

I yield the floor.

Mr. HARKIN. Mr. President, the assistance in this supplemental appropriations bill for victims of Hurricane Isabel and the California wildfires is certainly much needed and justified. Both of these disasters were vividly portrayed in images on television, newspapers, and the Internet. Those images drove home the need for help.

We have a strong history of providing assistance from the Federal Government to help our citizens survive and recover from natural disasters. As nearly all previous disaster aid, the assistance in this supplemental appropriations bill for both Hurricane Isabel

and the California wildfires does not require a budget offset.

We did not tell the victims of the hurricane or the wildfires that in their time of need they had to go find money elsewhere in the Federal budget. We did not tell these victims of disaster they had to give up something that they had coming to them in order to get the help they critically need.

Last year, many States across the middle of the United States were suffering from a terrible drought, and there were additional agricultural disasters in other parts of our country.

Now, drought is not as spectacular as a hurricane or a fire; that is true. The damage occurs over several months, even years, not days or weeks. But the financial and human losses are still acutely real—lost farms and ranches as they are driven out of business. Farmers and ranchers have to sell off cattle and other livestock. They have dramatically reduced crop yields or no crops at all, just as if a fire had gone through. There are huge financial losses to farmers and ranchers all over our country. There are the loss of homes, loss of businesses, impacts on local communities that may never come back. There is heavy damage to the economy in the drought areas. Without help, many lives would be dramatically changed for the worse in these drought-stricken areas.

Last year, we were told by the White House the only way we could get this disaster aid for agriculture was to cut back on the farm bill we had passed just several months before. For years, agricultural disaster aid has been treated as emergency spending—because it is—and not needing an offset in the budget. That is what we did for the wildfires in California and Hurricane Isabel that hit our Nation's Capital and communities on the east coast. We treated it as emergency spending.

In other words, in effect the White House said the victims of drought over the last couple years on farms and ranches, the victims of other natural kinds of disasters in agriculture, had to finance their own help by cutting the agricultural programs so important to their livelihood.

So in the omnibus appropriations bill last February, agricultural disaster assistance was financed by cutting the farm bill. Disaster assistance last year was estimated at \$3.1 billion. To generate an offset of that amount, the conservation title of the farm bill was cut back. The Conservation Security Program was capped and its funding sharply reduced to pay for that \$3.1 billion.

It is ironic and shortsighted that the funds for agricultural natural disasters would be taken from the conservation title of the farm bill. Drought is, of course, devastating to soil, plants, and animals. But it is conservation practices that help farmers and ranchers conserve and enhance natural resources and, in fact, lessen the potential impacts of future drought and natural disasters.

This support for conservation is much like the mitigation money the Federal Emergency Management Agency provides. When FEMA responds to a natural disaster, the Agency also provides additional dollars for measures to avoid losses in future similar disasters in that State. The farm bill's conservation programs likewise guard against future disaster losses.

Taking money from the farm bill's conservation title to pay for disaster assistance in the omnibus bill set a very bad precedent, one that will haunt us in the future when we seek to respond to natural disasters affecting agriculture. That action in the omnibus bill ignored the way previous agricultural disaster aid had been funded as emergency spending. It is also exactly the opposite of the policy we follow for nonagricultural disasters.

Fortunately, this precedent was not followed in funding relief for Hurricane Isabel and the California wildfire victims, and it should not have been. Those disasters were emergencies, and we should pay for the assistance by treating it as emergency spending, which we are doing in this supplemental appropriations bill.

By the same token, farmers and ranchers should not have been forced to pay for their own disaster assistance earlier this year. That was an emergency, and it should have been funded just as disaster aid in this bill was funded as an emergency.

So, Mr. President, I did not seek in any way to hold up this supplemental appropriations bill. There are many parts of it I was opposed to in terms of the way we are writing a blank check for some of the Iraq rebuilding. And I do not mean to impede emergency funding for California or Maryland or Virginia or any other States that were hit by these natural disasters. These are emergencies. We should respond as a nation to these emergencies.

The terrible precedent of taking money from the farm bill earlier this year should be reversed, and the conservation funds that were taken away from farmers and ranchers should be replaced. The damage to the Conservation Security Program should be repaired so the program is made whole, as it was enacted in the farm bill, passed by the Senate, passed by the House, and signed by the President. The President had loudly proclaimed as one of the reasons he was signing it the strong conservation measures in that farm bill.

Because of the way the money was taken out in the omnibus appropriations bill, as it came back to us as a conference report, there was no ability for any of us to amend it or to have an up-or-down vote on whether or not we wanted to have emergency funding taken out of the farm bill for disaster aid. But that is how it was done.

So, I take this time to point out the difference between how we are paying for the assistance for the wildfires in California and Hurricane Isabel here on

the east coast and how farmers and ranchers were treated earlier this year when they critically needed disaster assistance. Their disasters were perhaps not as visually dramatic as the wildfires or the hurricane but they nonetheless had devastating losses from disaster that had taken place over months, sometimes over years.

Our nation's farmers and ranchers should have been treated the same way as the victims of the wildfires in California or the victims here on the east coast of Hurricane Isabel. It is up to us to restore the funding that was taken away, to make farmers and ranchers whole, to make our conservation programs whole, and to recognize that when we have emergencies, when we have disasters, regardless of whether it is in California or New York or Iowa or Florida, or wherever it might be, regardless of whether it is homeowners or businesses or communities, yacht basins or beach homes or whatever, farmers and ranchers ought to be treated the same way with emergency funding.

So again, I will not do anything to hold up the bill or anything like that, but I just wanted to make my point that we have to treat everyone the same in this country when it comes to disasters.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. EDWARDS. Mr. President, today we cast our votes with heavy hearts. The memory of what happened almost 48 hours ago, thousands of miles away in Iraq, is still seared on our minds. What happened to our sixteen brave soldiers wears on us all, as do the memories of all of the lives that have been lost in this conflict. Our thoughts and prayers go out to those family members and friends who lost a loved one in Iraq, and we pray for a complete recovery for all who struggle at this hour.

Since "Operation Iraqi Freedom" began, we have proven yet again that the men and women in our military are the best trained, equipped, and motivated in the world. Their service and accomplishments make every American proud, and we pray for their safety and their safe return home.

Today, Members of Congress must uphold one of the highest responsibilities we have: to support our men and women in the military who risk their lives to serve their country. In this case, supporting our military means rejecting a policy that is clearly failing. We must demand that this President change course.

That is why today, I vote against the President's request for \$87 billion for Iraq.

For more than a year I have argued that the United States has a special responsibility to help build a stable and prosperous Iraq that is at peace with itself and its neighbors. Fulfilling this responsibility is not only the right thing to do for the people of Iraq, who

suffered under Saddam Hussein and now struggle with the consequences of war; rebuilding Iraq will also make the Middle East more stable and the American people more secure.

We must give our troops all the resources and help they need. I believe that we should have given the money designated for our troops right away—not make the support they deserve contingent on a failed reconstruction plan.

Given these failures, we cannot allow this President simply to call on Congress to give him funding without demanding fundamental changes. Our troops will not be safe—and their mission will not be successful—as long as this administration stubbornly clings to a policy based on poor planning, faulty assumptions, botched diplomacy and failed leadership.

We need a new policy to win the peace in Iraq—a policy that meets three core goals: to bring other countries and international organizations into the effort; to hand over more authority to the Iraqi people with specific benchmarks; and to end the insider deals for Iraq's reconstruction and the appearance that this war was about oil or paying off the President's friends.

We must immediately take three concrete steps:

First, we must take the American face off this occupation. The United States should immediately transfer the oversight of Iraq civilian reconstruction to the United Nations. President Bush waited too long to go to the United Nations to ask for help after the war. Even now, he remains unwilling to offer our allies a role in the oversight of Iraq that they are reasonably demanding before putting more of their money and troops in Iraq. We have a UN Security Council resolution that allows others a seat at the table—but this President still refuses to ask. The senior civilian in Iraq should answer to the United States and its allies on the United Nations Security Council—not Secretary Rumsfeld.

We must launch a serious diplomatic effort to get more international troops and resources to Iraq—an effort that will not only reduce the burden on our troops and American taxpayers but also transform the reconstruction into a genuine international mission. America's military presence in Iraq cannot be indefinite. As I have long argued, we should begin discussions immediately to get organizations like NATO more involved, as they are today in Afghanistan. We also need to accelerate the creation of Iraq's own security forces. Clearly, this administration failed our troops by impulsively disbanding the Iraqi Army, a move that not only left many Iraqis angry and unemployed, but took away a pool of Iraqis ready to help take control of their own security.

Second, with the help of the United Nations, we must outline a clear roadmap for the transfer of authority to the Iraqi people so that they can take control over their own destiny. This includes establishing specific timetables

to transfer authority to the Iraqis to give them more control over their economy, civilian authority, and security. To get this process moving, we should ask the United Nations to convene an international conference to work with the Iraqis to set priorities and establish clear benchmarks for when such goals will be achieved.

Finally, we must put an end to the special interest feeding frenzy this administration has created over Iraq's reconstruction. The enormous influence of corporate lobbyists in this administration, on everything from energy policy to health care, may dull our capacity to be shocked. But it should not. Halliburton, the Vice President's former company, has already received billions of dollars in non-competitive, no-bid contracts.

The President's supporters compare the rebuilding of Iraq to the Marshall Plan. But after World War II, Congress established a special committee to ensure that the allocation of reconstruction grants was free from war profiteering. Before billions more flow into Iraq, we should set up an independent commission for the same purpose.

I believe that we were right to act against the threat of Saddam Hussein. But this President's failures in Iraq are undermining many of the goals we meant to accomplish by eliminating his brutal regime.

When democracy is threatened by tyranny, America is there to defeat it. It is part of our history. But when the time came for us to rebuild those countries, we did so with integrity, honesty, and patience. The world was by our side. Our soldiers stood with others to build roads, bridges, hospitals, and schools. That is how we helped Japan and Germany recover from World War II. That is how Bosnia and Kosovo recover today. And that is what we must do for Iraq with the world at our side, a new plan in place, so that America is respected and strong. •

Ms. SNOWE. Mr. President, I rise today in support of the final passage of the conference report to accompany H.R. 3289, the fiscal year 2004 Iraq supplemental. I support this bill because it provides the resources necessary to support our gallant troops who are working in Iraq and Afghanistan to rid the world of the scourge of international terrorism and to recover from Hussein's corruption.

This bill provides our forces with \$65.7 billion to continue their campaign to restore peaceful and prosperous societies in both Iraq and Afghanistan. As our troops continue to root out the remnants of Hussein's horrific regime and work to ensure stability in Iraq, we must do no less than provide them with the most advanced technology, the most reliable force protection equipment, and the best personal care available. I believe that we all fundamentally agree that the funds requested to support our military forces in the field must be made available immediately.

However, as we are all aware, there was considerable debate when it came to the \$18.6 billion this bill provides for reconstruction efforts in Iraq—specifically regarding whether the funds should be provided as loans rather than a grant. I maintained throughout the debate that some portion, if not all, of these reconstruction funds should be in the form of loans.

Many argued that providing loans was not feasible—that it unduly burdened the Iraqi people. But after considering the totality of what we were talking about—that American men and women are putting themselves in harm's way day in and day out in securing the liberation of the people of Iraq and that we are also in the process of spending \$100 billion and more for that very same purpose, I concluded that asking the Iraqi people to be responsible for a portion of their reconstruction was only fair.

It remains my belief that the American people are not making a distinction between the money we are spending to support our troops and the additional funds being proposed to rebuild Iraq when it comes to the total measure of our nation's sacrifice toward this cause. So asking Iraq to repay one-tenth of that \$100 billion in the form of loans seemed eminently reasonable to me.

Some also argued that there was not a legitimate government in Iraq that could obligate the nation to the repayment of loans. But the international community, through U.N. Security Council Resolution 1511, specifically acknowledged that the Iraqi Governing Council and its ministers are the principal bodies of the Iraqi interim administration which “embodies the sovereignty of the State of Iraq during the transitional period until an internationally recognized, representative government is established.”

Finally, still others maintained that providing loans to Iraq would run counter to the U.S. policy of shifting away from loans for development because of the ineffectiveness of such programs in the past. But that policy is predicated on the fact that many heavily-indebted, poor countries do not have the resources to both service debt and institute economic and social reform. Iraq, in contrast, is tremendously rich in resources to an extent sufficient to service this debt and continue to make future investments in their own infrastructure.

Therefore, after careful consideration and many discussions with my colleagues and constituents, I worked to author, with Senators BAYH, BEN NELSON, CHAMBLISS, ENSIGN, DORGAN, LINDSEY GRAHAM, and COLLINS, an amendment that designated \$10 billion of the Iraqi reconstruction funds as a loan. However, we also included a “trigger with a purpose”—designed to both encourage existing creditor countries to forgive at least 90 percent of the debt owed on loans that were made to the former regime of Saddam Hus-

sein, and to foster within Iraq itself a greater sense of responsibility toward, and a stake in, their own long-term rebuilding success.

I was heartened when, by a vote of 51-47, the Senate passed our amendment and included it in the bill sent to conference. However, during the conference, conferees decided to provide the entirety of reconstruction funds to Iraq as a grant rather than a loan and removed our amendment from the final report. I am extremely disappointed that conferees voted to remove the Senate provision in spite of the subsequent House of Representatives vote instructing their conferees to accept our amendment.

Mr. President, I still do not believe that the provision of \$10 billion in loans to the Iraqi people for the reconstruction of their nation would have placed an undue burden on them or their economy. Instead, by investing these loans in Iraq, we would have acted to restore their national pride and enhance their sense of responsibility as we worked toward the common goal of a free and stable Iraq.

With this bill, we are financing the restoration of a peaceful and prosperous society in Iraq and while I would have preferred this bill include provisions to ensure the U.S. taxpayer did not shoulder the burden alone, this bill includes the funds necessary to support our troops in the field. We must commit the resources necessary for our brave young men and women to carry out the task of making the world a safer place a task they are ready for and a task they are performing magnificently.

For that reason, I support this conference report and urge my colleagues to do the same.

Mr. FEINGOLD. Mr. President, when the Senate voted on this supplemental bill in October, I expressed my serious reservations about the overall direction of U.S. policy in Iraq and the astounding financial burden being imposed on the American people as a result of our misguided policies. Yet ultimately I voted in favor of the bill because I wanted to provide important resources for our troops on the ground and because I recognize that bringing stability to Iraq is in our national interest.

At that time, I made it clear that I would not be able to support future funding for the Iraq mission if the administration failed to take concrete steps to put that mission on a sounder footing.

Today, as we consider this conference report, my reservations have only multiplied.

Under intense pressure from the White House, the conferees have stripped a reasonable and appropriate Senate provision that would have converted a portion of the reconstruction grants to loans. This provision, which was designed to encourage international debt forgiveness, did not involve any U.S. decisions about Iraq's

future oil revenues, rightly leaving those decisions to the Iraqi people. The administration's refusal to accept this sound provision, combined with the disappointing showing at the recent donors conference in Madrid, suggests to me that the White House continues to set this country on an unsustainable course. The administration's failure to get more support in Madrid and continued insistence that the American people can and should shoulder the lion's share of the burden reveal a failure to grasp the reality of the current situation and the urgent need to rethink their approach.

I am also disappointed that the conferees chose to strip out my amendment, which was adopted here in the Senate, to help ease some of the strain that has been placed on the families of our military personnel. My amendment allowed a spouse, son, daughter, or parent who already qualifies for benefits under the Family and Medical Leave Act to use their benefits for issues arising from one additional set of circumstances—the deployment of a family member. Our military families—be they active duty, Guard, or Reserve—are coping with tremendous strains and a great deal of unpredictability. This Congress should be working to help them, and I will continue to pursue this issue.

I am pleased that my amendment to establish an Inspector General for the Coalition Provisional Authority was retained in this conference report. Though some changes were made to my proposal, the heart of the effort survived and in some cases was strengthened, and American taxpayers will now have someone watching how their dollars are spent in Iraq. We have sorely needed vigorous accountability and transparency mechanisms to oversee our policy in Iraq for some time. It is my hope that regular reports from the Inspector General can help the administration and the Congress to clean up waste and abuse and to improve our overall performance when it comes to reconstruction efforts.

Transparency is also important in our representations to the Iraqi people. I am pleased that another of my amendments, which requires the Coalition Provisional Authority to provide regular updates on the status and use of Iraqi oil revenues in Arabic on the Internet, was retained. Honest and regular information is our best weapon to combat those who would play to Iraqis' worst suspicions in order to harm Americans.

I am also pleased that this conference report recognizes the importance of bolstering U.S. efforts to help bring stability to Afghanistan, and to assist the war-torn states of Liberia and Sudan. While the administration has focused tremendous attention on Iraq, the global fight against terrorism is still our first foreign policy priority. Helping weak and failing states to recover is an important part of that effort.

But despite these positive elements, it is extremely difficult to have confidence in this conference report. Rather than listening to congressional reservations, rather than hearing what Members of this body had to say when we spoke about our constituents' profound sense of unease about our policy, those responsible for directing U.S. action in Iraq appear to have heard nothing at all—not the voices of the American people, not the voices of the Congress, not the voices coming from Iraq itself, where horrible violence continues to take American and Iraqi lives. In the days since the Senate voted on this bill, the administration has failed to grasp the need for a fundamental change in direction necessary to ensure that all of the resources that this bill provides at taxpayer expense will be used wisely.

Mr. NICKLES. Mr. President, I take this opportunity to report on the budgetary effect of the conference report to accompany H.R. 3289, making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.

The President's supplemental appropriations request totaled \$87.0 billion in budget authority and \$36.8 billion in outlays for FY 2004 for ongoing operations in Iraq and Afghanistan and the reconstruction of Iraq. The conference report provides \$87.5 billion in budget authority and \$37.1 billion in outlays.

Most of the funds in the conference report, \$83.8 billion in budget authority, are designated emergencies under section 502(c) of the 2004 Budget Resolution. None of these emergency funds count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974 and sections 504 and 505 of the 2004 budget resolution.

The conference report also contains non-emergency spending totaling \$3.8 billion in budget authority. Non-emergency appropriations are those appropriations that were not requested by the President and not declared a contingent emergency. Non-emergency appropriations are scored against the appropriate subcommittee's 302(b) allocation. I will remind the Senate at the appropriate time about any points of order that apply to subsequent bills.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

H.R. 3289, EMERGENCY SUPPLEMENTAL FOR IRAQ AND AFGHANISTAN  
(Fiscal Year 2004, \$ millions)

	Discretionary spending
Total H.R. 3289, Conference Report:	
Budget authority	87,547
Outlays	37,103
Emergencies in H.R. 3289, Conference Report:	
Budget authority	83,782
Outlays <sup>b</sup>	N.A.

H.R. 3289, EMERGENCY SUPPLEMENTAL FOR IRAQ AND AFGHANISTAN—Continued  
(Fiscal Year 2004, \$ millions)

	Discretionary spending
Non-Emergencies in H.R. 3289, Conference Report:	
Budget authority	3,765
Outlays <sup>b</sup>	N.A.

<sup>a</sup> Section 502(c) of H. Con. Res. 95, the Concurrent Resolution on the Budget for FY 2004, states that any provision designated as an emergency requirement by both Congress and the President shall not count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974 and section 504 (relating to discretionary spending limits in the Senate) and section 505 (paygo point of order) of H. Con. Res. 95. Amounts classified as non-emergency were added by Congress and do not carry the contingent emergency designation.

<sup>b</sup> CBO has not yet provided an estimate of outlays split by emergency and non-emergency.  
N.A. Not Available.

Mr. FRIST. Mr. President, a bloody tyrant rules no longer in Iraq. A man who without qualm or regret murdered hundreds of thousands of his own citizens has been removed from power.

The perpetrator of one of the past century's most gruesome crimes against humanity, the use of chemical weapons on innocent Kurdish civilians, no longer is free to pursue such weapons.

The aggressor in the Gulf War, who a decade ago invaded his neighbor, only to be driven out by a mighty coalition, no longer threatens the volatile region of the Middle East.

The record is replete with the case against Saddam Hussein. The mass graves are laid open, and only now are the thousands of widows, mothers and orphans—victims all—able to openly grieve.

Who here will ever forget the image of the desperate citizens of Baghdad, clawing at the ground in the hopeless search for hidden prisons that might hold their loved ones.

Mass graves have been found throughout the country, the unmistakable mark of history's tyrants.

As the regime of Saddam Hussein has come to an end, the difficult work has only just begun to ensure that we never again witness such horrors.

As this legislation proves, in both Iraq and Afghanistan this will be a costly effort in treasure and in time. But most costly of all are the lost lives of our men and women serving on the front line of the war against terror, whose devotion to our country may be matched in the history of the nation, but never surpassed.

These men and women, many just at the beginning of their adult lives, serve an ideal as old as the Republic. In the fight against terror, they risk their lives so that we may live safe.

Each and every one of them are citizens, parents, spouses, and somebody's child. Their sacrifice is our loss. We mourn the death of each of them.

The resources this legislation provides will move both Afghanistan and Iraq decisively toward stability and freedom; toward modernity and democracy.

We have worked long hours on this legislation, and we had some difficult votes over the course of the past 4 weeks. Although I am certain it is not the last debate we will have on Iraq, I

am grateful for the efforts of the managers on both sides, and for the cooperation of the Democratic leader, in getting this emergency package through.

In particular, I commend Senator STEVENS, Senator WARNER, Senator MCCAIN, and Senator MCCONNELL for their tireless efforts to pass this emergency funding request.

Replacing the defeated regime of Saddam Hussein with a stable democratic Iraq is an essential turning point in bringing modernity and freedom to a part of the world that has produced extremism and terrorism for decades.

Mr. President, yesterday's losses were the latest tragic reminder that we are at war in Afghanistan and Iraq. The funds in this legislation provide both direct support for our soldiers as well as an investment in creating a safer environment in those countries where they serve. This legislation will make them safer and get them home sooner.

Mr. AKAKA. Mr. President, I rise today to express my strong support for our soldiers, sailors, airmen, and Marines who are deployed around the world in defense of the principles of democracy and our great Nation. Today the Senate will pass the conference report to H.R. 3289, the FY04 Supplemental Appropriations Act for Iraq, Afghanistan and the global war on terrorism.

The conference report does not include a key provision adopted by the Senate which would have required \$10 billion in Iraq reconstruction funds to be used as a loan rather than as a grant unless 90 percent of foreign creditors cancel Iraqi debt. I voted for this provision because I believed that it would have helped to provide Iraqis with meaningful participation in the reconstruction of their country by making them responsible for the funding. I am disappointed that the provision has been eliminated, but I look forward to continuing to work with my colleagues to address the issue of how to appropriately respond to continued requests for Federal dollars to reconstruct Iraq.

Last year, as the Senate debated authorization of the use of force in Iraq, one of my concerns was our planning of, and responsibility for, the reconstruction of Iraq. Before we even engaged in this conflict, I asked administration officials about post-war Iraq plans. I was repeatedly told that the appropriate officials were working hard to develop such plans and that details were not necessary because there were too many unpredictable factors to consider. Well, here we are, 4 months after President George W. Bush declared major combat in Iraq to be over. We are being told that our troops will be in Iraq for an extended period of time. American soldiers continue to be wounded and killed almost every day. We are faced with open-ended requests for billions of dollars to reconstruct Iraq.

There seems to be reluctance on the part of our international colleagues to

contribute and participate in the rebuilding of Iraq due to U.S. control and authority over the reconstruction funds and plans. It is imperative that we recruit other countries to assist us in peacekeeping activities to relieve our military members so that they can return home. It is just as imperative that we allow other countries to contribute to the reconstruction effort to relieve the American taxpayer of what has been and will continue to be a monumental expenditure of Federal funds in Iraq. The United States must be willing to take the necessary actions to make such international cooperation a reality.

During the Senate's consideration of President Bush's FY04 supplemental request, I voted in support of S. 1689 because I believed the Senate was successful in adding provisions to the legislation to support our deployed troops; increase accountability and transparency in post-war Iraq contracts; improve planning for post-war Iraq; and reduce the burden on the American Taxpayer of the costs stemming from Operation Iraqi Freedom, Operation Enduring Freedom, Operation Noble Eagle and the global war on terrorism on the American taxpayer. While I am pleased to learn that the conference report retains provisions to support our troops such as the one-year demonstration program for enhanced TRICARE eligibility for certain National Guardsmen and Reservists, the retroactive reimbursement for soldiers who paid for their food while being medically treated, and the continued authorization for Imminent Danger Pay and Family Separation Pay at increased rates for FY04, I am concerned that the provisions adopted by the Senate which were eliminated will make it more difficult for us to ensure appropriate oversight, accountability, and success in Iraq, Afghanistan, and the global war on terror.

I am particularly disappointed by the conference committee's decision to eliminate the provision proposed by Senator JACK REED to increase Army end-strength by 10,000. I remain increasingly concerned about the strain of the increased OPTEMPO on the Army. I firmly believe we need to increase end-strength and look forward to working with my colleagues and the Army to address this matter. I understand that General Schoomaker has directed a study of this issue and I look forward to the results of this study.

Again, I fully support our men and women in the military. For that reason, I fully support the \$51.4 billion for ongoing military operations in Iraq, \$10.5 billion for U.S. forces in Afghanistan, and \$3.6 billion for homeland defense. I will work diligently with my colleagues to ensure that our Armed Forces are provided with the training and equipment necessary for them to accomplish their mission so that they can return home safely to their families in a timely manner.

I support the \$5 billion for security training for Iraqi security forces. I re-

main concerned, however, with the amount of funding that has been designated for reconstruction of Iraq, particularly since we have been assured that this supplemental only represents the most pressing reconstruction needs for the next 12 months and does not cover all reconstruction needs. At the same time, we have pressing domestic needs including the need to fund an additional \$1.3 billion for medical care for veterans. We have a number of educational and social programs that are in definite need of increased funding. We must be responsible stewards of taxpayers' money.

I voted in opposition to authorizing the use of military force against Iraq in October 2002. I voted this way because I believed we had not yet utilized all of our options at the international level. However, once the decision to utilize military force was made, I fully supported the men and women who were deployed in this effort. We are now responsible to ensure that they have the equipment and resources to undertake their mission in the safest manner possible. Our leadership of the coalition forces in Operation Iraqi Freedom also makes the United States accountable for the restoration and reconstruction of Iraq. Again, I believe we must work closely with our allies and neighbors in the international community for us to successfully bring out troops back home. I look forward to working with my colleagues to find a way to accomplish such a difficult challenge.

Mr. KENNEDY. Mr. President, I oppose the Senate-House conference agreement on the \$87 Supplemental Appropriations bill for Iraq.

When the Senate voted on this legislation on October 17, I opposed it because it provided no effective conditions for genuine international participation in the reconstruction of Iraq or other important steps needed to win the peace. Our troops in Iraq are doing a remarkable job under enormously difficult circumstances, and I wholeheartedly support them. But it is an abdication of our responsibility in Congress to provide an \$87 billion blank check for a failed policy.

The administration needs to go back to the drawing board and adopt a new Iraq policy that is worthy of the sacrifices our soldiers are making—a policy that restores America as a respected member of the family of nations and make it easier, not far more difficult, to win the war against terrorism.

The Bush administration still does not have a realistic plan for achieving security and democracy in Iraq and our soldiers are paying for it with their lives.

Since the Senate originally passed this legislation 2 weeks ago, the situation in Iraq has further deteriorated. Forty-four more American soldiers have been killed, and more than 300 American soldiers have been wounded. The United Nations did approve a new

resolution on Iraq that could have become the basis for genuine international support for our effort, but America still stands largely alone in Iraq. We have not modified our unilateral position, and other nations are unwilling to assist us. The United Nations has pulled all of its staff out of Baghdad, and international NGOs are leaving as well.

America comprises 85 percent of the international forces on the ground, and we are providing the lion's share—nearly \$20 billion—for Iraq's reconstruction. On October 23, at the international donors conference in Madrid, the administration came up short on international contributions. Of the \$55 billion needed for Iraq over the next 4 years, the international community pledged only \$13 billion, two-thirds of it in loans, not grants, over 5 years.

Over the same period of time, the security situation has gone from bad to worse. On October 25, a rocket propelled grenade in Tikrit struck a Black Hawk helicopter, shortly after Deputy Secretary of Defense Wolfowitz left the area.

On October 26, rockets seriously damaged the Al Rashid Hotel in Baghdad, where Deputy Secretary Wolfowitz was staying, killing one soldier and missing Mr. Wolfowitz by only one floor. That same day, the Deputy Mayor of Baghdad was assassinated.

On October 27, coordinated attacks rocked Baghdad, targeting the headquarters of the International Committee for the Red Cross and killing 15 people. Three police stations were also attacked. On this one bloody day, 34 people were killed, including one American soldier, and another 200 were wounded.

Just yesterday, a Chinook helicopter was shot down over Faluja, killing 16 American soldiers, and wounding 20 more.

Meanwhile, the administration continues to claim that things are going well. Last week, President Bush claimed the attacks were a result of our successes on the ground in Iraq. In an October 29 interview, Deputy Secretary of Defense Wolfowitz said, "Our side is winning." After the downing of the helicopter, Ambassador Bremer said, "the overall security situation" in Iraq "is a lot better" than when he arrived in May.

Mr. President, it is clear that things are not going well in Iraq. The administration must face reality. It cannot continue to cover up its failures and try to sell its rosy version of events by repeating it with maximum frequency and volume, and minimum regard for realities on the ground.

I support our men and women and uniform, but I oppose the administration's policy, and I urge the administration to devise a realistic plan for Iraq.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Mr. STEVENS. Mr. President, we have heard a lot of comment today

about what the President said and what he has not said. It should be remembered that the President celebrated the military victory, as he should have, when he declared the end of the war. It was the end of the war against Iraq's military.

Since that time, we have been at war against terrorists—organized terrorists, international terrorists—in Iraq. The greatest cunning and deceit and trickery the world has seen are being shown in Iraq. Very clearly, it is not a military force that is opposing us today. We are trying to protect our soldiers and the Iraqi people from terrorists.

That is why this bill is so important. It combines money for our military to continue their activities with money for the Coalition Provisional Authority to move forward and help Iraq to build their own military, to build a new form of government, and to train policemen, to train people to keep the peace.

I must say, it is strange to me when I hear people talk about this administration lying. I have been sort of restrained concerning the past administration and lies. But I do believe it is entirely inappropriate to call the Commander in Chief a liar in terms of what has happened in Iraq.

I am one of the eight Members, as I have told the Senate before, who gets the same briefings that are available to the President of the United States. I guess he might have a few more than we get, but we get the general intelligence briefings. I firmly believed there were weapons of mass destruction there in Iraq. I still believe they had the ability to conduct chemical warfare. After all, they did it twice. They did it once in Iran, and they did it once to the Kurds in their own country.

We continue to hear how terrible it is, what is going on as far as this administration is concerned in terms of the conduct of our forces and our people in Iraq after the war was over. The military collapsed. We have been fighting terrorists constantly now.

When I woke up, as I did this morning, and read the paper about the terrible incident of shooting down a helicopter, that was not a military action; that was a terrorist action. We have to adjust ourselves to the fact that this is going on all over the world. It went on in New York. It went on here in Washington. It went on in Indonesia. It went on in the Philippines. It has certainly happened in Israel for years now. But it is coming home now. We are being exposed to it. Our forces are exposed to it. Our people, our civilians are exposed to it. The U.N. forces in Iraq have been exposed to it. Hundreds and hundreds of Iraqis have been killed since the end of the war by their own terrorists.

It is time for us to sit back and think about what we are doing today. Today, thankfully, this bill will pass. It will pass by unanimous consent—not one vote against it. Yet we have had 6 hours attacking the President because

he asked for the money. Where are the voices coming from? What am I hearing? People are willing to let the bill pass without a vote and yet they want to criticize the President for asking for this money?

The Senate ought to reflect and think what we are doing. We still have forces there, and we are going to have forces there. I haven't heard one Senator say we should leave—not one. There are those here who voted against going to war. There are people here who voted for it. But I don't know anyone here in this Chamber who voted against the war on terrorism. That is what we are conducting now.

I am sad to say it looks as if it is going to go on for some time. Out by the elevators, I was just asked by the press, do I expect another supplemental for Iraq and Afghanistan. Well, this is a supplemental for 2004. We are here because the Members of the Senate on that side of the aisle asked me to ask the President to submit a separate bill for funds for Iraq and Afghanistan. He could have submitted that money request in the regular 2004 bill. But he accommodated the request that I carried to the White House, and he sent us a separate supplemental for Iraq and for Afghanistan and the war on terrorism.

We have been on it for a long time, much longer than I ever thought it would take to get this passed. Very clearly, we do not expect another supplemental. We probably expect a request for fiscal year 2005 that will start on October 1 of next year. But clearly, we ought to get things into perspective.

Let me quote the President:

Heavy as they are, the costs of action must be weighed against the price of inaction. . . .

Which President was that? It was President Clinton, 5 years ago. He stated these words as he informed the American people that he was ordering a strike of military and security targets in Iraq. He ordered them in Iraq 5 years ago—in 1998. Their mission was to take out nuclear, biological, and chemical weapons sites, and he so stated. The former President sent forces into Iraq to attack nuclear, biological, and chemical weapons sites. That decision was based on a continuing lack of cooperation by Saddam Hussein with the international community.

In the last 6 months, President Bush is enforcing measures that were begun in the Clinton administration. Yet to hear people talk here about the lies and deception of this administration—what were those forces sent into Iraq for in 1998? It was based on the same kind of reports that President Bush received before he ordered this action.

As many in the Senate know, some more powerfully than others, wars and their aftermath are not easy. They are disturbing. Watching our soldiers, sailors, airmen, and marines die or be wounded touches a sadness deep inside each of us. It touches even more those of us who have been in war. There is

nothing like going to bed at night and seeing an empty bed beside you.

As of today, a total of 376 Americans have been killed in Iraq. Events such as yesterday, where 16 young soldiers were killed when their Chinook helicopter was hit by a missile, greatly trouble all of us. But each of these soldiers was doing his or her duty. We extend our deepest sympathy to each of their families and friends and offer our thoughts and prayers through this difficult time for them.

Some of us have lived through this time again and again: World War II, Korea, Vietnam, you name it. My generation has seen a lot of wars. It is not an easy thing to hear any report of Americans being killed. But those people were doing their duty.

When a person puts on the uniform of the United States and raises his hand, it is even more somber than the one we give here because they know they are laying their life on the line. These are all volunteers. Not one draftee is there. Every person there volunteered to serve in uniform.

We—this Congress, this President, and this country—went to war against Iraq to remove the regime of Saddam Hussein and give the Iraqi people a chance at a better, freer life and the region an opportunity for a more peaceful coexistence.

That is what President Clinton started in 1998. He made the strike against those areas because he firmly believed there were nuclear, chemical, and biological weapons of mass destruction there. Now, these events don't happen overnight. I certainly was not expecting a war that would be just sort of bedsheet clean, where you go to war and come back with fresh bedsheets the next night. That is not the case. These things do not occur overnight. The rebuilding of that nation and the recovery of the Iraqi people will take time. We have to provide the Iraqi people time to heal and the resources and tools to create a new nation and a secure and stable environment.

After World War II, we occupied Germany for 4 years before we even had the Marshall plan. Before the Senate today is the plan for recovery of Iraq in the same year, without an army of occupation per se. We are trying to help them rebuild their country and take it over and provide their own transition to a new form of government. I do believe the way we are doing this—by strengthening a civil society, repairing schools and hospitals, treating waterways, restoring electricity, and eventually assisting them with rebuilding their oil industry—will allow them to become self-sufficient.

I remember so well when Ambassador Bremer told me the problem was that one day there is a pipeline blown up and they cannot ship the oil. So they go about repairing the pipeline. The next day they blow up an electric power station so the pumps won't work. This is terrorism. We must realize we are not facing a military enemy; we are facing terrorists.



Some of my colleagues don't believe in portions of this supplemental. Maybe some don't believe in it at all. But not one of them will vote against it—not one of them. That is their right. Some of them voted against giving the President the authority to go to war to topple the evil tyrant who we all realized was there. Regardless, our men and women are there now—military, civilian, and the U.N.—and those people must have our support. They need the funds in this bill for body armor, for what they call uparmored Humvees, and for explosive detection equipment, for all sorts of detection equipment.

The bill provides the funds to make the lives of our troops—both here and in Iraq—safer and easier. We are providing better mess halls, quarters, TRICARE for members of the Guard and Reserve, and it maintains increases in pay for family separation allowance and imminent danger pay for our troops and their families, which was voted earlier this year and would have expired had we not taken action.

I said this earlier today and I will repeat it. It is a simple and a straightforward premise, as far as I am concerned. Security brings stability and stability fosters democracy. An Iraq that is well on its way to economic well-being and self-governance is the fastest way to get our military men and women home.

We as a nation have always had one goal—I said this also earlier today—and that is to finish what we start. We will not fail to do so now. This supplemental will accomplish that task. I urge my colleagues to vote for this bill. In effect, we have all done that by agreeing to the unanimous consent request that there be no form of vote.

The Senator from Virginia is here—

Mr. LEAHY. Mr. President, I have been waiting. I notice we are going back and forth. I ask for 5 minutes.

Mr. STEVENS. We have had a substantial number of speakers on that side. The Senator from Virginia called and asked me to yield time. How much time is left, Mr. President?

The PRESIDING OFFICER. There are 17 minutes 40 seconds, 10 of which is reserved for closing.

Mr. STEVENS. Are there 20 minutes reserved for closing and 17 left besides that? Who controls that time?

The PRESIDING OFFICER. The Senator from Alaska controls 17½ minutes, of which 10 is reserved for closing.

Mr. STEVENS. How much time does Senator BYRD have?

The PRESIDING OFFICER. The Senator from West Virginia controls 18 minutes, of which 10 are reserved for closing.

Mr. STEVENS. I yield 5 minutes to the Senator from Virginia.

Mr. LEAHY. Mr. President, I will not object to the senior Senator from Virginia speaking. I just ask that I be recognized after him.

Mr. STEVENS. We are glad to do that. The Senator has 18 minutes.

I yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I thank the chairman of the Appropriations Committee. I wish to commend him, Senator BYRD, Senator INOUE, and others, and our distinguished colleague from Vermont, for working on this.

As we debate passage of this important emergency supplemental spending bill, I want to pause for a moment to acknowledge the tragic losses our forces in Iraq suffered this weekend. I extend my heartfelt sympathies to the families and loved ones of those who died and those who were injured. Indeed, we must pause to remember all who have perished, American, coalition partners, and Iraqis military and civilian, who are fighting for freedom in Iraq and around the world in the Global War on Terrorism. We are fortunate as a Nation to have these dedicated citizens who willingly make such great sacrifices to defend liberty and extend the cause of freedom.

I rise today in support of the conference report on emergency supplemental funding for Iraq and Afghanistan for Fiscal Year 2004, and urge my colleagues to do the same. Seldom do we have choices before us as fundamental as this one. Our choices are to go forward, stand still, or quit. Two of these choices would represent failure. There is no choice—failure is not an option. We must go forward; we must stay the course and win the peace for the people of Iraq and Afghanistan, as well as for our own enduring interests in the Global War on Terrorism.

The timeliness and importance of this support for Iraq and Afghanistan cannot be overstated. The stakes in Iraq and Afghanistan are enormous. The military victories achieved by our Armed Forces, together with their coalition partners, must be secured.

We have achieved extraordinary success, in a relatively short period in Iraq. Saddam Hussein and the threat he posed are gone; the future is hopeful for the Iraqi people. We must send a strong message of resolve to our fellow countrymen, to our troops, to our coalition partners, and to the rest of the world, that we will see this through to completion—to win the peace.

We have had an unprecedented amount of debate on this funding request. General John Abizaid captured the essence and urgency of this supplemental request when he stated, "We can fight the terrorists her [in Iraq and Afghanistan], or we can fight them at home." I think we all prefer to fight them there and get the job done.

In recent weeks, I have had the opportunity to meet with several Iraqi leaders, including members of the Iraqi Governing Council and recently appointed ministers. They are clearly committed to achieving democracy, security and opportunity for the Iraqi people and deserve our support. The ministers are technically very well

qualified and committed to building a new Iraq as soon as possible. These are not people who have assumed positions of responsibility through tribal affiliations, nepotism and greed, as has been past practice in Iraq. These are highly qualified public servants—17 of 25 ministers have PhDs in technical fields—who have subordinated their own personal aspirations and accepted considerable personal risk to assume positions of high visibility, to build a new Iraq. Many have left lucrative careers, comfort and families in other countries to return to their homeland and lend their skills to this endeavor. I salute their courage, their patriotism and their selflessness. They are an inspiration to all Iraqis and they deserve our full support.

Some of our colleagues have passionately argued that some of this funding should be in the form of loans, to be forgiven if other debtor nations reduce or forgive old loans to Iraq. I understand why some have arrived at this conclusion, but additional debt now would be economically disastrous, and send the wrong message to Iraqis and, indeed, the world. At some point in the not too distant future, loans will be appropriate, but we must help establish those conditions now.

The United States will seek to convince the principal holders of Iraqi loans—Russia, France, Germany and Saudi Arabia—to forgive some or all of these loans.

We have an opportunity before us to send a message of full commitment to Iraq and of a balanced, fair U.S. foreign policy in the larger Middle Eastern region, by providing this reconstruction assistance to Iraq. Less than overwhelming support will be viewed as just the opposite, and would be counterproductive to our larger goals and interests in this important region.

There is a perception, I fear, that this supplemental will fully fund Iraq's reconstruction. Nothing could be further from the truth. The reconstruction needs of Iraq are enormous—not because of war damage, but because of three-plus decades of neglect, mismanagement and greed by Saddam Hussein's regime. The funds included in this supplemental will only begin to address these daunting needs, but adoption of this package will put the Iraqis in a much better position to help themselves in the future. The Iraqi leaders I spoke with want nothing more than to do just that, but they need our help for now, not with crippling conditions attached.

When U.S. troops entered Baghdad in early April, they were, indeed, greeted as liberators. The image of Iraqis celebrating in the streets—helping U.S. soldiers topple a statue of Saddam Hussein—will long be with us.

Despite the pockets of resistance in Iraq today, that feeling of gratitude and good will toward the United States remains. Recent polling found that most Iraqis believe that ousting Saddam Hussein was worth the hardships



they have endured since the invasion, and two-thirds think Iraq will be in better condition 5 years from now than before the invasion.

We must build on this good will and seize this historic opportunity to show our overwhelming support and commitment to help build a thriving democracy and ally against terror in Iraq.

American forces and coalition partners have already done a remarkable job of restoring basic services, rebuilding schools and hospitals, preventing ethnic violence and creating an environment where reconstruction can succeed. Many Members of this Chamber have seen this with their own eyes, and the response of most who have been to Iraq is concern that the good things that are taking place in Iraq are not being fully reported to the American people.

This reconstruction work is being done in a difficult environment of harsh conditions and significant personal risk, as those who have been removed from power in Iraq seek to delay their inevitable defeat, and as terrorists lash out at the loss of another haven. We are ever mindful of the risks our troops face, every day, and the sacrifices made by the families and communities that support them.

It is imperative that we give our President and our troops the resources they need to complete their missions in Iraq and Afghanistan. The faster the money gets to these countries, the faster conditions will improve, and the faster our troops will come home. As Ambassador Bremer stated before the Armed Services Committee last week:

Every day that goes by where we are not speeding up the Iraqi Army, speeding up the civil defense corps, speeding up the training of police, is a day when our soldiers, men and women, are not being substituted by Iraqis. Every day that Iraqis do not get electricity, do not get water, do not have proper sewage, is a day when their quality of life is such that they are less likely to view us as liberators, more inclined to view us as occupiers, and that also increases the danger to our men and women.

Lasting peace and security in Iraq will be achieved when we establish the environment for a democratic, economically viable Iraq. The first steps to democracy have been taken and a fledgling government is preparing itself to assume the responsibilities of sovereignty.

Let us join together in a clear message of resolve to provide the resources that will meet the immediate needs of the Iraqi people and best serve our interest in Iraq and the larger Middle East region. I urge my colleagues to support the conference report and send a message of overwhelming support to our troops, to their families, and to the newly liberated people of Iraq and Afghanistan. We must do what is necessary to secure this important victory in the war on terrorism.

Mr. President, again, I express my tremendous commendation for the managers of this bill and, particularly, for their wisdom and insight into the

needs of the men and women in the Armed Forces, and the ability to step up and get TRICARE for the Reserve and the Guard.

The Reserve and the Guard have performed magnificently, and not just in this most recent conflict in Iraq but beginning back in the days of Bosnia, Kosovo, and all the way through. Those of us who went into Sarajevo years ago remember that it was the National Guard planes that would take us in during that period of combat and strife in the Balkans. Of course, they performed magnificently in connection with the Afghanistan campaign, and then again during the course of the campaign in Iraq, the freedom of the Iraqi people being their goal.

So I commend the leadership of the Appropriations Committee for doing the TRICARE and addressing those pay provisions, which were due to expire. We have been addressing that in the Armed Services Committee, where we have original jurisdiction over these matters. But the plain fact is that we have not reached a resolution of our conference report as of this time. Therefore, often the Appropriations Committee needs to step forward and do these things which must be done, and done promptly. So I commend our distinguished members of the Appropriations Committee.

Over the weekend we suffered this tremendous tragedy, the loss of the helicopter with so many brave individuals on board. I and others have expressed our compassion to their families, their loved ones, and to their fellow colleagues and comrades all throughout the region. Each one of them feels the loss of one of their own when it happens—whether it is on the streets or in an aircraft that unfortunately comes down.

Those of us—many in this Chamber—who have had the opportunity to visit in Iraq, and particularly Baghdad and other areas, got a clear perception and feeling of the extraordinary risks being undertaken night and day by these young men and women not only of the Armed Forces of the United States but the coalition forces.

I am proud of the way our President stood up today before the world. He stated these words, which time and time again should be considered by the American people as spoken from the heart of the President. Imagine the sadness in his heart and that of the First Lady and others, because the buck stops on the President's desk.

When the news broke of that helicopter going down, I fully appreciate what he went through, and indeed the Secretary of Defense, this weekend. He addressed the Nation on three public television shows about this tragedy of the loss of the helicopter. But both the President and the Secretary of Defense are absolutely steadfast in their resolve to continue their role as leaders. The President said:

The enemy in Iraq believes America will run.

The President said:

That is why they are willing to kill innocent civilians, relief workers, and our coalition troops.

He finished by saying: America will never run.

I commend both the President and Secretary of Defense. At one time, I was in the Pentagon during Vietnam for some 5 years as Navy Secretary. I remember awakening in the night and the morning to receive those reports about exceptional losses, such as this one, and then often go, as we had planned, before the media the next day trying to interpret it and explain it for the American people and for the people throughout the world. It is not an easy task, but our President and others in authority are stepping up to it and being absolutely unflinching in their resolve, as this Senator is, to see this through.

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

Mr. WARNER. Mr. President, I ask unanimous consent to proceed for 3 minutes.

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

Mr. WARNER. Mr. President, tomorrow I hope to attend the funeral service for a brave Army captain, a VMI graduate. I happened to go to the neighboring school of Washington and Lee. His family called me and talked with me and I talked with them. They asked if at all possible could I attend. I said I would do that irrespective of what is going on in the Senate. The mother said to me: We feel deeply the loss of our son, but, Senator, I want you to come and say to me that you and others will stay the course so that his life is not given in vain. I have made that commitment to his family, as I will to many other families.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a letter to the editor published in the Saturday Washington Post by Dr. David Kay who is responsible for the search for weapons of mass destruction in Iraq.

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

(See exhibit 1.)

Mr. WARNER. Mr. President, this letter to the editor is very worthy of our colleagues who, like me, are concerned about how thus far we are still trying to find the weapons, if they exist, but he covers very well one aspect of this, and it is deserving of the estimate. I commend Dr. Kay for his work and his continuing effort. Part of this bill has the funds necessary for him to continue this effort to resolve this very puzzling mystery about the weapons of mass destruction.

I thank the Chair, and I thank my distinguished colleague and commend him once again.

[From the Washington Post, Nov. 1, 2003]

#### THE HUNT FOR IRAQ'S WEAPONS

The Oct. 26 front-page article "Search in Iraq Fails to Find Nuclear Threat" is wildly off the mark. Your reporter, Barton

Gellman, bases much of his analysis on what he says was told to him by an Australian brigadier, Stephen D. Meekin. Gellman describes Meekin as someone "who commands the Joint Captured Materiel Exploitation Center, the largest of a half-dozen units that report to [David] Kay."

Meekin does not report, nor has he ever reported, to me in any individual capacity or as commander of the exploitation center. The work of the center did not form a part of my first interim report, which was delivered last month, nor do I direct what Meekin's organization does. The center's mission has never involved weapons of mass destruction, nor does it have any WMD expertise.

Gellman's description of information provided by Mahdi Obeidi, chief of Iraq's pre-1991 centrifuge program, relies on an unnamed "U.S. official" who, by the reporter's own admission, read only one reporting cable. How Gellman's source was able to describe reporting that covered four months is a mystery to me. Furthermore, the source mischaracterized our views on the reliability of Obeidi's information.

With regard to Obeidi's move to the United States, Gellman writes, "By summer's end, under unknown circumstances, Obeidi received permission to bring his family to an East Coast suburb in the United States." The reader is left with the impression that this move involved something manipulative or sinister. The "unknown circumstances" are called Public Law 110. This mechanism was created during the Cold War to give the director of central intelligence the authority to resettle those who help provide valuable intelligence information. Nothing unusual or mysterious here.

When the article moves to describe the actual work of the nuclear team, Gellman states that "frustrated members of the nuclear search team by late spring began calling themselves the 'book of the month club.'" But he fails to note that this was before the establishment of the Iraq Survey Group. In fact, the team's frustration with the pace of the work is what led President Bush to shift the responsibility for the WMD search to the director of central intelligence and to send me to Baghdad.

One would believe from what Gellman writes that I have sent home the two leaders of my nuclear team, William Domke and Jeffrey Bedell, and abandoned all attempts to determine the state of Iraq's nuclear activities. Wrong again. Domke's assignment had been twice extended well beyond what the Department of Energy had agreed to. He and Bedell were replaced with a much larger contingent of experts from DOE's National Labs.

Finally, with regard to the aluminum tubes, the tubes were certainly being imported and were being used for rockets. The question that continues to occupy us is whether similar tubes, with higher specifications, had other uses, specifically in nuclear centrifuges. Why anyone would think that we should want to confiscate the thousands of aluminum tubes of the lower specification is unclear. Our investigation is focused on whether a nuclear centrifuge program was either underway or in the planning stages, what design and components were being contemplated or used in such a program if it existed and the reason for the constant raising of the specifications of the tubes the Iraqis were importing clandestinely.

We have much work left to do before any conclusions can be reached on the state of possible Iraqi nuclear weapons program efforts. Your story gives the false impression that conclusions can already be drawn.

DAVID KAY.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to take 7 minutes of the time available to the distinguished senior Senator from West Virginia.

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

Mr. LEAHY. Mr. President, today the Senate will adopt by voice vote the conference report containing \$87 billion in supplemental funds for Iraq and Afghanistan.

Before I speak about this legislation, I want to express my deepest condolences to the families and friends of those who were killed and wounded in the attack on a U.S. military helicopter yesterday. This tragedy illustrates, once again, the tremendous sacrifices of our soldiers in Iraq. They are there serving their country, and while their accomplishments rarely make the headlines, they are also enduring daily hardship and tragic losses.

This supplemental legislation has been controversial. We all want Iraq to become a democratic, prosperous, peaceful nation. But, we differ on the President's decision to go to war and on the way forward from here.

I did not support the supplemental when it was considered by the Senate, and was one of twelve Senators to vote against it. I discussed my reasons for this decision at length in this Chamber on October 17, 2003. My views have not changed since that date.

That said, I want to recognize the chairman of the Appropriations Committee, Senator STEVENS, for the effort he made to get this supplemental passed. During the past several days he has demonstrated strength on par with one of his favorite superheroes: The Incredible Hulk. Senator STEVENS worked extremely hard, under difficult conditions, to accommodate a number of my priorities: Tricare for Guard and Reservists, humanitarian aid for Liberia, and additional assistance for Afghanistan.

He also supported my provision to impose new criminal penalties for war profiteering. Although the House Republican conferees ultimately rejected the new criminal penalties for war profiteering—a major mistake in my view—Chairman STEVENS defended the Senate position on this issue during conference. I am grateful to him for doing so.

I will have more to say on the war profiteering provision in a moment, but I want to take a few moments to explain why I oppose this conference report.

I have no doubt that the world is far better off without Saddam Hussein. But, I also feel that the administration rushed into this war prematurely, alienated some of our closest friends and allies, exaggerated the threat posed by Saddam Hussein, and downplayed the extraordinary difficult and costly task of rebuilding Iraq. We all know the confident statements made by senior administration officials, including the Vice President,

Secretary of Defense, National Security Adviser, Director of OMB, and Administrator of USAID, that have since been disavowed, debunked, or disputed.

Some say that we should simply move on—that the differences we have over the war and the administration's abysmal post war planning is water under the bridge. I disagree. There is no question that we have to work hard to succeed in Iraq. But, I cite the words of Ted Koppel, a well-respected journalist with long experience, who said:

Before the Iraq war, senior officials confidently predicted that US troops would be welcomed as liberators, that vast quantities of weapons of mass destruction would be found, that Iraqi oil income would pay for post-war reconstruction, and that a successful military victory in Iraq would quickly lead to implementation of the "road map to peace" between Israelis and Palestinians. Not only were all those predictions wrong but there is growing evidence that officials should have known better at the time. But that was then, this is now. And everyone likes to pretend that what was said before the war is no longer relevant.

The decision to go to war in Iraq strikes at the very heart of our credibility as a nation. It is not a partisan issue. It is an American issue, and I am outraged by administration officials who attacked the patriotism of those who have asked legitimate questions about the decision to launch a unilateral, preemptive attack. I think we all wish that more questions had been asked and answered before we decided to send hundreds of thousands of troops to Vietnam.

I agree with those who say that we cannot simply walk away from Iraq. However, I am deeply troubled by the administration's partisan, take-it or leave-it attitude towards this supplemental. There are better alternatives, and the Administration should have been open to considering other approaches. I believe they could have saved the taxpayers money and hastened the time when our soldiers can come home.

Amendments offered by Democrats on the Senate floor would have gone a long way towards accomplishing these goals. They would have: put the Secretary of State in charge of reconstruction efforts, which has been the case for every major post-conflict operation since the Marshall Plan; required the administration to internationalize the effort, formulate a viable plan to rebuild Iraq, and come up with a workable exit strategy; and fully paid for the reconstruction by repealing the tax cut on the wealthiest Americans for just one year rather than raiding the Social Security Trust Fund and saddling future generations with even more debt.

Each of these amendments was defeated by the Republican leadership, acting in concert with the administration, on the Senate floor.

Instead of acknowledging problems with the current policy and making bold proposals to turn around the situation in Iraq, the President's approach

does little more than throw more money at the status quo. This goes to the heart of my opposition to this conference report, and again, I refer any who may want further details about my views to review my October 17 statement.

I want to turn to an issue that I mentioned earlier, which is the refusal of House Republicans on the Appropriations Committee to include a provision which I, along with Senators FEINSTEIN and DURBIN, included in the Senate version of the Supplemental conference report. This provision would have created criminal penalties for war profiteers and cheats who try to defraud American taxpayers and cash in on the relief and reconstruction efforts in Iraq.

Our men and women in uniform are risking their lives in Iraq. Our aid workers and diplomats are laboring under difficult and dangerous conditions. This provision would have sent a message: If you cheat American taxpayers while our men and women are dying in Iraq, you will go to jail.

In rejecting this provision, House Republicans offered no substitute or willingness to compromise. They also offered, in my opinion, no real substantive arguments against this provision. More importantly, Representative SENSENBRENNER, chairman of the House Judiciary Committee, did not oppose this provision.

The partisan approach by the House Appropriators was in stark contrast to the Senate position. Both Republican and Democratic Senate conferees consistently supported the provision, which was unanimously accepted during the Senate Appropriations Committee markup of the bill. Not a single objection was raised to this provision during Senate consideration of the Supplemental.

Why is this provision so important? Congress is about to send about \$70 billion dollars to a Iraq, where there is no functioning government, too little accountability and too few financial controls. This is a formula for mischief.

Because we are sending so much of the taxpayers' money to a place without the usual oversight and controls, I strongly believe that we need an extra layer of protection to guard against waste, fraud, and abuse. This is what my provision would have done.

By creating strong criminal penalties and clarifying current uncertainties about jurisdiction, it would create a strong deterrent against this type of behavior.

As I said during the conference discussion of this provision, if one warehouse is locked while another warehouse is unlocked, everyone knows which one will get robbed.

There are, of course, fraud statutes to protect against waste of tax dollars at home. But there are serious impediments, especially jurisdictional issues, to using these statutes to prosecute these types of crimes in Iraq. Moreover, there are no statutes that expressly prohibit war profiteering.

The provision in the Senate bill would have addressed these issues and made it easier to prosecute those accused of defrauding U.S. taxpayers in Iraq.

In addition, some of the penalties under existing fraud statutes are weak—perpetrators could walk away with little or no jail time. This provision would have increased the penalties to up to 20 years in prison and fines of up to \$1 million or twice the illegal gross profits of the crime.

We have a duty to do our best to protect every penny of the taxpayers' money from waste, fraud and abuse. I believe the House Appropriators, by refusing to accept this provision, abdicated this responsibility.

This is not a new idea. The United States has enacted similar laws after World War I, World War II, and the Korean War. These laws were successful, and there is a long history of case law on this issue. Advocating exactly such an approach, President Roosevelt once declared it our duty to ensure that "a few do not gain from the sacrifices of the many." The provision in the Senate bill borrowed heavily from this successful approach, especially the portions relating to war profiteering.

Some have asked me, you are the ranking member of the Senate Judiciary Committee, why not go through the regular process and report a bill out of this committee?

We all know that criminal penalties cannot be applied retroactively. I wanted to have this strong deterrent against defrauding the U.S. taxpayers in place on the same day that the President signed this bill into law and the money goes out the door. Clearly, this is an unusual situation that called for quick action to ensure that these controls were in place.

We have missed this opportunity. But, I am hoping that in the bipartisan spirit of the Senate, we can come together to pass a law that will minimize the damage of the House's refusal to act.

In the coming week, I will be introducing a free-standing bill that mirrors the provision in the Senate bill. I hope that the Senate will continue to do the right thing on this issue. I believe that we should press ahead and support its prompt passage through Congress.

In closing, I want to say that there has been bipartisan concern with the administration's approach in Iraq. I hope the administration listens to the Congress and asks the tough questions of itself. It should reach out to Members of Congress and consult with experts who do not necessarily agree with what the administration is doing in Iraq.

While we may disagree on how to get there, we all want the same thing: a peaceful and democratic Iraq and our troops home safely.

I yield the floor.

Mr. STEVENS. How much time is remaining?

The PRESIDING OFFICER. The Senator from Alaska has 10 minutes 32 seconds.

The Senator from West Virginia has 11 minutes 22 seconds.

Mr. REID. Mr. President, could you go over that time again, please?

The PRESIDING OFFICER. The Senator from Alaska has 10 minutes 32 seconds. The Senator from West Virginia 11 minutes 22 seconds.

Mr. REID. That is fine. I was told we were going to be finished at 5.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. REID. Yes.

Mr. BYRD. I have made my remarks. I do not need to make any additional ones. I would be glad to yield back my time.

Mr. REID. I ask the Chair how the 10 minutes got lost in the last 2 or 3 minutes, just out of curiosity.

The PRESIDING OFFICER. The Senator from Rhode Island obtained consent to use Leader DASCHLE's time.

Mr. BYRD. I have no desire to use any of my remaining time. Senator STEVENS has used his time. As far as I am concerned, we can vote.

Mr. STEVENS. Mr. President, we reserved the last 10 minutes for the Senator from West Virginia and then the last 10 minutes for me, the Senator from Alaska. Does the Senator wish to use his time?

Mr. BYRD. Mr. President, if the distinguished Senator will yield, let me thank the distinguished Senator for his courtesy and thoughtfulness in reserving time for the two of us. I have the utmost respect and affection for the Senator from Alaska. It is characteristic of him to provide that time, but I only wish to say at this time, having made my remarks already, having said enough on the point, I am willing to yield back the balance of the time the Senator from Alaska set aside for me and, as soon as the Senator from Alaska completes his remarks, whatever he wishes to say, then we are ready to vote.

Mr. STEVENS. I thank the Senator very much.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I previously read a portion of President Clinton's remarks on December 16, 1998. I want to read a few more of them just to close this debate. The President said at that time on December 16, 1998:

This situation presents a clear and present danger to the stability of the Persian Gulf and the safety of people everywhere. The international community gave Saddam one last chance to resume cooperation with the weapons inspectors. Saddam has failed to seize the chance. And so we had to act and act now. Let me explain why. First, without a strong inspection system, Iraq would be free to retain and begin to rebuild its chemical, biological and nuclear weapons programs in months, not years. Second, if Saddam can cripple the weapons inspection system and get away with it, he would conclude that the international community—led by the United States—has simply lost its will. He will surmise that he has a free rein to rebuild his arsenal of destruction, and some day—make no mistake—he will use it again as he has in the past.

I am skipping a few paragraphs. He said:

... That is why, on the unanimous recommendation of my national security team—including the vice president, the Secretary of Defense, the chairman of the Joint Chiefs of Staff, the Secretary of State and the national security adviser—I have ordered a strong, sustained series of air strikes against Iraq.

He said:

So we will pursue a long-term strategy to contain Iraq and its weapons of mass destruction and work toward the day when Iraq has a government worthy of its people. First, we must be prepared to use force again if Saddam takes threatening actions, such as trying to reconstitute his weapons of mass destruction or their delivery systems, threatening his neighbors, challenging allied aircraft over Iraq or moving against his own Kurdish citizens. The credible threat to use force, and when necessary, the actual use of force, is the surest way to contain Saddam's weapons of mass destruction program, curtail his aggression and prevent another Gulf War.

And I go on. He said:

Heavy as they are, the cost of action must be weighed against the price of inaction. If Saddam defies the world and we fail to respond, we will face a far greater threat in the future. Saddam will strike again at his neighbors. He will make war on his own people. And mark my words, he will develop weapons of mass destruction. He will deploy them, and he will use them.

The people who criticize the current conclusion—and listening to the conclusion that President Clinton made—did not complain then. We used airstrikes against Iraq. In fact, one of the conditions President Clinton mentioned was continued, almost daily attacks against our aircraft that were flying what we call continuous air patrol, the CAP, over Iraq. They did that for 11 years. Daily, there were threats against them.

I think we have acted reasonably under the circumstances, particularly in view of the conclusion that was made by the President of the United States in 1998 that Saddam was such a threat against the United States and the international community he should be subjected to attack and, if he persisted, to actually use force as soon as possible. That is what the President said.

I ask unanimous consent that the transcript of President Clinton's remarks explaining the Iraq strike be printed in the RECORD after my remarks.

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

(See exhibit 1.)

Mr. STEVENS. Mr. President, I said before and I say again, the war is over. The President was right when he said the war is over. The military force is not there. We are fighting terrorism, not just in Iraq and Afghanistan. We are also fighting it around the world, even at home. How many of us have had to stand in longer lines this morning because there is a greater threat right here at home?

This bill is being passed because we are fighting a war against terrorists

and terrorism everywhere. It is absolutely necessary that this money get to the people who are right now at the greatest risk of harm, those who are trying to help Iraq recover, form a new government and be able to defend themselves and be able to go on to a new life, really to be a new credible force in the Middle East, of people who form their own government and people who plan their own future.

I am pleased to associate myself with all those who supported what the President has done. I believe it was right and I think history will show it was right.

I yield back the remainder of my time and ask for the vote.

#### EXHIBIT 1

#### TRANSCRIPT: PRESIDENT CLINTON EXPLAINS IRAQ STRIKE

Clinton: Good evening.

Earlier today, I ordered America's armed forces to strike military and security targets in Iraq. They are joined by British forces. Their mission is to attack Iraq's nuclear, chemical and biological weapons programs and its military capacity to threaten its neighbors.

Their purpose is to protect the national interest of the United States, and indeed the interests of people throughout the Middle East and around the world.

Saddam Hussein must not be allowed to threaten his neighbors or the world with nuclear arms, poison gas or biological weapons.

I want to explain why I have decided, with the unanimous recommendation of my national security team, to use force in Iraq; why we have acted now; and what we aim to accomplish.

Six weeks ago, Saddam Hussein announced that he would no longer cooperate with the United Nations weapons inspectors called UNSCOM. They are highly professional experts from dozens of countries. Their job is to oversee the elimination of Iraq's capability to retain, create and use weapons of mass destruction, and to verify that Iraq does not attempt to rebuild that capability.

The inspectors undertook this mission first 7.5 years ago at the end of the Gulf War when Iraq agreed to declare and destroy its arsenal as a condition of the ceasefire.

The international community had good reason to set this requirement. Other countries possess weapons of mass destruction and ballistic missiles. With Saddam, there is one big difference: He has used them. Not once, but repeatedly. Unleashing chemical weapons against Iranian troops during a decade-long war. Not only against soldiers, but against civilians, firing Scud missiles at the citizens of Israel, Saudi Arabia, Bahrain and Iran. And not only against a foreign enemy, but even against his own people, gassing Kurdish citizens in Northern Iraq.

The international community had little doubt then, and I have no doubt today, that left unchecked, Saddam Hussein will use these terrible weapons again.

The United States has patiently worked to preserve UNSCOM as Iraq has sought to avoid its obligation to cooperate with the inspectors. On occasion, we've had to threaten military force, and Saddam has backed down.

Faced with Saddam's latest act of defiance in late October, we built intensive diplomatic pressure on Iraq backed by overwhelming military force in the region. The UN Security Council voted 15 to zero to condemn Saddam's actions and to demand that he immediately come into compliance.

Eight Arab nations—Egypt, Syria, Saudi Arabia, Kuwait, Bahrain, Qatar, United Arab

Emirates and Oman—warned that Iraq alone would bear responsibility for the consequences of defying the UN.

When Saddam still failed to comply, we prepared to act militarily. It was only then at the last possible moment that Iraq backed down. It pledged to the UN that it had made, and I quote, a clear and unconditional decision to resume cooperation with the weapons inspectors.

I decided then to call off the attack with our airplanes already in the air because Saddam had given in to our demands. I concluded then that the right thing to do was to use restraint and give Saddam one last chance to prove his willingness to cooperate.

I made it very clear at that time what unconditional cooperation meant, based on existing UN resolutions and Iraq's own commitments. And along with Prime Minister Blair of Great Britain, I made it equally clear that if Saddam failed to cooperate fully, we would be prepared to act without delay, diplomacy or warning.

Now over the past three weeks, the UN weapons inspectors have carried out their plan for testing Iraq's cooperation. The testing period ended this weekend, and last night, UNSCOM's chairman, Richard Butler, reported the results to UN Secretary-General Annan.

The conclusions are stark, sobering and profoundly disturbing.

In four out of the five categories set forth, Iraq has failed to cooperate. Indeed, it actually has placed new restrictions on the inspectors. Here are some of the particulars.

Iraq repeatedly blocked UNSCOM from inspecting suspect sites. For example, it shut off access to the headquarters of its ruling party and said it will deny access to the party's other offices, even though UN resolutions make no exception for them and UNSCOM has inspected them in the past.

Iraq repeatedly restricted UNSCOM's ability to obtain necessary evidence. For example, Iraq obstructed UNSCOM's effort to photograph bombs related to its chemical weapons program.

It tried to stop an UNSCOM biological weapons team from videotaping a site and photocopying documents and prevented Iraqi personnel from answering UNSCOM's questions.

Prior to the inspection of another site, Iraq actually emptied out the building, removing not just documents but even the furniture and the equipment.

Iraq has failed to turn over virtually all the documents requested by the inspectors. Indeed, we know that Iraq ordered the destruction of weapons-related documents in anticipation of an UNSCOM inspection.

So Iraq has abused its final chance.

As the UNSCOM reports concludes, and again I quote, "Iraq's conduct ensured that no progress was able to be made in the fields of disarmament."

"In light of this experience, and in the absence of full cooperation by Iraq, it must regrettably be recorded again that the commission is not able to conduct the work mandated to it by the Security Council with respect to Iraq's prohibited weapons program."

In short, the inspectors are saying that even if they could stay in Iraq, their work would be a sham.

Saddam's deception has defeated their effectiveness. Instead of the inspectors disarming Saddam, Saddam has disarmed the inspectors.

This situation presents a clear and present danger to the stability of the Persian Gulf and the safety of people everywhere. The international community gave Saddam one last chance to resume cooperation with the weapons inspectors. Saddam has failed to seize the chance.

And so we had to act and act now.

Let me explain why.

First, without a strong inspection system, Iraq would be free to retain and begin to rebuild its chemical, biological and nuclear weapons programs in months, not years.

Second, if Saddam can cripple the weapons inspection system and get away with it, he would conclude that the international community—led by the United States—has simply lost its will. He will surmise that he has free rein to rebuild his arsenal of destruction, and someday—make no mistake—he will use it again as he has in the past.

Third, in halting our air strikes in November, I gave Saddam a chance, not a license. If we turn our backs on his defiance, the credibility of U.S. power as a check against Saddam will be destroyed. We will not only have allowed Saddam to shatter the inspection system that controls his weapons of mass destruction program; we also will have fatally undercut the fear of force that stops Saddam from acting to gain domination in the region.

That is why, on the unanimous recommendation of my national security team—including the vice president, the secretary of defense, the chairman of the joint chiefs of staff, the secretary of state and the national security adviser—I have ordered a strong, sustained series of air strikes against Iraq.

They are designed to degrade Saddam's capacity to develop and deliver weapons of mass destruction, and to degrade his ability to threaten his neighbors.

At the same time, we are delivering a powerful message to Saddam. If you act recklessly, you will pay a heavy price. We acted today because, in the judgment of my military advisers, a swift response would provide the most surprise and the least opportunity for Saddam to prepare.

If we had delayed for even a matter of days from Chairman Butler's report, we would have given Saddam more time to disperse his forces and protect his weapons.

Also, the Muslim holy month of Ramadan begins this weekend. For us to initiate military action during Ramadan would be profoundly offensive to the Muslim world and, therefore, would damage our relations with Arab countries and the progress we have made in the Middle East.

That is something we wanted very much to avoid without giving Iraq a month's head start to prepare for potential action against it.

Finally, our allies, including Prime Minister Tony Blair of Great Britain, concurred that now is the time to strike. I hope Saddam will come into cooperation with the inspection system now and comply with the relevant UN Security Council resolutions. But we have to be prepared that he will not, and we must deal with the very real danger he poses.

So we will pursue a long-term strategy to contain Iraq and its weapons of mass destruction and work toward the day when Iraq has a government worthy of its people.

First, we must be prepared to use force again if Saddam takes threatening actions, such as trying to reconstitute his weapons of mass destruction or their delivery systems, threatening his neighbors, challenging allied aircraft over Iraq or moving against his own Kurdish citizens.

The credible threat to use force, and when necessary, the actual use of force, is the surest way to contain Saddam's weapons of mass destruction program, curtail his aggression and prevent another Gulf War.

Second, so long as Iraq remains out of compliance, we will work with the international community to maintain and enforce economic sanctions. Sanctions have cost

Saddam more than \$120 billion—resources that would have been used to rebuild his military. The sanctions system allows Iraq to sell oil for food, for medicine, for other humanitarian supplies for the Iraqi people.

We have no quarrel with them. But without the sanctions, we would see the oil-for-food program become oil-for-tanks, resulting in a greater threat to Iraq's neighbors and less food for its people.

The hard fact is that so long as Saddam remains in power, he threatens the well-being of his people, the peace of his region, the security of the world.

The best way to end that threat once and for all is with a new Iraqi government—a government ready to live in peace with its neighbors, a government that respects the rights of its people. Bringing change in Baghdad will take time and effort. We will strengthen our engagement with the full range of Iraqi opposition forces and work with them effectively and prudently.

The decision to use force is never cost-free. Whenever American forces are placed in harm's way, we risk the loss of life. And while our strikes are focused on Iraq's military capabilities, there will be unintended Iraqi casualties.

Indeed, in the past, Saddam has intentionally placed Iraqi civilians in harm's way in a cynical bid to sway international opinion.

We must be prepared for these realities. At the same time, Saddam should have absolutely no doubt if he lashes out at his neighbors, we will respond forcefully.

Heavy as they are, the costs of action must be weighed against the price of inaction. If Saddam defies the world and we fail to respond, we will face a far greater threat in the future. Saddam will strike again at his neighbors. He will make war on his own people.

And mark my words, he will develop weapons of mass destruction. He will deploy them, and he will use them.

Because we're acting today, it is less likely that we will face these dangers in the future.

Let me close by addressing one other issue. Saddam Hussein and the other enemies of peace may have thought that the serious debate currently before the House of Representatives would distract Americans or weaken our resolve to face him down.

But once more, the United States has proven that although we are never eager to use force, when we must act in America's vital interests, we will do so.

In the century we're leaving, America has often made the difference between chaos and community, fear and hope. Now, in the new century, we'll have a remarkable opportunity to shape a future more peaceful than the past, but only if we stand strong against the enemies of peace.

Tonight, the United States is doing just that. May God bless and protect the brave men and women who are carrying out this vital mission and their families. And may God bless America.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. BYRD has not yielded back his time as yet, has he?

The PRESIDING OFFICER. He has not formally done so.

Mr. REID. Mr. President, I briefly say this. I voted—

Mr. BYRD. Mr. President, will the Senator yield?

Mr. REID. Yes.

Mr. BYRD. I do not intend to use my time. I have already made my speech. If I have some time, I yield whatever time he needs to the Senator from Nevada.

Mr. REID. I thank the Senator from West Virginia for yielding me the time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I voted for the first gulf war. In fact, I was the first Democrat to announce publicly that I would do that. I voted for the second gulf war. I have no problems with having done that.

I have the greatest respect for the senior Senator from Alaska. I know what a fine chairman he is on the Appropriations Committee. But I do say this: That for anyone now to say the war is over, it is not over. The war is going on as we speak. One need only go to the families of the 16 people who were killed when the helicopter was shot down just a few hours ago.

Having said that, we still have a long hard row ahead of us in this war in which we are engaged.

I yield back the remainder of our time.

The PRESIDING OFFICER. Does the Senator from West Virginia yield back all of his time?

Mr. BYRD. Yes, I yield back my time.

The PRESIDING OFFICER. Without objection, the conference report is adopted.

The Senator from West Virginia.

Mr. BYRD. I do not think it should be adopted by unanimous consent. That was not meant to happen. I understood there would be a voice vote. I hope the Chair will propound the question for the voices to vote.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 2691, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two houses on the amendment of the Senate to the bill (H.R. 2691) making appropriations for the Department of Interior and related agencies for the

fiscal year ending September 30, 2004, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of the conference.

(The conference report is printed in the House proceedings of the RECORD of October 28, 2003.)

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Mr. President, it gives me a great deal of pleasure to bring this conference report to the floor, along with my good friend from North Dakota, Senator DORGAN. We have spent a lot of hours on this particular legislation, the appropriations for the Department of the Interior, also some portions in here for the Department of Energy, the Forest Service, the Indian Health Service, and several other independent agencies under the Interior Subcommittee's jurisdiction.

Both the House and Senate bills conformed to the same 302(b) allocation and our conference allocation is effectively the same. This means the priorities of both bodies, as expressed in their respective bills, had to be pared back substantially to bring this bill to the required level. Nobody should be surprised if they think they did not get everything they wanted in this bill. There is an old saying, "I didn't get everything I wanted, but I wanted everything that I got." Nobody did get everything they wanted, including this chairman. But I can tell you the Members were treated fairly. I think the House and Senate had a good exchange during the course of our conference discussions.

That being said, this bill does a number of positive things. It has been a most difficult year. Generally speaking, we have tried to protect the core operating programs of the land management agencies, the Indian Health Service, and the other agencies in this bill. Where possible, we have provided targeted increases for high priority programs such as park operations and, of course, forest health.

Beyond that, we have continued our efforts to attack the maintenance backlog within the land management agencies: The BIA administration of the school system and the Indian Health Service. In a few cases we have invested in new facilities, where they are critically needed.

This bill also continues to fund a number of grant programs for a variety of purposes, from habitat conservation to energy conservation to the arts and the humanities. Most of these programs have been continued at around current-year levels. Advocates of these programs may be disappointed that we did not provide large increases, but the constraints of our allocation simply would not allow it.

There is a specific issue I would like to mention briefly and that is the Indian trust reform. The court recently issued an opinion in the Cobell litiga-

tion that would compel the Department of Interior to spend an estimated \$9 billion to \$12 billion—that is with a "b," billion—over the next 3 years, on an exhaustive historical accounting of individual Indian money accounts, an accounting that may or may not shed light on the ultimate solution to the trust problem. If there is one thing with which everybody involved in this issue seems to agree, it is that we should not spend that kind of money on an incredibly cumbersome accounting that will do almost nothing to benefit the Indian people. What we need to be doing is fixing the trust system and settling this case once and for all. The conference agreement provides that there is effectively a time out, so Congress can address this issue in a comprehensive fashion. I sincerely hope Congress will take advantage of this opportunity to act for the benefit of the Indian people throughout our country.

Finally, I express my thanks to staffs on both sides of the aisle who worked so hard on getting this conference report together: Larissa Sommer, Ginny James, Leif Fønnesbeck, Ryan Thomas, and Bruce Evans on my own subcommittee on this side. On the committee of course are the folks on the other side who worked so hard, and the rest of my committee staff. They have done a great piece of work bringing this difficult conference to a successful conclusion. Chris Heggem and Ron Hooper of my personal staff have also contributed a great deal to this bill on items that are particularly critical to my State of Montana.

I also want to thank Peter Keifhaber and Brooke Livingston of Senator DORGAN's staff for their cooperation and good humor. Given that Brooke is to be married Saturday, I think it is safe to say she is glad to get this item off the floor. We couldn't conclude it quickly enough. I am glad we can accommodate her on that schedule.

Again, I thank my good friend from North Dakota. We are neighbors. Our border is very porous. We always stand our ground, though, and thank goodness there was the Little Missouri River.

I yield to the ranking member of this committee, Senator DORGAN from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me begin where my colleague from Montana ended. That is, with thanks to a great deal of staff help to put this subcommittee bill together: Bruce Evans, Virginia James, Leif Fønnesbeck, Ryan Thomas, Larissa Sommer on his side, and Peter Keifhaber and Brooke Livingston on our side.

This is a conference report that spends \$19-plus billion on a wide range of issues—the National Park Service, the Bureau of Land Management, Fish and Wildlife, Bureau of Indian Affairs, a portion of the Department of Energy, and the Forest Service. As you take a

look at all of these issues—the National Endowment for the Humanities and Arts, the Smithsonian Institution—this is quite a remarkable subcommittee and the jurisdiction is broad and very interesting.

Senator BURNS and I do share a common border between North Dakota and Montana. He is a good legislator to work with. We are friends and have had a good working relationship on this conference report.

I am going to vote for this conference report. There is much in it that represents progress, as far as I am concerned, in a range of areas, but I do say—and my colleague, Senator BURNS, knows this—that I have great heartburn about the final provision in this conference report that deals with Indian trust land. I will talk about that in a moment. While I vigorously oppose that provision, I, nonetheless, will vote for the conference report.

Let me say that we have in a range of areas in this conference report a backlog of work that needs to be done, whether it is dealing with the infrastructure for repair and maintenance of the Park Service or the Forest Service, the issues dealing with Indian housing, health and education, and there are so many areas that it is hard to focus. We have tried to have a limited amount of resources spread throughout the obligations here to meet unlimited wants and needs. But that is the process of trying to get a bill such as this done.

One of the key issues where we made some progress this year is the area of tribal colleges. The reason I mention that is because we have been battling for some long while dealing with a range of issues on Indian reservations. I mentioned previously there is a bone fide crisis on the issues of Indian health, housing, and education. There is really a crisis in those areas. It seems to me that one of the ways to give people an opportunity and some hope for a better future is education.

On Indian reservations, the tribal college system has been a remarkable tool that has given hope to a lot of people who were not able to get their education but have now gone back to school to get their education through a tribal college. We have been able to increase the funding for that to \$48 million. That is not a large part of this bill. But the President recommended \$38 million, which is a cut from last year. We restored last year, and my colleague, Senator BURNS from Montana, and I got this up to \$48 million. It is the most sizable increase we have seen in the history of this account. We have done it because it is an investment in the lives of the people who have hope for a better life because of this. I appreciate the cooperation and the assistance of my colleague from Montana.

Let me also speak about the provision in the bill that is troublesome to me; that is, the issue of Indian trust lands. All of us understand that the Indian trust situation has grown more



and more difficult. We now have a court order, as a result of the Cobell v. Norton lawsuit, that apparently, according to experts if followed to the letter, would require us to hire accountants from Maine to California and about \$9 billion worth of work—that is right, with a “b,” \$9 billion worth of work—to try to sort out what the accounts are in the Indian trust funds. If this is a \$13 billion fund, or somewhere in the neighborhood of \$13 billion, would the Native Americans want us to begin a process in which we spend up to \$9 billion to hire accountants and financial folks and others to sift through these accounts? I think that is just nuts. That doesn’t make any sense at all to anybody.

But what I have difficulty with is resolving this issue. We can’t put it off. We have to resolve it. At the end of this piece of legislation, the House-Senate conference, over my objections, put language in the conference report which effectively stays the court’s September 25 order for as long as 14 months.

First, I think that is unconstitutional. I think that is a violation of the separation of powers. It is apparent to me, at least. The language I am talking about that is in this conference report tells the court how to construe and apply statutes.

But the question of construction and application is not a function of the Congress. We passed the statute but how it is construed and applied is not a legislative function. We don’t have any business or ability, for that matter, to tell the courts how to write their opinions. But I am afraid we are going to add another issue to the litigation because of what was put in this bill.

We know that between now and late next summer we have an obligation in this Congress to try to find a way to resolve this issue and head off the requirement to spend billions and billions of dollars doing the accounting necessary to sort out the Indian trust funds. Failure to do that undermines the legitimate rights of Native Americans in this country to whom these funds belong.

We have a requirement, in my judgment, to create a solution between now and the end of next summer in order to avoid in the next appropriations bill having to spend billions of dollars for an accounting of these funds. There needs to be a settlement, an agreement. I hope that will be the case.

But I think what we have done, in effect staying a court order—or creating a “timeout”—is going to add a layer of additional problems rather than begin to solve a problem. I regret that was put in the conference report.

Having said that, the conference report is an important piece of legislation. It has taken longer than we would have hoped to get it done. But it is now going to the House and to the Senate for approval of the conference report and will go to the President. I assume he will sign this conference report. I

think we will have done pretty good work in most areas of this report.

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

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I rise today to express admiration for the hundreds of Nevadans who risked their lives last week to help our neighbors in California battle the deadly wildfires that swept that State. Approximately 500 people came from Nevada to California to help fight the fires. Firefighters from every part of the State—Las Vegas, Henderson and Pahrump in the south, Reno, Carson City and other communities in the north—traveled over the border to help fight the fires. Firefighting units from the Nevada Test Site, the naval air station at Fallon, and the Lake Mead National Recreation Area were sent over the border to help Californians. We even sent 240 Nevada forestry conservation inmates who had been trained to fight fires.

I am very happy and proud that Nevadans responded in this way. We believe in helping our neighbors in the West. So I wasn’t surprised that we lent a helping hand.

As one firefighter told the Las Vegas Sun newspaper, the decision to go to California was a no-brainer. He said:

We didn’t even have to think twice about it. We wanted to help our fellow firefighters.

As these Nevada firefighters began returning home over the weekend, they described the gratitude of the Californians whose houses had been saved. They believed they contributed to saving those homes. Unfortunately, they also warned that our State could be next in line for devastating fires.

The California fires raged through forests that had been decimated by drought and disease, leaving dead trees that were dry as tinder. Similar conditions are present in Nevada and other Western States. That is why I supported the forest management act the Senate passed last week.

We have heard the grim toll of the California fires: 20 lives lost, 1 firefighter’s life lost, almost 3,500 family homes destroyed, as much as \$2 billion in damage. But these fires have also had a direct impact on air quality and water quality. The forest management act is part of the solution but it is not the whole solution.

We have to work together with State and local agencies, and with private groups, to monitor and manage the conditions in our public forests and rangeland. In our State, we have a great example of this kind of cooperation, the Eastern Nevada Landscape Coalition.

Hundreds of brave Nevadans did their part to control the deadly fires in Cali-

fornia last week. We must all do our part to prevent similar fires in the future.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, I will vote for the Interior appropriations conference report because it contains valuable funding for Michigan’s parks, trails, museums, and forests. However, I have reservations about several aspects of this legislation.

I am disappointed that the conference report does not include the language I offered with Senator COLLINS, unanimously adopted by the Senate, which would have directed the Department of Energy to develop procedures to ensure the Strategic Petroleum Reserve is filled in a manner that minimizes the cost to the taxpayer and maximizes the overall supply of oil in the United States. The amendment expressed the sense of the Senate that the Department of Energy’s current procedures for filling the SPR are too costly for the taxpayers and have not improved our overall energy security.

Since early 2002, DOE has been acquiring oil for the SPR without regard to the price of oil. Prior to that time, DOE sought to acquire more oil when the price of oil was low, and less oil when the price of oil was high. In early 2002, however, DOE abandoned this cost-based approach and instead adopted the current cost-blind approach. Because over this period the price of oil has been very high—often over \$30 per barrel—and the oil markets have been tight, this cost-blind approach has increased the costs of the program to the taxpayer and put further pressure on tight oil markets, thereby helping boost oil and gasoline prices to American consumers and businesses.

The DOE’s cost-blind approach has proven to be very expensive without much benefit to energy security. DOE’s staff estimates that in just 2 years, 2000 and 2001, the policy now abandoned by DOE saved the taxpayer approximately \$175 million, and that a continuation of this policy could have saved the taxpayer additional hundreds of millions of dollars through 2005. Economists estimate that the DOE’s current policy has increased the cost of crude oil by up to \$1.75 per barrel of oil, and 5 to 7 cents per gallon of gasoline at the pump. DOE’s own figures also show that under the new policy overall energy security—as determined by the total amount of oil in both governmental and private storage—has barely increased.

I am very concerned that without the direction provided in the Senate’s version of this bill, the American consumers, businesses, and the taxpayers



will continue to pay dearly for the Department of Energy's cost-blind approach to acquiring oil for the Strategic Petroleum Reserve, with only minimal, if any, benefit to our energy security.

The Department of Energy does not need new authority, however, to adopt sound business practices. DOE already has sufficient legislative authority to improve the cost-effectiveness of the SPR program. The Department of Energy should try to better spend the taxpayers' dollars and improve our overall energy security. I urge the Department to follow the direction unanimously adopted by the Senate and improve its procedures for filling the SPR.

In addition, I am also concerned about a provision in the bill which limits the Department of the Interior's ability to perform its legal and statutory responsibilities with respect to the 1994 American Indian Trust Management Reform Act. For several years, Native Americans have come to expect that the Federal Government and, specifically, the Department of the Interior would rightfully manage and account for the Native-American trust fund. Unfortunately, because the U.S. Government has not adequately fulfilled its obligations, Native Americans have had to use the judicial system to have their rights enforced. A rider on this Interior Department conference report, which was not included in the either the House or Senate bill, was added in conference which abrogates the rights of 500,000 Native Americans. The provision, which legislates on an appropriations bill, sends the wrong message to Native Americans that their judicial gains can be changed by an act of Congress, drafted in a backroom and added by a conference committee when neither House had approved the language.

A full and appropriate accounting of the Native-American trust fund is necessary to make sure that the tribes are treated fairly. To overturn court decisions through undebated legislation is not good practice, especially when the judicial proceedings are ongoing. The trust fund contains approximately \$176 billion while an appropriate accounting of the fund would cost an estimated \$9 to \$12 billion.

There are also antienvironmental provisions in this bill that I do not support. Language in the conference report will roll back the moratorium on offshore drilling in Bristol Bay, reduce judicial review on Tongass timber sales, and waive National Environmental Policy Act, NEPA, review for expiring grazing permits.

Further, the conference report also drastically reduces funding for the Land and Water Conservation Fund, LWCF. Lower funding of the LWCF may result in the inability to purchase and protect land needed for habitat around the Great Lakes. It also could result in land being developed which will result in more pollution flowing into the tributaries and the Great Lakes.

Ms. CANTWELL. Mr. President, while I plan to vote for this bill because it funds a host of programs critical to our Nation and my home State of Washington, I rise today to voice my grave concerns over a provision that would prevent the Department of Interior from conducting a full accounting of Individual Indian Trust accounts.

On September 25, 2003, in the case of *Cobell v. Norton*, U.S. District Judge Royce Lamberth ordered the Department of Interior to account for all individual Indian assets held in trust since 1887. This accounting is critical if our government is to meet its federal trust responsibility and reach an equitable settlement over the funds owed to over 300,000 American Indians.

My concerns over this funding limitation are threefold. First, it subverts both the legislative and committee process. Last week, Indian Affairs Committee Chairman CAMPBELL and Vice-Chairman INOUE introduced legislation that provided a blueprint on how we can move forward on this issue. As a member of the Indian Affairs Committee, I feel strongly that the committee of jurisdiction should deal with this issue so that we can hear from the multiple stakeholders through the traditional hearing and legislative drafting process.

Secondly, by forestalling a court order, I am very concerned that this rider may violate the Constitution's separation of powers doctrine. With the insertion of this provision, Congress is interfering with the ability of a federal agency to comply with the ruling of a Federal judge. It could also be considered a takings, since Indian account holders are being denied redress to secure just compensation for the use of their property.

Finally, this provision will delay efforts to settle this lawsuit because it will remove any incentive the Interior Department might have to participate in good faith negotiations. I hope that its inclusion will at least spur the parties to try and reach a mutually acceptable settlement within the year that this rider will be in effect.

After a century of mismanaging Indian assets, it's time for our Nation to keep our promises. While I share the concerns of my colleagues over the potential expense of the accounting process, I believe that the cost further supports the need for a negotiated settlement. That is why I am committed to working with the all affected stakeholders as well as the chairman and vice-chairman of the Indian Affairs committee to resolve this matter once and for all.

Mr. BENNETT. Mr. President, I rise in support of the Interior conference report and urge its approval. While there are a number of important matters addressed through this bill, I would like to make particular note for the record the absence of any limitation on the Memorandum of Understanding, MOU, between the State of Utah and Department of the Interior

regarding the use of a process for resolving R.S. 2477 claims through the Federal Land Policy Management Act, FLPMA disclaimer of interest authority.

This agreement establishes a process through which the State will identify State- and county-owned roads that run across public lands and meet certain criteria. The State will then apply to the Department of the Interior, DOI, for disclaimers on those roads. Each application will be examined and determination will be made as to whether each road meets the strict standards set forth in the MOU. If the road qualifies, DOI will issue a recordable disclaimer of interest for that road. While there had been some action in the House to prevent this process from going forward, I am pleased that effort was rejected and that, upon approval of the conference report and its approval by the President, the State of Utah and the Department of the Interior will be free to pursue this agreement without limitation.

I believe that this bill is an affirmation of the good faith effort that the parties have made to resolve some of these long standing questions through the MOU, and affirms limitations imposed by the parties themselves in the MOU. Those limitations imposed by the parties ensure that claims in national parks, national wildlife refuges, congressionally designated wilderness, and wilderness study areas will not be considered through this MOU. I also believe that it is important that they move forward with this process and give the counties an opportunity to have a local transportation system with certainty. The conclusion reached by the conferees, to allow this MOU to go forward, will allow the parties to resolve these issues through the recordable disclaimer authority as designed under FLPMA, rather than through the court system. This will bring the issue to resolution faster, provide for public participation, and will be less costly to the taxpayer than litigation.

Mr. INOUE. Mr. President, I regret that I must rise to speak in opposition to certain provisions of the conference report to the Interior appropriations bill for Fiscal Year 2004 relating to litigation now pending before the United States District Court for the District of Columbia in a class action lawsuit entitled *Cobell v. Norton*. In the *Cobell* case, a class of several hundred thousand individual Indians are seeking an accounting of funds held in trust for them by the United States.

As early as 1876, a Philadelphia newspaper reported that the government was unable to account for the funds it held in trust for individual Indians and Indian tribes. Since that time, the amount of funds for which the government cannot account has grown exponentially. The parties to the litigation agree that more than \$13 billion have gone into the individual Indian trust accounts, but in the aggregate, the outstanding balance in those accounts

today is little over half a million dollars.

As you know, the United States acts as the trustee for thousands of individual Indians who did not ask to be removed from their aboriginal lands, to be forcibly placed on reservations, to have their lands allotted against their will, or to have this trusteeship imposed on them. And yet these people who have suffered great deprivation at the hands of the government seek not to hold the government liable for the loss of their funds—they seek only to have a proper accounting of the funds that the United States holds in trust for them.

However, today, with the adoption of this conference report, the United States Government will again deal the Indians yet another blow—by denying them the right to seek a simple accounting in a court of law of the funds that are rightfully theirs. And people in Indian country are asking, and I think justifiably so, would the Congress single out any other group of Americans for such treatment?

The relevant language of the conference report seeks to prevent the provisions of the American Indian Trust Fund Management Reform Act, or any other statute, or any principle of common law from being construed or applied to require the Department of the Interior to commence or continue the conduct of an historical accounting of individual Indian money accounts until the earlier of the following shall have occurred: No. 1, Congress shall have amended the American Indian Trust Fund—Management Reform Act of 1994 to delineate the specific historical accounting obligations of the Depart-

ment of the Interior with respect to the Individual Indian Money Trust; or No. 2, December 31, 2004.

We have consulted with Senate legal counsel on the language and we are advised that this provision is of questionable constitutionality as it relates to the separation of powers amongst the three branches of government. Contrary to the principle established by the U.S. Supreme Court more than 150 years ago in *Marbury v. Madison*, that it is the exclusive task of the Judicial Branch to determine the application of the law to a case, this provision of the conference report reaches into the province of the Article III courts by restricting those courts in what law they may apply in the Cobell litigation.

On several occasions, I have joined the chairman of the Senate Indian Affairs Committee in urging the parties to the Cobell litigation to enter into negotiations that would enable them to reach a fair and voluntary settlement to this litigation. I deeply regret the fact that thus far negotiations between the parties have not borne fruit. Nonetheless, I remain committed to working with the administration, the Cobell plaintiffs, and our colleagues in the Senate and the House of Representatives to enact legislation that will provide a process for reaching a fair and voluntary settlement.

Accordingly, I cannot support this effort to deny to our Nation's First Americans a right that is guaranteed to all other citizens of the United States, while providing them with no alternative means of obtaining full and fair relief.

Mr. NICKLES. Mr. President, I rise in support of the conference report of

the FY 2004 Interior and Related Agencies Appropriations Bill.

I commend the distinguished chairman and the ranking member for bringing the Senate a carefully crafted spending bill within the subcommittee's 302(b) allocation and consistent with the discretionary spending cap for 2004.

The pending bill provides \$19.7 billion in discretionary budget authority and \$19.4 billion in discretionary outlays in FY 2004 for the Department of the Interior, the Forest Service, energy conservation and research, the Smithsonian and the National Endowment for the Arts, and National Endowment for Humanities.

The bill is at the Subcommittee's 302(b) allocation for budget authority and outlays. The bill provides \$185 million or 0.9 percent more in discretionary budget authority and \$1.1 billion or 5.9 percent more in discretionary outlays than last years bill. The bill provides \$72 million more in discretionary budget authority and \$93 million more in discretionary outlays than the President's budget request.

In addition, this bill provides \$400 million in emergency funding for the Forest Service and the Department of the Interior for wildland fire suppression activities. These funds were requested by the President.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

#### H.R. 2691, INTERIOR APPROPRIATIONS, 2004.—SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal Year 2004, \$ millions]

	General purpose	Conservation	Mandatory	Total
Conference Report:				
Budget authority .....	19,657	0	64	19,721
Outlays .....	19,424	0	70	19,494
Senate 302(b) allocation:				
Budget authority .....	19,657	0	64	19,721
Outlays .....	19,424	0	70	19,494
2003 level:				
Budget authority .....	19,472	0	64	19,536
Outlays .....	18,340	0	73	18,413
President's request:				
Budget authority .....	19,555	0	64	19,619
Outlays .....	19,266	0	70	19,336
House-passed bill:				
Budget authority .....	19,627	0	64	19,691
Outlays .....	19,393	0	70	19,463
Senate-passed bill:				
Budget authority .....	19,625	0	64	19,689
Outlays .....	19,361	0	70	19,431
Conference Report Compared To:				
Senate 302(b) allocation:				
Budget authority .....	0	0	0	0
Outlays .....	0	0	0	0
2003 level:				
Budget authority .....	185	0	0	185
Outlays .....	1,084	0	-3	1,081
President's request:				
Budget authority .....	102	0	0	102
Outlays .....	158	0	0	158
House-passed bill:				
Budget authority .....	30	0	0	30
Outlays .....	31	0	0	31
Senate-passed bill:				
Budget authority .....	32	0	0	32
Outlays .....	63	0	0	63

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. CAMPBELL. Mr. President, in 1996, the lawsuit now known as Cobell

v. Norton case was filed. To date we have spent many millions of dollars on

accountants and lawyers, no accounting has been done, and not one penny

has been paid to an Indian account holder.

On September 25, the judge in the case, Judge Lamberth, issued a decision that guarantees more years of litigation and, by all estimates, billions more dollars spent, and no end in sight to the lawsuit.

With appeals, congressional squabbling over money and further lawsuits aimed at securing money damages, the case is just beginning.

The Department claims that pennies on the dollar are owed the plaintiffs, but without billions more spent on accounting activity, it cannot say for sure how much is in the accounts.

Cost estimates from the Interior Department suggest that it will cost \$10 to \$12 billion to comply with Judge Lamberth's order, money that will be spent year after year through fiscal year 2008 at least.

I believe this money is better spent on reconstituting the Indian land base, building a forward-looking, state-of-the-art trust management system, and providing more dollars to Indian health care and education, which we know are underfunded.

The plaintiffs claim more than \$175 billion dollars should be in these accounts, a number the Department vigorously contests.

Last Monday night, the Interior Appropriations Committees intervened in the case by adding a rider that will delay the accounting order by the judge conceivably until the end of 2004. Because of the enormous cost of an accounting, I believe the appropriators' intervention will only get worse in the future.

Two weeks ago, along with Senators INOUE and DOMENICI, I introduced S. 1770, the Indian Money Account Claim Satisfaction Act of 2003, to reach a legislated settlement of the case. A hearing was held on October 29, 2003.

I do not support the Cobell rider, and I want to make that clear. I do support a legislated settlement to the case, and I say to those who have come to the floor: If you are serious about settling this matter, join me and Senators INOUE and DOMENICI in our efforts.

At the hearing on the 29th, it appears both the Department and the plaintiffs are willing to move ahead with mediation of this case, and I fully support that and will be doing everything in my power to make sure that happens.

If you are not serious, continue on the current course.

I thank the Chair.

Mr. BAUCUS. Mr. President, I rise today to support the conference report accompanying H.R. 2691, the Interior Appropriations bill of 2004, because of the \$2.5 billion for firefighting, \$400 million to pay back Federal agencies for fire costs in 2003, and \$50 million included for important Montana projects.

These important funds will help care for Montana's public lands, parks and wildlife and they will help boost our state's economy.

This bill also provides a good step towards establishing a permanent fire-

fighting fund so Federal agencies don't have to borrow from other accounts to pay for firefighting costs, which halts important restoration and salvage projects.

This fire season alone the Forest Service was forced to take \$695 million from other accounts, the Department of the Interior \$165 million, to fight fires after the agencies' firefighting budgets dried up for fiscal year 2003.

I must support this conference report to ensure that Montana lands are conserved for future generations and protected from unnecessarily high fire threats.

However, my support for this bill is not without reservation. The historical accounting language included in this conference report essentially states that the Department of Interior may not comply with Judge Lamberth's order without consequence for one year.

I am not happy about how this came about though. Riders—especially on an issue this important—are no way to legislate. Indian trust accounting must be resolved in a collaborative way, in the light of day where all parties can come to the table. Eight years ago, Eloise Cobell started her battle to champion the cause for accountability of Indian Trust monies. Ultimately she won when Federal District Court ruled that the United States government had breached its trust obligations to hundreds of thousands of American Indians and that the government should be compelled to provide a comprehensive historical accounting. While indeed the cost of the accounting is expensive, it is crucial to balance the cost with due respect for the District Court order. This rider now attempts to modify the court order Eloise Cobell fought so hard to win. Legislating away the district court decision may only invite further litigation. Hopefully, there will be a meaningful settlement in the interim.

I am committed to working together to get this resolved. And in the coming days and weeks, I will be doing all I can to ensure Montana tribes are at the table as these talks continue.

Mr. DODD. Mr. President, I rise to express my concerns about language included in the Interior Appropriations Conference Report that I believe is unfair to Native Americans—specifically, those Native Americans who have been waiting years for an accounting from the Tribal Trust.

While no tribes in Connecticut are directly impacted by this language, many others throughout Indian Country are. In my view, the provision contained in this conference report undermines the expectations of all Americans who believe that the Federal Government should abide by the rule of law when the Government administers Federal programs and initiatives.

Since 1996, the Department of the Interior has been engaged in a legal battle with Native Americans who want the Department to provide a full ac-

counting of money owed to Indians by the Department. The conflict grew out of the Department's continuous mismanagement of Indian oil royalties, grazing fees and the like for more than a century. As many as half a million Native Americans have been wrongfully denied monies that are owed to them. It appears that the Department may have squandered billions of dollars over the course of the last 116 years. Money that should have gone to Indian education and housing, healthcare and community development was instead wasted.

Recently, U.S. District Judge Royce Lamberth ordered the Department to account for all royalties owed to Native Americans. Judge Lamberth also held the Secretary in contempt of court, because he believed that the Department had not been completely forthcoming about how the Department was working to resolve the dispute. The contempt ruling was overturned on appeal; but needless to say, this conflict has been heated.

Now, this conference report arrives here before the Senate with language that would delay a lawful judicial order rendered by Judge Lamberth and language that would prevent Judge Lamberth from issuing further contempt orders against the Secretary, regardless of the merits of any such order.

I am told that the Senate Legal Counsel has expressed concerns about the constitutionality of the new language because it essentially legislates a judicial outcome by telling a Federal judge how to interpret the law.

I am opposed to the inclusion of this provision. It is my hope that the Senate will take steps to mitigate against the damage that this language may cause.

Too many Native Americans have already waited too long for justice. Requiring them to wait longer serves no valid public policy and is simply wrong.

Mr. REID. Mr. President, is there time still on the bill?

The PRESIDING OFFICER. The majority still controls 24 minutes.

Mr. REID. If the majority is willing to yield back their time, we can vote.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Senator BURNS said he will yield back his time.

The PRESIDING OFFICER. Is all time yielded back? The Senator from Montana.

Mr. BURNS. Mr. President, I assume that the minority leader—

Mr. REID. He will speak after the vote.

Mr. BURNS. I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Utah (Mr. HATCH), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Georgia (Mr. MILLER), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

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

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

The result was announced—yeas 87, nays 2, as follows:

[Rollcall Vote No. 433 Leg.]

YEAS—87

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

NAYS—2

Bayh Daschle

NOT VOTING—11

Biden	Hatch	Murkowski
Corzine	Kerry	Sarbanes
Edwards	Lieberman	Thomas
Graham (FL)	Miller	

The conference report was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BURNS. Mr. President, again, I express my gratitude to all of those who contributed to this appropriations bill. There are many in this body, in fact too many to mention. But Senator DORGAN and I appreciate their cooperation. We think it is a good bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DASCHLE. Mr. President, I come to the floor to express my objection to a provision in the conference report the Senate just passed regarding management and accounting of the American Indian trust fund.

Just over a month ago, on September 25, U.S. District Court Judge Royce Lamberth ordered the U.S. Department of the Interior to conduct a full and accurate historical accounting of the assets held in trust by the Department for hundreds of thousands of individual American Indian account holders. In his ruling, Judge Lamberth charged that the Interior Department's handling of the Indian trust funds "has served as a gold standard for mismanagement by the federal government for more than a century."

The trust fund language inserted into this conference report—behind closed doors—would stay Judge Lamberth's decision. It would effectively halt the Cobell v. Norton lawsuit and further delay justice for 300,000 to as many as a half-million Indian trust fund account holders. This provision is unconstitutional and, I believe, unconscionable.

Partly because so many Americans Indians live on remote reservations, not many Americans understand what the Indian trust fund dispute is about. This dispute stretches back to the 1880s, when the U.S. government broke up large tracts of Indian land into small parcels of 80 and 160 acres, which it allotted to individual Indians. The government, acting as a "trustee," then took control of these lands and established individual accounts for the land owners. The government was supposed to manage the lands. Any revenues generated from oil drilling, mining, grazing, timber harvesting or any other use of the land was to be distributed to the account holders and their heirs.

The government has never—never—lived up to its trust fund responsibilities. The Indian trust fund has been so badly mismanaged, for so long, by administrations of both political parties, that today, no one knows how much money the trust fund should contain. Estimates of how much is owed to individual account holders range from a low of \$10 billion to more than \$100 billion. As Tex Hall, president of the National Congress of American Indians has said, "This is the Enron of Indian Country." In fact, it may well be bigger than Enron.

The people who are being denied justice in this case include some of the most impoverished people in all of America. More than 68,000 are enrolled members of South Dakota, North Dakota and Nebraska tribes. Some live in homes that are little more than

shacks, with no electricity and no running water. They are being denied money that is rightfully theirs—money they need, in many cases, to pay for basic necessities.

The court has ordered an accounting. This rider will undermine that order. It will delay resolution and delay justice. What other group of Americans would we dare to treat this way? I don't know of one, Mr. President. Why target American Indians? Many account holders are older people, "elders" who have suffered extreme economic deprivation their entire lives. If this rider staying Judge Lamberth's ruling becomes law, as I expect it will, many of them may not live long enough to see justice. This is shameful.

When the Senate debated the Interior appropriations bill, several of us offered an amendment that would have strengthened accountability for the Indian trust fund. Instead, unbelievably, the provision in this conference report would weaken accountability of the trust fund.

Judge Lamberth's decision directed the Secretary of the Interior to conduct a full and fair historical account of the trust. Such an accounting is the first, critical step in reaching a fair resolution to the Indian trust fund dispute.

The mismanagement of the Indian trust fund is a national disgrace. It stretches back generations and, as I have said on numerous occasions, administrations of both parties share the blame. In the seven years since the Cobell lawsuit was filed, Congress has appropriated hundreds of millions of dollars on litigation-related activities. This is money that is desperately needed and would have been much better spent funding health and education and housing programs in Indian Country.

In addition to the gross injustice, there are three additional aspects of this provision that are deeply troubling.

First, this rider is unconstitutional. By telling the court how it must construe existing law, Congress would be violating the constitutional separation of powers. In addition, by denying account holders a full accounting of their trust fund monies and other assets, this rider constitutes a taking of property without just compensation or due process of law.

Second, there has been virtually no public debate or discussion of this rider. It was drafted without any consultation with tribes, with plaintiffs in the Cobell Indian trust fund lawsuit or with the membership of the Congressional committees of jurisdiction. This rider ignores the government-to-government relationship between tribes and the Federal Government, and is almost universally opposed in Indian Country. Since any effective, long-term solution to the trust fund problem must be based on government-to-government dialogue, this rider is likely to prove deeply counter-productive.

Last week, the Senate Indian Affairs Committee held a hearing on a settlement bill where both parties agreed to mediation. The House Resources Committee has been holding field hearings on settlement. This is the way the trust fund dispute should be resolved—not in back-room deals.

Third and finally, this provision perpetuates a shameful pattern of neglect of American Indians and tribes and a failure of the Federal Government to meet its legal and moral obligations to them.

Mr. President, there's another shameful truth about this bill—and that is what is not in it.

Earlier this month, during Senate debate on the Interior appropriations bill, Democrats offered an amendment to address a critical funding shortfall for the Indian Health Service—a shortfall so acute that Indian people are frequently turned away from IHS clinics and hospitals unless they are literally in danger of losing a life or limb. They are denied earlier, less expensive care that might prevent such a dangerous condition in the first place.

We asked our Republican colleagues to restore the \$292 million that they had promised, during the budget debate, to support. They refused. The actual shortfall in IHS clinical services is over \$2.9 billion. And our colleagues refused to provide one-tenth of that amount in this bill. They refused to support one-tenth of what is needed to provide basic health services to American Indians.

Our Republican colleagues said they agreed on the need for better health care for Indian people; they said they agreed that much of the care being denied is truly essential; but they said, we simply can't afford to do more. Given some of the spending we've seen lately, that excuse rings pretty hollow to Indian people. And it rings pretty hollow to me, too.

We spend twice as much on health care for Federal prisoners as we spend for American Indians. The Indian Health Service has to ration care because of lack of funding. That is inexcusable.

Despite these deep flaws with the Indian trust fund and the Indian Health Service, the Senate has approved this rider, in part because this conference report contains many other programs that are urgently needed. But this is not the end. This in no way absolves the Interior Department of its legal and moral obligation to restore integrity to trust fund management as soon as possible. We will continue to press for a full and fair accounting of all assets in the Indian trust funds. And we will continue to push for full funding of Indian health care. It is long past time that we keep the promises we have made to American Indians and tribes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### ORDER OF BUSINESS

Mr. LOTT. Mr. President, for clarification for those of us who have an interest in the proceedings from this point forward, if I could inquire, do we have anything scheduled now other than morning business?

The PRESIDING OFFICER. We do not.

Mr. LOTT. Do we have any idea how long morning business will last?

The PRESIDING OFFICER. We are not in morning business yet.

Mr. LOTT. Do we anticipate morning business of 15 minutes—or how long? I would like to keep an eye on this place. I just as soon it not be any longer than necessary. I would like the staff to be able to go home.

The PRESIDING OFFICER. The Chair does not have any orders at this point in time.

Mr. LOTT. Mr. President, could I inquire of the leadership? Do we have any idea what the schedule for the remainder of the evening will be?

Mr. FRIST. Mr. President, through the Chair, we are working on the schedule right now. We just cleared the Syria Accountability Act and we are going to be making some plans shortly. We will be in morning business for a while. I wouldn't send staff home until we have planned out exactly what we will be doing. We should know in about 20 minutes or so. We have gotten a lot of things cleared. Right now we are working on this. We will get the schedule planned in a very few minutes. We will be in morning business and may be doing a little more business tonight as we go forward. I do not expect to have any more rollcall votes tonight.

Mr. LOTT. Mr. President, I thank the leader for that information.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

#### THE INTERNET TAX NONDISCRIMINATION ACT—S. 150

Mr. ALLEN. Mr. President, I rise today to ask my colleagues to support

S. 150, the Internet Tax Nondiscrimination Act.

As many of my colleagues have heard me say on many occasions, I believe it is important that we—and I tried to do it myself—advocate policies and ideas that promote freedom and opportunity for all Americans. We in the Senate must advance ideas that help create more investment, thereby creating more jobs and prosperity rather than more burdens from taxation and regulation.

This measure permanently extends the moratorium banning access taxes and taxes that discriminate against the Internet. It is one of my priorities. I know the Senator presiding shares that same philosophy and has been a great leader in that regard.

As we all know, the Internet is one of our country's greatest tools and symbols of innovation and individual empowerment. I look at the invention of the Internet as profoundly transforming and revolutionary for the dissemination of ideas and information, as important as was the Gutenberg Press.

Accordingly, I think everyone in the Senate would want to help the Internet grow and flourish as a viable tool for education, information, and commerce. I stand on the side of freedom of the Internet, trusting free people and free entrepreneurs—not on the side of making this advancement in technology easier to tax for the tax collectors.

One of the great things about the Internet is that it is not limited by boundaries of State governments, local governments, not even limited by the boundary of this country. Clearly, the Internet is intrastate commerce. Thus, the Federal Government, Congress, has jurisdiction in the taxation and regulation of the Internet.

My legislation, S. 150, promotes equal access to the Internet for all Americans and protects every American from harmful, regressive taxes on Internet access services as well as duplicative and predatory taxes on Internet transactions. Specifically, as reported out of the Commerce Committee, S. 150 has five provisions.

First, it extends permanently the country's Federal prohibition of State and local taxation on Internet access service.

Second, it makes permanent the ban on all multiple and discriminatory taxes relating to electronic commerce. This ensures that several jurisdictions cannot tax the same transaction simply because the transaction happens to occur over the Internet.

Third, my legislation repeals the so-called grandfathering provision over a 3-year-period.

Fourth, we make clear the original intent of the Internet Tax Freedom Act by updating the definition of Internet access to ensure the moratorium applies consistently to all consumers. If we are going to exempt Internet access services from taxation permanently, then it makes sense to do so in a manner that applies to all methods and

ways a consumer might have access to the Internet, regardless of how they choose to access it, whether by DSL—digital subscriber line connections—by wireless connections, by cable modem service, satellite, or dial-up service.

Fifth, and lastly, this legislation ensures that nothing prevents the collection or remittance of State and Federal universal service fees.

The Internet tax moratorium has contributed to extending Internet access to over 127 million citizens, approximately 45 percent of our country's population. Unfortunately, that moratorium expired Friday night. Every day that the moratorium lapses, consumers are susceptible to more pestering, burdensome new taxes on Internet access services, as well as taxes on e-mail, taxes on instant messages, spam filters, and even Web searches.

For every dollar in taxation—and most kids in elementary school will understand these economics—every dollar added in taxation adds to the cost of the Internet access. With that, you could expect to see lost utilization of the Internet by thousands of American families, especially lower income families.

According to the Pew Internet and American Life Project, 30 percent of non-Internet users say cost is the major reason they remain off line. Additionally, 43 percent of non-Internet users agreed with the statement, "Internet access is too expensive."

For roughly 55 percent of the American people who are still off line, keeping access affordable—and that means keeping access free from State, local, and Federal taxation—is vital.

The guiding principle of this legislation is simple and clear: The Internet should remain as accessible as possible to all people in all parts of the country forever. That has been the position I have taken on this and held since 1997 during my days as Governor of Virginia when I was one of only four Governors to share this position.

I cannot envision any time in our future where it will be desirable for any government to tax access to the Internet. I cannot envision any instance or event that would precipitate the justification for multiple or discriminatory taxes on the Internet by any government, whether large or small, local, State, or national.

Yet if the Senate fails to take action by the end of this week or any Senator votes against this legislation, such Member is in effect advocating taxing the Internet.

There are more Americans empowered by the Internet primarily because the Federal policy of the United States has consciously allowed Internet innovators, entrepreneurs, and consumers to remain free from onerous taxation.

As many know, Congress first enacted this moratorium with the Internet Tax Freedom Act in 1998 after dozens of State and local taxing commissars began to impose disparate

taxes on a consumer's ability to access the Internet.

Since the last extension of the Internet Tax Freedom Act in 2001, some States have begun taxing the high-speed component of broadband Internet access services by asserting that certain portions of high-speed broadband Internet access are telecommunication services rather than Internet access services. The States doing this are therefore circumventing the original intentions of the law.

Working with our chairman of the Commerce Committee, Senator JOHN MCCAIN, as well as Senator RON WYDEN and Senator JOHN SUNUNU in the Commerce Committee, we have updated the definition of Internet access to ensure that all Internet access services, regardless of the technology used to deliver that service, are covered by the moratorium and therefore exempt from State and local taxation.

I want to also address for my colleagues the misleading statements made regarding S. 150. I understand the proponents of higher taxes at the State and local level have raised a number of concerns about this legislation, indicating that we expanded the moratorium on Internet access to include all telecommunication services, making tax free even traditional services such as local and long-distance telephone communications. Additionally, they have raised the question whether or not this bill would prohibit States from imposing property and corporate income taxes on telecommunication carriers and Internet service providers. The false assertions come maybe from confusion, maybe from a misunderstanding, but in some cases they are intentionally, outright, and flat wrong statements. I am here to set the record straight.

I want all the Members of this body to understand and be clear on the facts about this legislation: S. 150 does not affect traditional voice or long-distance telephone services or any other communication service that is not directly used to provide Internet access; S. 150 does not affect a State's ability to collect income, property, or other corporate taxes, such as franchising fees, that are unrelated to Internet access.

The fact is S. 150 does not unnecessarily expand the moratorium on Internet access. Rather, the legislation clarifies the original intentions of the Internet Tax Freedom Act to include high-speed Internet access services. Only because some States and localities attempted to circumvent the original law by taxing portions of high-speed Internet access did the definition of Internet access need to be updated.

The impact of what the States and localities are trying to do in taxing broadband has implications that particularly are harmful to small communities and rural areas. We have always advocated that we have to get broadband to rural areas. Obviously, it costs a great deal of money. Our good

colleague, Senator CONRAD Burns, says out in the country there is a lot of dirt to dig between light bulbs.

If you are going to get broadband to rural areas, there is a great investment to get it there because you have a fewer number of customers to recoup your investment. In the event a tax is put on to broadband, it means obviously fewer people can afford it, thereby making it less likely that a company is going to invest the millions and millions of dollars it will take to get broadband deployed or high speed deployed to rural areas, thereby ruining, hindering, hampering the ability of people and small businesses in rural communities to get access to high-speed Internet services which is vital for them getting information, education, as well as conducting business.

The fact is, S. 150 only makes permanent the tax moratorium on Internet access services, which is simply the ability to get access to the Internet. Once a consumer has accessed the Internet, the moratorium does not affect the services that are purchased, used, or sold over the Internet that would otherwise be taxable, even if those services are bundled together with Internet access services.

Proponents of Internet taxes say this bill is an unfunded mandate. The fact is, the cost associated with S. 150 only affects those few States and localities that were grandfathered under the original Tax Freedom Act of 1998. Additionally, my legislation delays the repeal of the grandfathering provision for a 3-year period, ensuring that the moratorium on Internet access taxes applies equally in all 50 States, while giving these few taxing States and localities additional time to adjust their budgets accordingly.

Let's realize this has been now 5 years where these States and localities have had time—5 years—to remove these Internet access taxes. With my bill, S. 150, they will have, in effect, 8 years to repeal these regressive taxes on Internet access.

I would invite them to look at the record since the enactment of the 1998 moratorium where several States, plus the District of Columbia, have in fact chosen to move away from Internet taxes.

For example, in 1999, Iowa enacted a law specifically exempting Internet access from taxation. In South Carolina, after the enactment of the Federal moratorium in 1998, the Governor and tax department issued formal announcements indicating the State would abide by the national tax moratorium and would cease trying to collect taxes on Internet access services. Connecticut's State legislature approved a law that accelerated the phaseout of Internet access taxes in July of 2001. Additionally, in April of 2000, Arizona enacted a law exempting Internet access from State and local sales tax. Finally, in 1999, the District of Columbia also eliminated taxes on Internet access.



Meanwhile, we do have these other States—for example, Kentucky, Alabama, and others—that have attempted to tax the transport of high-speed broadband Internet access.

In summary, the fact is, by allowing the moratorium to expire, the Senate has opened the door for States and localities to begin imposing regressive taxes on Internet access services. By taxing Internet access, States and localities are actually contributing to the economic digital divide. The more expensive we allow the State and local tax commissars to make Internet access, the less likely people are to be able to buy these advanced services, such as high-speed broadband connections. It makes it harder for them to purchase Internet protocol software, wireless fidelity, or WiFi devices, or many other multimedia applications. These applications are all made less likely to be affordable for many millions of Americans.

In a time when technology and the Internet have grown into improving almost every aspect of our daily lives, and where access to the Internet is a necessity for Americans, it just seems to me that imposing new taxes on access or levying taxes that discriminate against the Internet as a form of commerce will just never be sound policy for our country.

As a tool, what is great about the Internet is it breaks down economic and educational barriers, leveling the playing field for millions of Americans.

You will also hear some say: Let's just have a short extension. Let's have a short extension. We do not need to make it permanent. Well, going back to the business model and understanding how businesses have to invest, they like to see some certainty. If you have a short moratorium, there is less certainty, there is less predictability for investment, therefore, fewer job opportunities, and less likelihood that broadband or high speed will get out to the smaller towns and communities in rural areas.

More than ever before, with our Nation's economy finally moving forward in the right direction, the people of this country need security with regard to their financial future. Any additional tax burdens on the Internet will mean additional costs many Americans cannot afford, forcing the poorest in our society to reduce or even forego the use of the Internet as a tool for commerce, education, information, exploration, and individual responsibility and opportunity.

In a society—indeed, a world—where the quality of life and an individual's opportunity for prosperity are directly related proportionately to one's access to and the acquisition of knowledge, we as a Senate must choose to close this economic digital divide rather than exacerbate it by allowing States and localities to further tax the Internet.

I call on my colleagues to join me in supporting S. 150, the Internet Tax Nondiscrimination Act, which perma-

nently extends the Internet moratorium on access, multiple, and discriminatory taxes.

In sum, I ask my colleagues to be leaders, leaders who stand strong for individual freedom and stand strong for opportunities for all Americans.

#### MODERN TELECOMMUNICATIONS SERVICES

Mr. DASCHLE. Mr. President, last week the Senate Committee on Commerce, Science, and Transportation held a hearing on Universal Service, taking testimony from Michael Powell, the Chairman of the Federal Communications Commission. I want to commend the committee for examining issues affecting the preservation and advancement of universal service. This is a discussion that is of great interest to me and great importance to my State.

We have long sought to ensure that telephone service is available in rural America, through direct infrastructure programs like those of the Rural Utilities Service, through internal telephone company cross-subsidies and, more recently, through the universal service fund. The low population density in so much of our Nation makes some assistance necessary; the costs of wiring such areas is simply too high. Phone service is simply too important to our social fabric to ignore this challenge. We must keep it affordable for all Americans. That is why we need universal service.

Access to modern telecommunications services is vital to the economy of my home State of South Dakota and in rural areas throughout the Nation. It helps new businesses develop, even if they are far away from their customers or clients. Telecommuting is already allowing many of my constituents to remain in, or move back to, their home towns rather than having to leave in search of employment. That is a trend we need to encourage and build upon. But it is only possible if rural America has a modern telecommunications infrastructure.

Universal service is vital to South Dakota. Yet universal service is not just about rural America. It also supports telephone service for low-income individuals throughout the country, and telecommunications services and Internet access in our schools and libraries. I believe it is important that the country remain committed to these goals and the principle of universal service.

Despite its importance, the future of universal service is uncertain. Some question the long-term viability of the current structure, as its funding base of interstate telephone revenue declines. I believe that we will need to reevaluate the universal service structure and consider comprehensive legislation to ensure that the program remains effective and affordable in the future. I am pleased that the Commerce Committee has begun that process.

The committee includes the Senators who have been the most engaged on this front. I want to commend Senator BURNS for his leadership on the issue, along with Senator DORGAN, Senator STEVENS, Chairman MCCAIN, and Ranking Member HOLLINGS. I look forward to working with them to keep the universal service system strong and effective.

Senator GORDON SMITH has introduced legislation that addresses an important component of universal service, high cost funding for nonrural carriers. Today, I am cosponsoring that legislation, S. 1380, the Rural Universal Service Equity Act of 2003, which seeks to more equitably distribute that portion of universal service.

Today, telephone companies in only eight States receive all of these funds. Nonrural carriers in the rest of the country, even those in rural States like South Dakota, receive nothing. We should reevaluate that distribution as part of universal service reform.

I fully appreciate that S. 1380 only addresses one small, albeit significant, portion of Universal Service. It is important to focus attention on the need to understand and address it.

That point made, I favor reforming the high cost support program for nonrural companies within the context of reform of the entire system. Telephone service has developed in different ways throughout the country, with service provided to various degrees by the Regional Bell Operating Companies, independent phone companies, cooperatives, wireless, and competitive carriers. We should keep that in mind when we consider alternative approaches and look at the system as a whole, not just focus on each individual component of universal service separately.

When we do consider universal service legislation, I think the approach taken by S. 1380 shifting the basis of support for nonrural companies to costs at the wire center level, rather than statewide costs deserves consideration as part of a broader package. Using statewide costs makes it difficult for a company that serves a relatively large city to obtain support for rural areas that it serves in the same State. That can limit its ability to invest in and modernize its rural infrastructure.

I do want to raise a specific concern about S. 1380. In reallocating some universal service funding, the bill shifts funds around, creating winners and losers. I am worried that this approach pits carriers and regions against each other, rather than uniting in a common goal of protecting universal service and the people who depend upon it for affordable telephone service in rural and low-income communities throughout the country. We can and should fix that problem. That is another reason why I think the bill should be considered within the context of broader universal service reform.

I want to note a special problem with one potential loser under the bill. It shifts some funds that are currently allocated to Puerto Rico. Puerto Rico is not represented in this body. Without an advocate of its own to force attention to the Commonwealth's concerns, it is important that we all carefully consider the impact legislation can have upon Puerto Rico and its residents. When we address universal service, we should not take steps that might inadvertently reduce the availability and affordability of telephone and telecommunications services to the residents of Puerto Rico.

In conclusion, I want to again thank the Commerce Committee for focusing greater attention on the future of universal service. I look forward to working with Senators on the committee and others concerned about universal service for rural residents, low-income consumers and our schools and libraries to lay the groundwork for legislation to reform and strengthen the universal service system.

#### HEALTHY FORESTS

Mrs. MURRAY. Mr. President, last week, we passed an amended version of H.R. 1904, the Healthy Forests Act.

While this bill is not everything I hoped it would be, it is an improvement over what was proposed by the President and passed by the House. The devastating fires in California and throughout the West over the past few years have added great urgency to the need to remove dangerous fuel loads from many of our forests. We need to treat those hazards now, and this bill is really the only relevant legislation that can pass Congress and be signed into law by the President this year. That is why I voted for the bill on final passage.

During the floor debate, I offered an amendment to strengthen the underlying bill's old-growth protections and I also voted for a number of other amendments. It is unfortunate that these amendments were not accepted because they would have reassured a greater portion of our citizens of the real intent of the legislation and would have made it more effective.

We don't have the funding we need to remove all the dangerous fuel loads in our forests. We should have made more funding available and ensured more resources were focused on the wildland urban interface that presents the greatest risk to property and to the lives of our firefighters and citizens.

While the underlying bill will increase authorization levels for fuel reduction activities, it does not guarantee this money will be made available. We should have passed Senator BINGAMAN's amendment that would have guaranteed the funding and stopped the raiding of fuel reduction accounts to pay for fire suppression.

Likewise, the Senate bill is an improvement over the House legislation in directing at least 50 percent of the

work be conducted in the wildland urban interface, but we should have strengthened this directive by passing Senator BOXER's amendment that would have raised wildland/urban interface work to 70 percent.

Lastly, the underlying bill made an earnest attempt to provide some protection for old-growth stands in our national forests. Unfortunately, the bill leaves a couple of significant loopholes that, if abused by our forest managers, could threaten these ancient trees. That is why I offered an amendment to close these loopholes and better protect old-growth stands. Unfortunately, my amendment was defeated.

Now that the Senate has spoken on the overall bill, the House should take up this legislation and pass it unaltered. The President should drop his opposition to the increased spending associated in the bill and urge its quick passage by the House. The President's opposition to increased spending presents a real and tangible risk to every community looking to treat forests surrounding their homes, schools, and businesses.

If this bill is signed into law, the burden will shift to the Forest Service and Bureau of Land Management to implement the programs in the most responsible and effective manner possible.

Again, they will need to focus on protecting communities. It will be unacceptable to treat forest stands far from human population while any community's wildland/urban interface remains untreated.

They need to focus on taking out of the forests the materials that truly threaten to generate catastrophic wildfires. We should not see large, fire resistant trees being removed from our forests under the guise of "healthy forests." Any old-growth stands that are treated need to be treated in ways that protect their unique ecosystems.

Finally, in a fiscally responsible manner, the agencies need to maximize the positive economic influence these fuel reduction projects can have on our rural economies. This means not only hiring local workers and companies to conduct the work, but also looking for opportunities to use the resulting material for other economic enterprises.

The bill passed by the Senate has the potential to truly work in a manner nearly everyone can accept. Alteration by the House or poor implementation by the agencies will only threaten our wildfire endangered communities.

I am committed to making this legislation work and stand ready to assist the communities in Washington State protect their families and homes.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new cat-

egories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On July 7 of last year, three gay friends were violently beaten by a 21-year-old man in Tampa, FL. The man later pled guilty to charges of aggravated battery and battery with evidence of prejudice. The victims were approached in a parking garage shortly after leaving a party at the Florida Aquarium, one event in a 6-day gay pride celebration. Sadly, one of the victims had to visit the dentist more than twenty times to replace teeth lost in the beating.

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

#### BREAST CANCER AWARENESS MONTH

Ms. SNOWE. Mr. President, I rise today to speak as we have just concluded Breast Cancer Awareness Month. During October, about 16,000 more women heard the news all women dread, "You have breast cancer." That is over 190,000 women this year. Among women between 35 and 54 years of age, no disease claims more lives. In more personal terms, an American woman faces a one in nine chance of sitting down and hearing those words from her physician. At that moment everything changes.

We can be thankful that more women are surviving this diagnosis. Modern treatments and early detection are saving lives. Many of my colleagues have joined with me in supporting research into better diagnosis and treatment. Just last month, we learned of a new drug treatment which substantially reduced the recurrence of breast cancer. We have made great strides, and I am grateful to the many researchers who fight long hours battling this disease. And we sometimes forget the men and women who, while suffering the effects of breast cancer, have volunteered in these studies, at a time when they are already going through such a struggle. We owe all of them our gratitude for the strides we have made in fighting this disease.

Despite this progress, one in every five women diagnosed still will not survive breast cancer. Modern treatments are useless without a diagnosis. With early detection and treatment, death and injury can be so greatly reduced. I call on American women today to take the initiative. Many women have been taught to do self-exams, and while they can help, they are no substitute for a mammogram. I urge you now to ask your physician about a mammogram. Mammograms saves lives.

But maybe you have put it off: you can't miss work, or the kids have an

event, or maybe, well, the previous mammograms were OK, so you think you are probably fine. Instead, think of missing other things, such as your child's graduation, those anniversaries with your spouse, or doing any of the things we too often take for granted, just due to making the visit a bit too late.

When a woman receives bad news she is facing so many worries—the threat to her life. She first asks, Will I survive this? Then she asks how she will survive. What will they do to me? The fortunate woman has her loved ones, her family, her friends to stand by and support her. But she needs more.

When the news is bad, we can make the battle easier. I have recently reintroduced legislation to ensure that. The Women's Health and Cancer Rights Act of 2003, S. 1730, will provide the assurances women need.

No woman with breast cancer should be subjected to substandard care. A woman should be confident in her diagnosis and every cancer patient deserves a second opinion. S. 1730 ensures that. Every woman should be offered treatment options, including inpatient care. Every woman should have adequate time to recover. It is time to recognize that the best judgment comes from the expert physician working with the patient. The last question a woman should have to worry about when facing breast cancer is whether or not her health insurance plan will pay for appropriate care after a mastectomy of lumpectomy, or that she won't be able to remain in her doctor's immediate care for as long as she needs to be.

The evidence for the need for this bill, especially when it comes to so-called "drive through mastectomies," is more than just allegorical. Indeed, the facts speak for themselves. Between 1986 and 1995, the average length of stay for a mastectomy dropped from about 6 days to about 2 to 3 days.

Many of my colleagues have joined with me in working for better screening, research, and improved treatment. This issue of treatment and ensuring standards of care have been introduced and discussed. We have had hearings back in the 105th Congress. And in the intervening years, well over a million more women faced those words, "You have breast cancer". Women, and their loved ones, deserve more.

I urge my colleagues to join me in supporting this bill and work towards passing it this year.

At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.

• Mr. EDWARDS. Mr. President, I rise to acknowledge October as National Breast Cancer Awareness Month. This gives us an opportunity to remember the millions of victims and their families affected by breast cancer. More than 6,000 individuals in North Carolina are diagnosed each year with breast cancer, and 1,100 of them die as a result. Across the country, one in nine women will be diagnosed with

breast cancer during their lifetime. This is a tragedy, and we must do more to treat it and find a cure.

As Breast Cancer Awareness Month comes to a close, I want to share the story of an extraordinary family in Goldsboro, who has been impacted by this disease in the most devastating and tragic sense. Willie and Mittie Darden, are the parents of 15 children. When Mr. Darden passed away in 1976, Mrs. Darden, known to her friends and family as Mit, became the head of the Darden family. As you can imagine, family gatherings at her home are always large, loving, and filled with joy.

Mit has always been a woman of the deepest faith. Being a life-long member of Darden Chapel Free Will Baptist Church, her faith was the underpinning of the strength she needed to endure the loss of two children to childhood illness. No doubt the pain was tremendous. Years later this pillar of strength for her family and community would endure the harshest of fates as she would lose four daughters to breast cancer. They were Hattie Williams, Louise Darden, Bertha Bennett, and Ann Bryant.

Hattie Williams was the mother of one daughter and had four grandchildren. She spent 20 years in the Wayne County School System as a Head Start teacher, later becoming the owner and operator of her own day care center. On her 50th birthday, March 24, 1993, Mrs. Williams invited her family to visit her. Her family recounts that she spent the evening walking the halls with them as she sang and gave thanks to God for her life and her family. Two days later at dawn she passed away.

Louise Darden, nicknamed Lou Lou, was the mother of four children and a grandmother of four. She, too, was a Head Start teacher. Ms. Darden was also an avid cook and was responsible for designing the t-shirts for the family reunions. As her illness worsened, it was she who gave strength and comfort to her family. She truly felt we are spiritual beings going through a human experience. She transitioned this life on March 2, 1998.

Bertha Bennett is remembered as the life of the party to her family. She spent most of her adult life in Washington, D.C., where she was a mother of three children and a grandmother of nine. Family members say that the teachings of her parents, rooted in the church, are what caused her to overcome alcohol dependency and become a devout Jehovah Witness. Mrs. Bennett, called Bert by her family, served as a source of inspiration to her family and countless friends. Her family was visiting her here in Washington at a hospice when word was sent to them that Ann was being moved to a hospice in Goldsboro as she, too, was fighting breast cancer. By the time the family returned home to North Carolina, they learned Bert had died. It was May 12, 2000.

Ann Bryant had taken over the duties as family secretary and organizer

after the death of her sister Hattie in 1993. The mother of five children and six grandchildren, Ann spent her adult life caring for others as a home hospice care nurse. When eastern North Carolina was hit by catastrophic floods, Ann spent considerable time making sure her family and friends had adequate housing. Her family says that her concern for others was so great that she was working on that project until the breast cancer had claimed her, 2 days after her sister Bert had passed away. It was May 14, 2000, Mother's Day.

On Mother's Day 2000, Mittie Coley Darden was a mother grieving yet again over the loss of not one but two more daughters to breast cancer. All of these women were wives, mothers, grandmothers, and friends. Words could not describe her anguish. Her faith sustained her though. She is the rock upon which others drew strength. It is in her tragedy that others in her church and community have become more aware of the importance of organizations like the Susan G. Komen Foundation, where early detection and awareness programs are stressed. It is the story of her daughters that motivates others to participate in events like the Race for the Cure and to give of their resources to this cause.

Many of those who learn of Mit Darden's daughters are touched by the immense loss but are moved to action. I, too, am deeply touched and inspired. Very recently another of Mrs. Darden's daughter's was diagnosed with breast cancer. It was discovered very early through one of her regular screenings. Her doctors say that it was discovered in time and she has already started treatment. Through it all Mit Darden is ever faithful and prays that others will never have to endure what she has. She only wants to share what we all hope and pray for—a cure.

I am proud to have led several efforts in Congress with ways to help reach that goal and help women who are diagnosed. The bipartisan Patient Protection Act that passed the Senate last year allows women to choose an OB/GYN as a primary care physician. The bill also requires health insurers to cover hospital stays for breast cancer treatment procedures. In the 106th Congress, I joined many of my colleagues in cosponsoring and passing legislation that gives Federal matching Medicaid dollars to provide breast and cervical cancer-related treatment. This law was an important step in ensuring that individuals suffering from breast cancer have access to modern treatment and technology regardless of their income level.

On behalf of Mit Darden and her daughters, and all the women and their friends and families affected by breast cancer, we must continue the fight against this disease with compassion and action. I urge my colleagues to join me.●

## HEALTHY FORESTS RESTORATION ACT

Mr. BINGAMAN. Mr. President, last Thursday the Senate passed H.R. 1904, the Healthy Forests Restoration Act. I voted for the bill because I believe we need to take action to bring our forests back to good health, and there are some good provisions in the Senate-passed version of the bill. For example, the Senate version allows communities to provide recommendations on reducing the threat of unnaturally intense catastrophic wildfire in community wildfire protection plans.

In addition, two amendments that I offered were adopted by the Senate. The first amendment requires collaborative monitoring of the social and ecological effects of projects. Without this requirement, we will never be able to rebuild trust between rural communities and the agencies. The second amendment encourages the Forest Service and the Bureau of Land Management to hire local contractors for forest thinning projects in order to create jobs in forest-dependent communities.

Even so, I continue to believe there are serious problems with this legislation. Most significantly, the bill fails to tackle the main obstacle constraining the Forest Service from improving forest health which is the agency's harmful policy of borrowing from proactive forest restoration accounts to pay for firefighting. Some of the other major issues raised by the Senate language include a lack of any new funding to reduce hazardous fuels; curtailing public participation in the management of public lands, including the establishment of a new so-called "pre-decisional" review process; and lack of protection for National Monuments, roadless areas and other environmentally sensitive areas.

I tried to fix these problems by offering and cosponsoring amendments, including one to give the Forest Service new authority to borrow funds directly from the Treasury when firefighting costs exceed available funds. Unfortunately, this amendment did not prevail. However, Senator BURNS, Senator NICKLES, and others offered to work with me to seek solutions to the "fire borrowing" problem. I accept their gracious offer and look forward to addressing this issue in the future with their cooperation and assistance.

Other amendments that were offered by myself and others to improve the bill were defeated. Nonetheless, I voted for final passage of H.R. 1904 because the Senate version was an improvement as compared to the one passed by the House earlier this year.

## FOREIGN OPERATIONS EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

## WATER MISSIONS' HONDURAS WATER SUPPLY DEMONSTRATION PROJECT

Mr. GRAHAM of South Carolina. Mr. President I rise to ask the bill's man-

ager, Senator MCCONNELL, about a provision in the Fiscal Year 2004 foreign operations bill of particular importance to me. This appropriations bill provides \$100 million for water conservation, \$1.5 million of which the committee report sets aside for Water Missions International for its safe water supply and wastewater treatment projects for several regional hospitals in Honduras. Water Missions is a faith-based South Carolina organization that delivers potable water engineering systems to towns and villages in developing countries around the world. I ask Senator MCCONNELL if he is familiar with Water Missions International and this important demonstration project.

Mr. MCCONNELL. Yes, I am familiar with Water Missions International and its work to provide water to communities in developing countries. I am particularly familiar with their current water project in a regional hospital in Honduras. I recently met with Water Missions' founders, George and Molly Greene, to discuss this important project and was impressed by Water Missions International's use of low-cost, appropriate technology for improving drinking water supplies.

Mr. GRAHAM of South Carolina. If I may raise one more issue, I am concerned that United States Agency for International Development, USAID, has at times not followed report recommendations made by the Senate and House Appropriations Committees. Is it the manager's intention that USAID follow the recommendation in the report?

Mr. MCCONNELL. Absolutely. I strongly support the report language that was included in Omnibus Appropriations Bill earlier this year, saying that "the managers expect the Department of State and USAID to follow the recommendations in the House and Senate reports, unless those recommendations are modified in the statement of the managers." I am pleased that senior USAID officials recently met with Water Missions to begin the partnership process in implementing this particular recommendation.

Mr. GRAHAM of South Carolina. I thank Senator MCCONNELL for his support of Water Missions and its inclusion as an USAID project.

## AMENDMENTS TO VARIOUS REGULATIONS OF THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I would like to give notice to Members and staff of the Senate that the Committee on Rules and Administration has approved amendments to six committee regulations. Pursuant to Title V of the Rules of Procedure for the Committee on Rules and Administration, and having provided advance notice of our intention to approve the following amendments to the regulations attached hereto, we hereby approve said

amendments effective November 1, 2003, except for amendments to the regulations governing furniture, accessories and special allowances policy which shall be effective January 3, 2005.

I. The following regulations are approved as amended:

A. Committee Regulations Governing the Payment of Funeral Expenses of Deceased Members, as amended, by adding, deleting and substituting as follows:

Delete the last sentence in the first paragraph and substitute—"Such arrangements may include ordinary and necessary expenses for the following:"

Add the following after item 4—"floral expenses themselves are personal in nature and are not considered an official expense, with the exception of one floral arrangement from the United States Senate);"

Delete the word "Service" and substitute the word "Reasonable" at the beginning of item 6, and insert the words "use of a" after the word "for" and before the word "church". Also insert the word "other" after the word "or" and before the word "place".

Substitute "\$5,000" for "\$2,000" for casket expense in item 9.

Substitute "\$2,000" for "\$1,000" for burial plot in item 10.

Add the following as item 11—"Miscellaneous expenses directly related to the funeral (e.g., fee for minister and musician) and not personal in nature (e.g., food, flowers, cards), not to exceed \$2,500 in the aggregate."

Add the following as item 12—"Any request for exceptions to this list must be made to the Sergeant at Arms, and approved by the Committee on Rules and Administration."

A copy of the Committee Regulations governing funeral expenses for deceased Members, as amended, is included as Attachment A. These amended regulations shall be effective as of November 1, 2003.

B. Committee Regulations Governing Advance Payment, as amended, by adding new sections (l) and (m) as follows:

"(l) Metro subsidy, one week in advance of the new month"

"(m) Pre-paid cellular and telephone communications"

A copy of the Committee Regulations governing advance payment, as amended, is included as Attachment B. These amended regulations shall be effective as of November 1, 2003.

C. Committee Regulations Governing Furniture, Accessories and Special Allowances Policy for Senate Office Buildings, as amended, by substituting as follows:

Substitute "\$5,000" for "\$2,500" under Operational Policy for Senators' Special Furniture and Accessory Allowance.

A copy of the Committee Regulations governing furniture, accessories and special allowances policy, as amended, is included as Attachment C. These amended regulations shall be effective as of January 3, 2005.

D. Committee Regulations Governing Payments and Reimbursements From

the Senate Contingent Fund for Expenses of Senate Committees and Administrative Offices (adopted by the Committee on Rules and Administration on July 23, 1987 as authorized by Senate Resolution 258, 100th Congress, 1st session, these regulations supercede regulations adopted by the Committee on October 22, 1975 and April 30, 1981), as amended, by substituting as follows:

- Substitute "\$50" for "\$35" in Section 1.
- Substitute "\$50" for "\$35" in Section 3.
- Substitute "\$50" for "\$35" in Section 6 in both instances.
- Substitute "\$50" for "\$35" in Section 8.

A copy of the Committee Regulations governing reimbursements for Senate Committee expenses, as amended, is included as Attachment D. These amended regulations shall be effective as of November 1, 2003.

E. Committee Regulations Governing Senators' Official Personnel and Office Expense Accounts (adopted by the Committee on Rules and Administration Pursuant to Senate Resolution 170 agreed to September 19, 1979), as amended, by substituting as follows:

- Substitute "\$50" for "\$35" in Section 2.
- Substitute "\$50" for "\$35" in Section 3.
- Substitute "\$50" for "\$35" in Section 6 in both instances.

A copy of the Committee Regulations governing Senators' official personnel and office expense accounts, as amended, is included as Attachment E. These amended regulations shall be effective as of November 1, 2003.

F. Committee Regulations Governing Assignment, Accountability, and Inventory Control of Equipment, as amended, by adding a new section as follows:

**"DE MINIMIS EXCEPTION FOR USE OF SENATE EQUIPMENT"**

Sec. 11. It is the normal and standing policy of the Senate that official Senate resources may only be used in connection with official business. However, in recognition of the infrequent need for authorized users of official Senate resources or equipment to take care of occasional personal matters during normal business hours, pursuant to S. Res. 238 (108th Congress, 1st Session), the de minimis use of official Senate resources (i.e. computers, Internet services, cellular telephones, copiers and facsimile machines and other such similar devices) is hereby permitted.

For purposes of this policy, "de minimis use" is defined as the incidental, unofficial use of Senate resources or equipment when such use is significantly negligible in nature and frequency and at nominal expense to the government. Such use must also not create the appearance of impropriety. The de minimis use of official resources as described herein is considered to be in the interest of the Senate. The de minimis uses permitted herein are only acceptable when such uses are performed without measurable interference to the performance of the official duties of the authorized user and are in compliance with the Senate Code of Official Conduct.

Nothing contained herein shall be construed to permit the use of Internet services

or any other official resources for partisan, political or campaign purposes—such use is strictly prohibited under any circumstances. Nothing contained herein shall be construed to permit the use of official Senate resources for any commercial activity or any income-generating purpose or for any other illegal activity.

It is the responsibility of each Senator, Committee Chairman, Officer of the Senate, or administrative office head to oversee the use of official Senate resources by their office and to ensure that the use is consistent with the requirements established by this policy as well as any other applicable laws and regulations. Nothing contained in the above policy shall prevent a Senator, Committee Chairman, Officer of the Senate or administrative office head from adopting a more restrictive de minimis use policy."

A copy of the Committee Regulations governing Assignment, Accountability, and Inventory Control of Equipment, as amended, is included as Attachment F. These amended regulations shall be effective as of November 1, 2003.

I ask unanimous consent that the attachments be printed in the RECORD.

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

**ATTACHMENT A—COMMITTEE ON RULES AND ADMINISTRATION REGULATIONS GOVERNING THE PAYMENT OF FUNERAL EXPENSES OF DECEASED MEMBERS—ADOPTED JULY 23, 1987**

In accordance with Sec. 3.(a)(1) of Senate Resolution 458, agreed to October 4, 1984, funeral arrangements for deceased Senators made by the Sergeant at Arms and paid from the contingent fund of the Senate shall be generally limited to those activities and costs associated with the transportation, preparation, and disposition of the remains. [Such activities and costs may include, but not be limited to, the following:] *Such arrangements may include ordinary and necessary expenses for the following:*

1. The transportation of remains to the mortuary;
2. Complete preparation and care of the remains;
3. Automotive equipment, including limousine service for the immediate family, pallbearers, and the funeral coach;
4. Funeral home expenses for the receipt, care, and arrangement of floral tributes and a supply of acknowledgment cards, *(floral expenses themselves are personal in nature and are not considered an official expense, with the exception of one floral arrangement from the United States Senate);*
5. Preparation of usual newspaper notices, procuring and executing the required certificates and permits;
6. [Service] *Reasonable fee for use of a church, synagogue or other place of service;*
7. Cremation fees, including urn;
8. Interment fees or charges for grave services;
9. Burial vault and casket, not to exceed **[\$2,000] \$5,000;**
10. If not previously purchased by the family, one burial plot (not to exceed **[\$1,000] \$2,000**) and temporary marker. Permanent grave markers or headstones are personal items and are not authorized by these regulations to be paid from appropriated funds.
11. *Miscellaneous expenses directly related to the funeral (e.g., fee for minister and musician) and not personal in nature (e.g., food, flowers, cards), not to exceed \$2,500 in the aggregate.*
12. *Any request for exceptions to this list must be made to the Sergeant at Arms, and approved by the Committee on Rules and Administration.*

**ATTACHMENT B—COMMITTEE REGULATIONS GOVERNING ADVANCE PAYMENT—(ADOPTED BY THE COMMITTEE ON RULES AND ADMINISTRATION, OCTOBER 30, 1997, AMENDED ON SEPTEMBER 30, 1998)**

Under the authority granted by Sec. 1(b) for P.L. 105-55, the FY98 Legislative Branch Appropriations bill and using these regulations—

The term "advance payment" means any expense authorized, by the Committee on Rules and Administration, pursuant to P.L. 105-55.

By the above definition of advance payment and following the enactment of the FY98 Legislative Branch Appropriations bill, in addition to subscriptions, the following items are for advance payment:

- (a) Rental of water coolers (cooler units only/not for water)
- (b) Monthly maintenance on equipment that is either non-standard and/or above the \$500 limit
- (c) Cable TV services (including basic satellite service where needed)
- (d) Online services (for official use by the Senator only)
- (e) Rental booths at State Fairs, rent for space to be used during town hall meetings and associated costs (not to include insurance)
- (f) Conference and seminar fees (not to include meals charged separately)
- (g) Payments on leased equipment
- (h) Paging service
- (i) Clipping services
- (j) Yellow page listings (not to include the classified yellow pages)
- (k) State office rents, up to 1 year in advance
- (l) *Metro subsidy, one week in advance of the new month*
- (m) *Pre-paid cellular and telephone communications*

With respect to charges for on-line services, paging services, clipping services, and equipment maintenance, advance payment shall only be made in the cases of "flat fee services." Also, no advance payment will be allowed in instances where cancellation fees may be incurred. Time limitation on the obligation of funds is restricted to a Member's six-year term of office and a Committee's biennial funding period.

**ATTACHMENT C—COMMITTEE REGULATIONS GOVERNING FURNITURE, ACCESSORIES AND SPECIAL ALLOWANCES POLICY FOR SENATE OFFICE BUILDINGS**

**OPERATIONAL POLICY—SENATORS' SPECIAL FURNITURE AND ACCESSORY ALLOWANCE**

1. An amount of **[\$2,500] \$5,000** will be allotted from appropriated funds to each newly elected/re-elected Senator for the purpose of furnishing a Senator's personal office, reception room, and conference room.
2. This allowance is for the purchase of furniture and furnishings which are in addition to the furnishings requested from the Standard Furniture and Accessories list and will be authorized at the beginning of each Senator's new term of office. The balance in the account will remain available until expended or the end of the term of office.
3. Provisions will be made for Senators to purchase from this special allowance furniture and accessory items which are unique to their offices and/or home states.
4. a. Items authorized for purchase include furniture, furnishings and accessory items. All items shall be separate from other items or assemblies, shall not be perishable, shall be storable, shall be capable of accepting Senate inventory tags, and, except as noted in 4.b., shall be able to be returned to stock for reissue. Items purchased shall be substantial, shall not be of a temporary nature, and shall, in general, be replaceable. The

purchase of items of art, antiques and artifacts is not provided for in this allowance. Items purchased shall not be available through other means such as the Senator's Official Personnel and Office Expense Account. Examples of items not provided for include ashtrays, paintings, frames, photographs, clocks, cut flowers, decorative flowers, vases, or bookends.

b. Items which are exceptions to the above requirements in 4.a., that is, are not required to be returned to stock, but which may be procured through this allowance, include materials to construct draperies, upgraded carpeting, and materials and labor for the custom upholstering of furniture items.

c. The Committee on Rules and Administration, in conjunction with the Architect of the Capitol, will monitor requests for non-standard items to preserve the architectural conformity of the Senate Office Buildings.

5. All furniture and accessories, whether chosen from the Standard list or purchased from the Senators' Special Furniture and Accessory Allowance, remain the property of the Architect of the Capitol.

6. Furnishings secured through this allowance may be returned at any time at the request of the Senator, or the Senator's designated Office Head, to the Architect's inventory without credit to the Senators' special allowance.

7. Items obtained through the special allowance may be purchased, at a depreciated price, from a Senator's personal funds at any time. However, furniture furnished as standard furniture for Senators or Staff from the Standard Furniture and Accessories list, but which has been custom upholstered with materials purchased from the special allowance, is not available for purchase unless the Building Superintendent has declared it to be surplus.

8. Items purchased through the special allowance which have been returned to the Architect's inventory may be obtained by a Senator at the depreciated value as a charge to that Senator's Special Furniture and Accessory Allowance.

9. Depreciation on all items will be calculated on the following basis:

During year	Percent of original purchase price
One .....	100
Two .....	90
Three .....	80
Four .....	70
Five .....	60
Six .....	50
Seven .....	40
Eight .....	30

Salvage value is considered to be 30 percent of the original purchase price.

#### Procedure for Ordering Items

Special furniture and accessory items may be obtained by submitting a request in writing to the Office of the Superintendent with all details pertaining to the items desired including a complete description, cost, availability, vendor(s), etc. Procurement methods will be consistent with the procedures described in the Federal Acquisition Regulation, and all items procured through the special allowance will be at a fair and reasonable price reflective of the fair market value. Procurement will be accomplished by the issuance of a purchase order from the Architect of the Capitol to the vendor. Vendors will then bill the Architect of the Capitol against the purchase order, with payment following approval of each invoice. Reimbursements to other accounts will not be made from the special allowance accounts.

#### ATTACHMENT D—REGULATIONS GOVERNING PAYMENTS AND REIMBURSEMENTS FROM THE SENATE CONTINGENT FUND FOR EXPENSES OF SENATE COMMITTEES AND ADMINISTRATIVE OFFICES

(Adopted by the Committee on Rules and Administration on July 23, 1987 as authorized by S. Res. 258, 100th Cong., 1st sess., these regulations supercede regulations adopted by the Committee on October 22, 1975 and April 30, 1981)

Section 1. Unless otherwise authorized by law or waived pursuant to Section 6, herein, no payment or reimbursement will be made from the contingent fund of the Senate for any official expenses incurred by any Senate committee (standing, select, joint, or special), commission, administrative office, or other authorized Senate activity whose funds are disbursed by the Secretary of the Senate, in excess of **[\$35] \$50**, unless the voucher submitted for such expenses is accompanied by documentation, and the voucher is certified by the properly designated staff member and approved by the Chairman or elected Senate officer. The designation of such staff members for certification shall be done by means of a letter to the Chairman of the Committee on Rules and Administration. "Official expenses", for the purposes of these regulations, means ordinary and necessary business expenses in support of a committee's or administrative office's official duties.

Section 2. Such documentation should consist of invoices, bills, statements, receipts, or other evidence of expenses incurred, and should include ALL of the following information:

- (a) date expense was incurred;
- (b) the amount of the expense;
- (c) the product or service provided;
- (d) the vendor providing the product or service;
- (e) the address of the vendor; and
- (f) the person or office to whom the product or service was provided.

Expenses being claimed should reflect only current charges. Original copies of documentation should be submitted. However, legible facsimiles will be accepted.

Section 3. Official expenses of **[\$35] \$50** or less must either be documented or must be itemized in sufficient detail so as to leave no doubt of the identity of, and the amount spent for, each item. However, hotel bills or other evidence of lodging costs will be considered necessary in support of per diem expenses and cannot be itemized.

Section 4. Documentation for services rendered on a contract fee basis shall consist of a contract status report form available from the Disbursing Office. However, other expenses authorized expressly in the contract will be subject to the documentation requirements set forth in these regulations.

Section 5. No documentation will be required for the following expenses:

- (a) Salary reimbursement for compensation on a "When Actually Employed" basis;
- (b) reimbursement of official travel in a privately owned vehicle;
- (c) foreign travel expenses incurred by official congressional delegations, pursuant to S. Res. 179, 95th Cong., 1st sess.;
- (d) expenses for receptions of foreign dignitaries pursuant to S. Res. 247, 87th Cong., 2nd sess., as amended; and
- (e) expenses for receptions of foreign dignitaries pursuant to Sec. 2 of Pub. Law 100-71 effective July 11, 1987.

Section 6. In special circumstances, the Committee on Rules and Administration may require documentation for expenses incurred of **[\$35] \$50** or less, or authorize payment of expenses incurred in excess of **[\$35] \$50** without documentation.

Section 7. Cash advances from the Disbursing Office are to be used for travel and petty cash expenses only. No more than \$5,000 may be outstanding at one time for Senate committees or administrative offices, unless otherwise authorized by law or resolution, and no more than \$300 of that amount may be used for a petty cash fund. The individual receiving the cash advance will be personally liable. The Committee on Rules and Administration may, in special instances, increase these nonstatutory limits upon written request by the Chairman of that committee and proper justification.

Section 8. Documentation of petty cash expenses shall be listed on an official petty cash itemization sheet available from the Disbursing Office and should include ALL of the following information:

- (a) date expense was incurred;
- (b) amount of expense;
- (c) product or service provided; and
- (d) the person incurring the expense (payee).

Each sheet must be signed by the Senate employee receiving cash and an authorizing official (i.e., someone other than the employee(s) authorized to certify vouchers). Original receipts or facsimiles must accompany the itemization sheet for petty cash expenses over **[\$35] \$50**.

Section 9. Petty cash funds should be used for the following incidental expenses:

- (a) postage;
- (b) delivery expenses;
- (c) interdepartmental transportation (reimbursements for parking, taxi, subway, bus, travel in a privately-owned vehicle; etc.);
- (d) single copies of publications (not subscriptions);
- (e) office supplies not available in the Senate Stationery Room; and
- (f) official telephone calls made from a staff member's residence or toll charges within a staff member's duty station.

Petty cash funds should not be used for the procurement of equipment.

Section 10. Committees are encouraged to maintain a separate checking account only for the purpose of a petty cash fund and with a balance not in excess of \$300.

Section 11. Vouchers for the reimbursement of official travel expenses to a committee chairman or member, officer, employee, contractor, detailee, or witness shall be accompanied by an "Expense Summary Report—Non Travel" signed by such person. Vouchers for the reimbursement to any such individual for official expenses other than travel expenses shall be accompanied by an "Expense Summary Report—Non Travel" signed by such person.

#### ATTACHMENT E—(REGULATIONS GOVERNING SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNTS—ADOPTED BY THE COMMITTEE ON RULES AND ADMINISTRATION PURSUANT TO SENATE RESOLUTION 170 AGREED TO SEPTEMBER 19, 1979, AS AMENDED.)

Section 1. For the purposes of these regulations, the following definitions shall apply:

- (a) Documentation means invoices, bills, statements, receipts, or other evidence of expenses incurred, approved by the Committee on Rules and Administration.
- (b) Official expenses means ordinary and necessary business expenses in support of the Senators' official and representational duties.

Section 2. No reimbursement will be made from the contingent fund of the Senate for any official expenses incurred under a Senator's Official Personnel and Office Expense Account, in excess of **[\$35] \$50**, unless the voucher submitted for such expenses is accompanied by documentation, and the voucher is personally signed by the Senator.

Section 3. Official expenses of **[\$35] \$50** or less must either be documented or must be



itemized in sufficient detail so as to leave no doubt of the identity of, and the amount spent for, each item. Items of a similar nature may be grouped together in one total on a voucher, but must be itemized individually on a supporting itemization sheet.

Section 4. Travel expenses shall be subject to the same documentation requirements as other official expenses, with the following exceptions:

(a) Hotel bills or other evidence of lodging costs will be considered necessary in support of per diem.

(b) Documentation will not be required for reimbursement of official travel in a privately owned vehicle.

Section 5. No documentation will be required for reimbursement of the following classes of expenses, as these are billed and paid directly through the Sergeant at Arms and Doorkeeper:

(a) official telegrams and long distance calls and related services;

(b) stationery and other office supplies procured through the Senate Stationery Room for use for official business.

Section 6. The Committee on Rules and Administration may require documentation for expenses incurred of [\$35] \$50 or less, or authorize payment of expenses incurred in excess of \$35 \$50 without documentation, in special circumstances.

#### ATTACHMENT F—REGULATIONS GOVERNING ASSIGNMENT, ACCOUNTABILITY, AND INVENTORY CONTROL OF EQUIPMENT

Approved by the Committee on Rules and Administration, United States Senate, on January 25, 1983, effective March 1, 1983, to cover Senators, chairmen of committees and subcommittees, officers of the Senate, joint committees of the Congress, other officers and individuals of the legislative branch, and employees of the United States Senate and to supersede the regulations adopted June 28, 1978, which became effective on September 1, 1978.

Resolved by the Committee on Rules and Administration of the United States Senate, That equipment provided to Senators, committee chairmen, other officers and employees of the United States Senate, and other individuals shall be subject to the following regulations relating to assignment, accountability, and inventory control.

##### DEFINITIONS

Sec. 1. (a) As used in these regulations, the term—

(1) "equipment" includes, but is not limited to, typewriters, dictation machines, calculators, facsimile transmission equipment, photocopiers, sound reproduction and recording equipment, video recording equipment, desk-top computers and peripheral equipment, portable computers, answering devices, headsets, Telecommunications Devices for the Deaf (TDDs), modems, intelligent wiring hubs, telephone instruments, cellular telephones, voice couplers, and pagers, whether owned, rented, or leased by the Senate;

(2) "office head" means, with respect to each of the following offices and committees, the following designated officer:

(A) Office of the Vice President, the Vice President;

(B) Office of the President Pro Tempore, the President Pro Tempore;

(C) Office of the Deputy President Pro Tempore, the Deputy President Pro Tempore;

(D) Office of the Majority Leader, the Majority Leader;

(E) Office of the Minority Leader, the Minority Leader;

(F) Office of the Assistant Majority Leader, the Assistant Majority Leader;

(G) Office of the Assistant Minority Leader, the Assistant Minority Leader;

(H) Office of a United States Senator, the Senator;

(I) Committee of the Senate, the Chairman;

(J) Democratic Policy Committee, the Chairman;

(K) Democratic Conference, the Chairman;

(L) Republican Policy Committee, the Chairman;

(M) Republican Conference, the Chairman;

(N) Office of the Sergeant at Arms, the Sergeant at Arms;

(O) Office of the Secretary of the Senate, the Secretary of the Senate;

(P) Office of the Secretary to the Majority, the Secretary to the Majority;

(Q) Office of the Secretary to the Minority, the Secretary to the Minority;

(R) Office of the Legislative Counsel, the Legislative Counsel; and

(S) Office of the Senate Legal Counsel, the Senate Legal Counsel;

(3) "Committee" means a standing committee of the Senate, a select committee of the Senate, or a special committee of the Senate;

(4) "current value" means the fair market value, less 20 percent, or, if the fair market value cannot be determined satisfactorily, the depreciated value;

(5) "fair market value" means the price at which such or similar equipment is freely sold, or in the absence of sales, offered for sale in the metropolitan area of Washington, DC, in retail quantities and in the ordinary course of trade;

(6) "depreciated value" means the original purchase price of equipment depreciated

(A) in the case of typewriters and mailing equipment, by using a straight-line ten year useful life basis;

(B) in the case of word processing equipment, by using a straight-line eight year useful life basis; and

(C) in the case of all other equipment covered by these regulations, by using a straight-line six year useful life basis;

(7) "salvage value" means the price at which such or similar equipment which is irreparably inoperable or beyond its normal useful life is freely sold, or in the absence of sales, offered for sale for recovery of scrap materials or spare parts in the metropolitan area of Washington, DC;

(8) "earnings" means compensation paid or payable by the United States Senate for personal services, whether denominated as wages, salary, commission, bonus, or otherwise; and

(9) "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of:

(A) any amounts required by law or court order to be withheld; and

(B) amounts withheld for retirement, life insurance, health insurance, and charitable contributions;

(b) In the case of any other office of the Senate not designated in subsection (a), the Senator, staff director, or other officer or staff member in charge of such office shall be an "office head" for purposes of these regulations.

##### REQUESTS FOR EQUIPMENT

Sec. 2. (a) An office head shall have the sole authority to request equipment from the Sergeant at Arms for use in connection with the office or committee under his or her jurisdiction. No such equipment shall be made available except pursuant to a letter to the Sergeant at Arms signed by such office head.

(b) In the case of any joint committee of the Congress which is authorized to receive equipment from the Sergeant at Arms, and any other office which, whether or not a part of the Senate, is authorized to receive such

equipment, the Sergeant at Arms shall not make such equipment available to such committee or office unless the chairman or head thereof enters into an agreement with the Sergeant at Arms sufficient to assure the Sergeant at Arms that proper accountability, assignment, and inventory control procedures will be carried out with respect to such equipment.

(c) The Sergeant at Arms shall not furnish equipment to replace equipment which has been lost, stolen, or damaged, unless the appropriate report required by section 5(b) has been submitted.

##### INVENTORY AND INSPECTION BY SERGEANT AT ARMS

Sec. 3. (a) The Sergeant at Arms shall conduct an on-site physical inventory and inspection of all Senate equipment made available to each office head on an annual basis or as otherwise determined appropriate by the Sergeant at Arms in the interest of sound inventory control.

(b) In addition to any such inventory or inspection conducted pursuant to subsection (a), the Sergeant at Arms shall conduct such special physical inventories and inspections as may be necessary to assure the proper accountability for Senate equipment.

(c) Such inventories and inspections shall be carried out in accordance with such regulations as the Sergeant at Arms, with the approval of the Committee on Rules and Administration, shall adopt.

##### RESPONSIBILITY FOR SAFEGUARDING EQUIPMENT

Sec. 4. (a) Except to the extent otherwise provided in this section each office head shall have the responsibility for safeguarding equipment made available to his or her office or committee and for reporting promptly to the Sergeant at Arms any such equipment which is lost, stolen, damaged or for which such office head cannot account. Assignment of equipment to an office head shall be documented on Senate Form EQU 1, the format and content of which are set forth in section 10.

(b) Notwithstanding any other provision of these regulations, each chairman of a committee may transfer to each chairman of a subcommittee of such committee all of the responsibilities and obligations which the chairman of the committee would otherwise have with respect to such equipment under these regulations. In any case involving such a delegation to a chairman of a subcommittee, such chairman shall be deemed an office head within the meaning of these regulations. Such transfers of responsibility are to be documented on Senate Form EQU 2, the format and content of which are set forth in section 10.

(c) Each office head may delegate to any employee of the office under his or her jurisdiction responsibility for safeguarding equipment assigned to such employee and the responsibility for reporting promptly to the office head and the Sergeant at Arms any such equipment so assigned which is lost, stolen, damaged, or for which such employee cannot account. Such delegations are to be documented on Senate Form EQU 3, the form and content of which are set forth in section 10.

(d) Each office head may adopt such procedures for the office under his or her jurisdiction as such office head may deem appropriate regarding the assignment to employees of such office head of equipment which may be used by any such employee in the conduct of official business at points other than his official post of duty. Such assignments are to be documented on Senate Form EQU 4, the form and content of which are set forth in section 10.

(e) Each office head shall designate a member of his or her staff as the individual responsible for giving the notice required

under paragraph (2) of subsection (f) in the absence of such office head.

(f)(1) An office head to whom equipment has been assigned under these regulations and who intends to retire, resign, or otherwise terminate his or her employment shall notify the Secretary of the Senate of his impending retirement, resignation, or termination as soon as practical.

(2)(A) Whenever an office head, or individual designated by that office head pursuant to subsection (e) of this section, is notified to the effect (i) that an employee to whom such office head has assigned the responsibility for equipment under these regulations intends to retire, resign, or otherwise leave his or her employment, and (ii) that such employee has an unfulfilled financial obligation to the Senate arising out of such assignment, such office head or designated individual shall, not later than the next business day following the day on which such office head or individual learns of such intended retirement, resignation, or termination of employment, notify the Secretary of the Senate of such pending retirement, resignation, or termination of employment, and of such obligation.

(B) For purposes of this paragraph (2), the term "business day" means any day other than a Saturday, Sunday, or holiday.

#### REIMBURSEMENT FOR LOST, STOLEN, OR DAMAGED EQUIPMENT

Sec. 5. (a) In the case of any equipment covered by these regulations which is stolen, lost, or otherwise unaccounted for, reimbursement shall be made in an amount equal to the current value of such equipment as determined in accordance with section 6. In the case of any such equipment which is damaged, reimbursement shall be made in an amount equal to the cost of repairs to such equipment, or its current value (reduced by its salvage value), whichever is less.

(b)(1) Except to the extent otherwise provided in this section, an office head shall be responsible for promptly reimbursing the Senate, through the Sergeant at Arms, for any such equipment made available to him in accordance with these regulations which is lost, stolen, damaged (normal wear and tear excepted), or otherwise unaccounted for, except that no such reimbursement shall be required for such equipment which

(A) is stolen, if such office head promptly reported such equipment as stolen to the appropriate law enforcement agency and promptly notified the Sergeant at Arms of that fact in writing; or

(B) is damaged, if such office head reported such equipment as damaged, together with a statement as to how such damage occurred, to the Sergeant at Arms as soon as practicable after it had been determined damaged, and, on the basis of such statement and other information available to the Sergeant at Arms, the Sergeant at Arms determines that such office head exercised a standard of care with respect to the equipment entrusted to him which a reasonably prudent and careful person would be expected to exercise in the case of his or her own property of a like description under like circumstances and that, in spite of such care, such equipment was so damaged.

(2) An employee to whom responsibility for equipment has been delegated in accordance with the provisions of Section 4 and any other individual who is not an officer or an employee of the Senate but who receives or is responsible for equipment received from the Senate shall be responsible for reimbursing the Senate, through the Sergeant at Arms, for any such equipment so assigned to such employee which is lost, stolen, damaged, or otherwise unaccounted for, except that no such reimbursement shall be required for such equipment which

(A) is stolen, if such employee or other individual promptly reported such equipment as stolen to the appropriate law enforcement agency and promptly notified the Sergeant at Arms and, in the case of an employee, such employee's office head of that fact in writing; or

(B) is damaged, if such employee or other individual reported such equipment as damaged, together with a statement as to how such damage occurred, to the Sergeant at Arms and, in the case of an employee, the employee's office head as soon as practicable after it has been determined damaged, and, on the basis of such statement and other information available to the Sergeant at Arms, the Sergeant at Arms determines that such employee or other individual exercised a standard of care with respect to such equipment entrusted to such employee or other individual which a reasonably prudent and careful person would be expected to take of his own property of a like description under like circumstances and that, in spite of such care, such equipment was so damaged.

(3) Notwithstanding any other provision of these regulations, in any case in which the Sergeant at Arms is unable to obtain reimbursement from any employee in connection with equipment assigned to that employee by an office head, such office head shall be liable for such reimbursement to the extent not recovered from such employee in the same manner as if such assignment had not occurred. The preceding sentence shall not apply in the case of an employee who fails to so reimburse the Senate and who resigns or retires or otherwise leaves his employment, if such office head is in compliance with subsections (e) and (f)(2) of section 4 of these regulations.

(c) Whenever lost or stolen equipment for which reimbursement has been made is found or recovered, the individual from whom reimbursement was received shall notify the Sergeant at Arms immediately upon its recovery and shall tender the property to the appropriate office of the Senate for inspection by the Sergeant at Arms. The Sergeant at Arms shall:

(1) Accept the equipment and refund to such individual the amount of reimbursement paid;

(2) Accept the equipment and refund to such individual an amount equal to the amount of reimbursement paid less the decrease in value of the equipment between the time of its loss and its recovery; or

(3) Refuse to accept return of the equipment and not refund any of the reimbursement.

#### DETERMINATION OF VALUE

Sec. 6. Whenever necessary for the determination of an amount of reimbursement under these regulations, the Sergeant at Arms shall determine the current value of equipment which has been lost, stolen, or is otherwise unaccounted for, and the current value, salvage value, and cost of repairs of equipment which has been damaged.

#### WITHHOLDING OF COMPENSATION OR OTHER PAYMENTS

Sec. 7. (a) Promptly following receipt by him of official notification or reliable public information that an office head is resigning or retiring from, or has left or is otherwise leaving, his or her office, the Secretary of the Senate shall notify the Sergeant at Arms of that fact in writing. Upon receipt of such notice, the Sergeant at Arms shall promptly ascertain whether such office head had an unfulfilled financial obligation to the Senate in connection with any equipment covered by these regulations and shall promptly notify the Secretary of the Senate of his findings. In the case of an office head who has such an unfulfilled financial obligation, the Sec-

retary of the Senate shall withhold from any compensation or other payments due such office head such amount or amounts as may be necessary to satisfy such obligation.

(b) In the case of any employee who is resigning or retiring from or who has left or is otherwise leaving, his or her employment, the Secretary of the Senate, upon receiving notification in accordance with subsections (e) and (f)(2) of section 4 of these regulations, shall withhold from any compensation or other payments due such employee such amount or amounts as may be necessary to satisfy such obligation.

(c) In any other case in which the Sergeant at Arms is unable, after a diligent effort, to obtain from any office head or employee reimbursement of any obligation to the Senate pursuant to these regulations, the Sergeant at Arms shall notify the Secretary of the Senate to that effect and the Secretary shall withhold amounts from compensation or other payments otherwise due such office head or employee until such reimbursement obligation has been satisfied subject to the limitations set forth in subsection (d).

(d) The maximum part of the compensation or other payments such office head, employee, or other individual derived from earnings for any work period which is subject to withholding under subsection (c) shall not exceed the lesser of

(1) twenty-five percent of his disposable earnings for that period, or

(2) if the work period is a workweek, the amount by which his disposable earnings for that workweek exceed 30 times the Federal minimum hourly wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 in effect at the time the earnings are payable, or, if the work period is not a workweek, the amount by which his disposable earnings for that period exceed 30 times the equivalent multiple of the Federal minimum hourly wage prescribed by the Secretary of Labor for such period pursuant to section 303 of the Consumer Credit Protection Act.

(e) In any case in which the Sergeant at Arms is unable, after a diligent effort, to obtain from any office head or employee or any individual who is not an officer or employee of the Senate (but who receives, or is responsible for equipment received from the Senate), reimbursement due from such office head or employee or individual pursuant to these regulations, the Sergeant at Arms shall take all lawful action to obtain such reimbursement.

(f) To the extent permitted by law, moneys so withheld or recovered as reimbursement in connection with equipment lost, stolen, damaged, or otherwise unaccounted for pursuant to these regulations, or by any other lawful means, shall be deposited in the United States Treasury for credit to the appropriation for "Miscellaneous Items" under the heading "Contingent Expenses of the Senate."

(g) Nothing in these regulations shall be construed as precluding the Sergeant at Arms from utilizing any other lawful means or remedies available to him in connection with the obtaining from any such office head or employee, or any such former office head, employee, or other individual any reimbursement due the Senate for equipment lost, stolen, damaged, or otherwise unaccounted for under these regulations.

#### WAIVER AND PETITION

Sec. 8. (a) Notwithstanding any other provision of these regulations, in any case in which the Sergeant at Arms determines that the enforcement of the provisions of these regulations relating to reimbursement would create an undue hardship, or would not be in the public interest, the Sergeant at Arms is authorized to waive, in whole or in part,

such reimbursement otherwise required under these regulations.

(b) Any office head, employee, or other individual who is aggrieved by any final action of the Sergeant at Arms under these regulations involving the matter of reimbursement may petition the Committee on Rules and Administration for a review of such action. On the basis of such petition, the Committee is authorized to approve, disapprove, or modify the action taken by the Sergeant at Arms, and, in the case of any such disapproval or modification, to direct the Sergeant at Arms to take action in conformity therewith.

EQUIPMENT OBTAINED UNDER SECTION 506(A)(9) OF THE SUPPLEMENTAL APPROPRIATIONS ACT, 1973 (2 U.S.C. 58(A)(9))

Sec. 9. The provisions of these regulations shall apply to equipment purchased, leased, or otherwise acquired by a Senator with funds available under section 506(a)(9) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)(9)) and to equipment purchased by a committee or an officer of the Senate with appropriated funds. For purposes of these regulations, any equipment so acquired shall be treated as having been requested from the Sergeant at Arms, and as having been made available by him on the date on which it is delivered and installed in the office of the Senator.

FORMS FOR THE DELEGATION AND TRANSFER OF ACCOUNTABILITY

Sec. 10. In the case of equipment issued, reassigned, or otherwise made available on or after the effective date of these regulations, delegations and transfers of accountability for equipment covered by these regulations shall be documented on forms, the content and format of which are set forth below.

[Applicable forms are supplied by the Sergeant at Arms' Equipment Division when making equipment assignments or reassignments.]

DE MINIMIS EXCEPTION FOR USE OF SENATE EQUIPMENT

Sec. 11. It is the normal and standing policy of the Senate that official Senate resources may only be used in connection with official business. However, in recognition of the infrequent need for authorized users of official Senate resources or equipment to take care of occasional personal matters during normal business hours, pursuant to S. Res 238 (108th Congress, 1st Session), the *de minimis* use of official Senate resources (i.e. computers, Internet services, cellular telephones, copiers and facsimile machines and other such similar devices) is hereby permitted.

For purposes of this policy, "*de minimis* use" is defined as the incidental, unofficial use of Senate resources or equipment when such use is significantly negligible in nature and frequency and at nominal expense to the government. Such use must also not create the appearance of impropriety. The *de minimis* use of official resources as described herein is considered to be in the interest of the Senate. The *de minimis* uses permitted herein are only acceptable when such uses are performed without measurable interference to the performance of the official duties of the authorized user and are in compliance with the Senate Code of Official Conduct.

Nothing contained herein shall be construed to permit the use of Internet services or any other official resources for partisan, political or campaign purposes—such use is strictly prohibited under any circumstances. Nothing contained herein shall be construed to permit the use of official Senate resources for any commercial activity or any income-generating purpose or for any other illegal activity.

It is the responsibility of each Senator, Committee Chairman, Officer of the Senate, or administrative office head to oversee the use of of-

ficial Senate resources by their office and to ensure that the use is consistent with the requirements established by this policy as well as any other applicable laws and regulations. Nothing contained in the above policy shall prevent a Senator, Committee Chairman, Officer of the Senate or administrative office head from adopting a more restrictive *de minimis* use policy.

## RETIREMENT OF CHARLOTTE MORELAND

Mr. ROCKEFELLER. Mr. President, today I want to honor an extraordinary person and one of my most dedicated staff who is retiring from service in the United States Senate, Charlotte Moreland.

For 19 years, Charlotte has worked in my DC office, joining my team during my very first year in the Senate. And for all these years, Charlotte has always been an advocate for West Virginia. Starting in my personal office, Charlotte moved to the Veterans Committee when I became Chairman and found herself developing a voice and sense of duty for veterans in West Virginia and across our country. Over the years, she listened patiently as they expressed their concerns about a disability claim or health care. She took note as they told their stories of bravery and sacrifice. She remembered the details of their lives that made the difference in getting them the benefits they had earned. Charlotte then took those stories to help craft legislation to improve benefits for all veterans.

She spoke eloquently on behalf of these veterans. As Charlotte often would tell those around her, VA is the second largest department in the United States, right behind the Department of Defense, and I have no doubt that many working for VA have heard the voice of Charlotte Moreland. Her voice was gentle, but firm, when urging VA to take a second look at a claim or to check their records for something they may have missed initially. But I have to tell you, this same voice would rise a few notches and not back down to get attention for a veteran whom she felt was being treated unfairly on a claim, unable to get medical treatment, or to ensure that a veteran got proper recognition with a headstone to pay one last respect to their service. When those times came, I often wondered how Charlotte maintained such a friendly working relationship with those at VA. She always smiled at me and said it was because they knew her heart was in the right place.

For West Virginia veterans, she has been a tireless advocate. Whenever Charlotte saw a gap in services or an unmet need, she worked to fill it. Our State's four VA Medical Centers received numerous visits from Charlotte, and the facilities are better because of those visits. Over the years, West Virginia has expanded the number of veteran centers and community-based outpatient clinics so that veterans can have quality services nearby. Charlotte has made a real difference in the lives of many veterans and their families.

Charlotte Moreland is retiring from my office after a distinguished career. You need look no further than the plaques and awards she has received from Veterans Service Organizations to know that she will be missed. You can hear praise in the telephone calls and the compliments in countless letters to my office to know that she will be missed. I am very proud that Charlotte Moreland has been on my staff for these many years, and I wish her all the best.

## ADDITIONAL STATEMENTS

### CHARLES E. KRUSE

• Mr. BOND. Mr. President, it is my honor and great privilege to recognize my fellow Missourian and personal friend, Mr. Charles E. Kruse, president of Missouri Farm Bureau. Mr. Kruse has been recently awarded the Distinguished Eagle Scout Award, the highest honor awarded to Eagle Scouts by the Great Rivers Council. Today I am proud to join with family and friends to recognize and honor Mr. Kruse on this occasion.

I have, over the course of my career, worked with Charlie Kruse on many occasions and have come to know him as a great friend and close ally on behalf of agriculture. In 1983, as Governor, I appointed Charlie to serve on the University of Missouri Board of Curators. Since his appointment Charlie went on to serve as director of the Missouri Department of Agriculture, as the sole Missourian on President Bush's Council on Rural America, Brigadier General of the National Guard, and as the exclusive vice president of North American Equipment Dealers Association.

Since August of 1992, Charlie has solidified his longtime friendship with the Missouri farmer by serving as president of the Missouri Farm Bureau. He is a fourth generation farmer; is on the American Farm Bureau Federation Board of Directors; has served on numerous Presidential commissions making recommendations on farm, tax, trade and environmental policies, and; he is married to Pam—the lady whose name is on the farm combine and who harvests corn at home when Charlie is harvesting awards around the country.

Charlie has been a close friend and advisor for as long as I have been in the Senate and longer than either of us care to admit. He has contributed immeasurably to his community, State and country. He is the product of generations of rural ancestors and is blessed to be deputy commander of his own terrific family. His tireless and enthusiastic contributions and his family inspire his love and inspiration. Charlie is as good a friend as rural America could ever have. We congratulate him for this important recognition and thank him for his for your service to our country.●

## 2003 PROFESSORS OF THE YEAR

• Mr. WARNER. Mr. President, I rise today to congratulate two Virginians, Dr. Edward Ayers and Dr. Patty Hale, on their recent selection as Professors of the Year. This award, given by the Council for Advancement and Support of Education, is a major accomplishment as only four national awards are given out each year. Dr. Ayers was recognized as Outstanding Doctoral and Research College Professor of the Year, and Dr. Hale was recognized as Outstanding Master's University and College Professor of the Year.

While I have not had the pleasure of meeting with these individuals personally, I have reviewed their qualifications. These two individuals, who have dedicated large portions of their lives to higher learning and to educating tomorrow's leaders, are imminently qualified for these awards. How fortunate we are in Virginia to have two such distinguished professors.

Dr. Edward Ayers is a Professor of History and Dean of Arts and Sciences at the University of Virginia in Charlottesville, VA. An expert in Southern history, Dr. Ayers has taught for over 20 years and has authored numerous books. In 2000, he was appointed to the National Council for the Humanities by President Clinton, and in 2002, he was named to the Executive Board of the National Council for History Education. He has also been recognized for excellence in teaching, having received the Arthur Stocker Award for Outstanding Teaching from the ODK Honor Society at U.Va. and the Outstanding Faculty Award from the State Council of Higher Education in Virginia.

In addition, Dr. Ayers has created an innovative online program, the Valley of the South Project, which is a digital archive that allows people from around the world to explore the history of the Civil War. Four million people have visited the Valley of the South Project to explore the issues surrounding the coming, fighting, and aftermath of the Civil War. The Project has also won the critical acclaim of Dr. Ayers' peers, garnering the James Harvey Robinson Prize from the American Historical Association and the E-Lincoln Prize for Best Digital Project.

Dr. Patty Hale is a Professor of Nursing at Lynchburg College, in Lynchburg, VA. At Lynchburg College, she has won several teaching awards, including the State Council of Higher Education Distinguished Faculty Achievement Award.

One of Dr. Hale's most successful ventures has been her collaboration with four of her students on writing two directories of their community's health and social services. These booklets have been distributed free of charge to area residents and health professionals and have enhanced the knowledge and patronage of area health resources.

Her work has earned Dr. Hale great respect and honors in her community,

including the James A. Huston Excellence in Scholarship Award. Dr. Hale is committed to serving those less fortunate and has invested countless hours in forging community relationships to help disadvantaged people in her area. She and her students have started programs to provide health services to residents at several area shelters, clinics, and neighborhood health centers, most of which serve inner city low-income populations.

I commend both Dr. Ayers and Dr. Hales for the excellence in education, and am pleased to recognize them as recipients of Professors of the Year. •

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MEASURES REFERRED ON 10/30/2003

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

H.R. 1720. An act to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, establishing, and updating patient care facilities at Department of Veterans Affairs medical centers, to provide by law for the establishment and functions of the Office of Research Oversight in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans Affairs.

The following bill was re-referred to the following committee, by unanimous consent:

S. 139. A bill to provide for a program of scientific research on abrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that could be used interchangeably with passenger vehicle fuel economy standard credits, to limited greenhouse gas emissions in the United States and reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances to the Committee on Environment and Public Works.

## MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1805. A bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

S. 1806. A bill to prohibit civil liability actions from brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1279. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area (Rept. No. 108-183).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with amendments and an amendment to the title:

S. 1262. A bill to authorize appropriations for fiscal years 2004, 2005, and 2006 for certain maritime programs of the Department of Transportation, and for other purposes (Rept. No. 108-184).

By Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1248. A bill to reauthorize the Individuals with Disabilities Education Act, and for other purposes (Rept. No. 108-185).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Ms. CANTWELL:

S. 1812. A bill to amend the Home Owner's Loan Act to clarify the citizenship of Federal savings associations for purposes of Federal court jurisdiction; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself, Mrs. FEINSTEIN, Mr. DURBIN, and Mrs. CLINTON):

S. 1813. A bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq, and for other purposes; to the Committee on the Judiciary.

By Mr. BOND:

S. 1814. A bill to transfer federal lands between the Secretary of Agriculture and the Secretary of the Interior; to the Committee on Environment and Public Works.

By Mr. COCHRAN (for himself, Mr. HARKIN, Mr. GRASSLEY, Mr. BAUCUS, Mr. CONRAD, Mr. LUGAR, Mr. ROBERTS, Mr. COLEMAN, Mr. FITZGERALD, Mr. CHAMBLISS, and Mr. CRAPO):

S.J. Res. 22. A joint resolution recognizing the Agricultural Research Service of the Department of Agriculture for 50 years of outstanding service to the Nation through agricultural research; considered and passed.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. LANDRIEU:

S. Res. 257. A resolution expressing the sense of the Senate that Congress should

give priority to passing legislation to provide tax relief for United States military personnel and should offset the cost of such tax relief with legislation preventing individuals from avoiding taxes by renouncing United States citizenship; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 50

At the request of Mr. JOHNSON, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 50, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care, and for other purposes.

S. 339

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to simplify the application of the excise tax imposed on bows and arrows.

S. 382

At the request of Mr. DORGAN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 382, a bill to amend title XVIII of the Social Security Act to provide for coverage of cardiovascular screening tests under the medicare program.

S. 641

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 641, a bill to amend title 10, United States Code, to support the Federal Excess Personal Property program of the Forest Service by making it a priority of the Department of Defense to transfer to the Forest Service excess personal property of the Department of Defense that is suitable to be loaned to rural fire departments.

S. 736

At the request of Mr. ENSIGN, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from New York (Mrs. CLINTON), the Senator from Florida (Mr. NELSON), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 853

At the request of Ms. SNOWE, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 853, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the medicare program.

S. 875

At the request of Mr. KERRY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and commu-

nity development, and for other purposes.

S. 976

At the request of Mr. WARNER, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 1172

At the request of Mr. FRIST, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1172, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

S. 1248

At the request of Mr. GREGG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1248, a bill to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

S. 1339

At the request of Mr. BREAUX, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1339, a bill to amend title 5, United States Code, to provide for appropriate overtime pay for National Weather Service employees who perform essential services during severe weather events.

S. 1353

At the request of Mr. BROWNBACK, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1353, a bill to establish new special immigrant categories.

S. 1380

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1414

At the request of Mr. HATCH, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1414, a bill to restore second amendment rights in the District of Columbia.

S. 1595

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1595, a bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax with respect to employees who participate in the military reserve components and are called to active duty and with respect to replacement employees and to allow a comparable credit for activated military reservists who are self-employed individuals, and for other purposes.

S. 1645

At the request of Mr. CRAIG, the name of the Senator from Montana

(Mr. BAUCUS) was added as a cosponsor of S. 1645, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 1755

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1755, a bill to amend the Richard B. Russell National School Lunch Act to provide grants to support farm-to-cafeteria projects.

S. 1765

At the request of Mr. LOTT, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 1765, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 1766

At the request of Mr. LEAHY, the names of the Senator from Maine (Ms. COLLINS), the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1766, a bill to amend the Food Security Act of 1985 to prohibit the use of certain conservation funding to provide technical assistance under the conservation reserve program.

S. 1780

At the request of Mr. BIDEN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1780, a bill to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors.

S. RES. 107

At the request of Mr. INOUE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 107, a resolution expressing the sense of the Senate to designate the month of November 2003 as "National Military Family Month".

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mrs. FEINSTEIN, Mr. DURBIN, and Mrs. CLINTON):

S. 1813. A bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am introducing with Senators FEINSTEIN, DURBIN, and CLINTON the "War Profiteering Prevention Act of 2003." This bill creates criminal penalties for war profiteers and cheats who would

exploit the relief and reconstruction efforts in Iraq to make an extra buck. Sadly, these very same provisions are missing from the final version of the \$87 billion spending bill for Iraq and Afghanistan because House conferees refused to accept the amendment, offering no substitute and no willingness to compromise. Republican and Democratic Senate conferees consistently supported the provision, which had been unanimously accepted during Senate Appropriations Committee markup of the bill.

There are, of course, fraud statutes to protect against waste of tax dollars at home. But none expressly prohibit war profiteering and none expressly confer extraterritorial jurisdiction overseas. Technical jurisdictional elements in existing laws also make their applicability in these unique circumstances more difficult. The Leahy-Feinstein-Durbin-Clinton bill would criminalize "war profiteering"—overcharging taxpayers for any good or service with the specific intent to excessively profit from the war or reconstruction efforts in Iraq. The bill also prohibits fraud and false statements in any matter involving a contract or the provision of goods or services in Iraq. These new crimes would be felonies, subject to criminal penalties of up to 20 years in prison and fines of up to \$1 million or twice the illegal gross profits of the crime. These are strong and focused sanctions that are narrowly tailored to criminalize and create tough criminal penalties for fraud or excessive profiteering in contracts, here and abroad, related to the war or reconstruction efforts in Iraq.

Congress is about to send billions and billions of dollars to a place where there is no functioning government, under a plan with too little accountability and too few financial controls. That's a formula for mischief. We need strong disincentives for those who would defraud taxpayers. It baffles me why House members would not want to provide this protection to taxpayers. Every penny of our taxpayers' money must be scrupulously spent and protected from waste. The message sent by this bill speaks volumes; any act taken to financially exploit the crisis situation in Iraq for exorbitant personal gain is simply reprehensible. It demeans and cheapens the sacrifices that our military and civilian personnel are making in Iraq.

In post-war times, where U.S. taxpayers have been called upon to bear the burden of reconstruction contracts—where contracts are awarded in a system that offers little competition and even less accountability—concerns about wartime profiteering are of grave concern. Historical efforts to stem such profiteering have been successful: Congress implemented excessive-profits taxes and contract renegotiation laws after both World Wars, and again after the Korean War. Advocating exactly such an approach, President Roosevelt once declared it our duty to ensure

that "a few do not gain from the sacrifices of the many." Then, as now, our government cannot in good faith ask its people to sacrifice for reconstruction efforts that allow so many others to unfairly profit.

There is urgency to this important measure because criminal statutes cannot be applied retroactively. These controls need to be in place now. We can only hope that the Senate will continue to press and support its prompt passage through Congress.

By Mr. BOND:

S. 1814. A bill to transfer lands between the Secretary of Agriculture and the Secretary of the Interior; to the Committee on Environment and Public Works.

Mr. BOND. Mr. President, I rise today to introduce legislation that will transfer the control of the Mingo Job Corps Center to the U.S. Department of Agriculture to be administered by the U.S. Forest Service. Since its inception, the Center has served at-risk youth by providing a facility where students can complete their secondary education and serve the local area through community service projects. The Department of Labor has expressed their plans to contract out operations of the Mingo Center, which is currently administered by the Fish and Wildlife Service, an action that would greatly increase the chances for the permanent closure of the facility.

The Mingo Job Corps Center has been extremely successful in southern Missouri. For over 40 years, the Center has been a place for students to complete their education, learn a trade, and serve the community. Through the Center, students master trades from auto repair to fire fighting, from carpentry to culinary arts, and from bricklaying to business. The closure of the facility would mean 250 students would not be able to receive their High School Diploma, GED, or learn the skills necessary to earn gainful employment.

For over 40 years the Center has made a substantial contribution to the community through service projects. Mingo students have participated in national projects such as the recovery of the space shuttle *Columbia* and fighting western forest fires. However, the main impact of their activities are felt locally in southern Missouri. Each year the Mingo Job Corps completes over \$1 million worth of community and conservation projects. These projects include construction of the Poplar Bluff Forest Service District Office, construction of many Puxico School buildings, and the painting and repair of furniture at various local schools.

The Mingo Job Corps Training Center is truly an invaluable asset to the State of Missouri that must be preserved. Last year, with the help of Congresswomen JO ANN EMERSON, I secured a commitment from the USDA to have the Forest Service assume operation of the Mingo Job Corps Center. However,

now it has become necessary for this transfer to be handled legislatively. My legislation will ensure that the Center will continue to be a positive force that shapes the lives of our youth. Our economy and the kids who depend upon this facility will remain the real winners here.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 257—EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD GIVE PRIORITY TO PASSING LEGISLATION TO PROVIDE TAX RELIEF FOR UNITED STATES MILITARY PERSONNEL AND SHOULD OFFSET THE COST OF SUCH TAX RELIEF WITH LEGISLATION PREVENTING INDIVIDUALS FROM AVOIDING TAXES BY RENOUNCING UNITED STATES CITIZENSHIP

Ms. LANDRIEU submitted the following resolution; which was considered and agreed to:

S. RES. 257

Whereas Congress is responsible for providing United States military personnel with the equipment, supplies, and other resources needed to preserve our freedom;

Whereas Congress is responsible for providing United States military personnel with a comprehensive compensation package;

Whereas, since 2001, Congress has passed and the President has signed legislation providing for \$1,750,000,000,000 in tax relief;

Whereas the Senate has passed legislation providing for \$1,100,000,000 in additional tax relief for United States military personnel and their families;

Whereas United States citizens benefit from economic opportunities which arise from the liberty protected by United States military personnel;

Whereas the United States loses approximately \$80,000,000 per year in tax revenue from individuals who renounce United States citizenship;

Whereas the Senate has unanimously passed legislation which prevents individuals from avoiding taxes by renouncing United States citizenship as an offset to the cost of providing tax relief for the 1,400,000 active duty military personnel and the 1,200,000 members of the National Guard and Reserves; and

Whereas Congress has asked the Comptroller General of the United States to conduct a study on the total compensation package provided for United States military personnel in order to ensure that the unique needs of military personnel are addressed: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) Congress should give priority to passing legislation to provide tax relief for—

(A) United States military personnel, including those serving in the National Guard and Reserves; and

(B) the employers of active duty members of the National Guard and Reserves; and

(2) the cost of such tax relief should be offset by legislation which prevents individuals from avoiding taxes by renouncing United States citizenship.



## AMENDMENTS SUBMITTED AND PROPOSED

SA 2051. Mr. MCCONNELL (for Mr. MCCAIN (for himself, Mr. BAUCUS, and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 3365, an act to amend title 10, United States Code, and the Internal Revenue Code of 1986 to increase the death gratuity payable with respect to deceased members of the Armed Forces and to exclude such gratuity from gross income, to provide additional tax relief for members of the Armed Forces and their families, and for other purposes.

SA 2052. Mr. MCCONNELL (for Mr. MCCAIN) proposed an amendment to the bill H.R. 3365, supra.

## TEXT OF AMENDMENTS

**SA 2051.** Mr. MCCONNELL (for Mr. MCCAIN (for himself, Mr. BAUCUS, and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 3365, an act to amend title 10, United States Code, and the Internal Revenue Code of 1986 to increase the death gratuity payable with respect to deceased members of the Armed Forces and to exclude such gratuity from gross income, to provide additional tax relief for members of the Armed Forces and their families, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE, ETC.**

(a) **SHORT TITLE.**—This Act may be cited as the “Military Family Tax Relief Act of 2003”.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) **TABLE OF CONTENTS.**—

Sec. 1. Short title, etc.

**TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL**

Sec. 101. Exclusion of gain from sale of a principal residence by a member of the uniformed services or the Foreign Service.

Sec. 102. Treatment of death gratuities payable with respect to deceased members of the Armed Forces.

Sec. 103. Exclusion for amounts received under Department of Defense homeowners assistance program.

Sec. 104. Expansion of combat zone filing rules to contingency operations.

Sec. 105. Modification of membership requirement for exemption from tax for certain veterans’ organizations.

Sec. 106. Clarification of the treatment of certain dependent care assistance programs.

Sec. 107. Clarification relating to exception from additional tax on certain distributions from qualified tuition programs, etc. on account of attendance at military academy.

Sec. 108. Suspension of tax-exempt status of terrorist organizations.

Sec. 109. Above-the-line deduction for overnight travel expenses of National Guard and Reserve members.

Sec. 110. Tax relief and assistance for families of Space Shuttle Columbia heroes.

**TITLE II—REVENUE PROVISION**

Sec. 201. Extension of customs user fees.

**TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL****SEC. 101. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY A MEMBER OF THE UNIFORMED SERVICES OR THE FOREIGN SERVICE.**

(a) **IN GENERAL.**—Subsection (d) of section 121 (relating to exclusion of gain from sale of principal residence) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

“(9) **MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.**—

“(A) **IN GENERAL.**—At the election of an individual with respect to a property, the running of the 5-year period described in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual’s spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service of the United States.

“(B) **MAXIMUM PERIOD OF SUSPENSION.**—The 5-year period described in subsection (a) shall not be extended more than 10 years by reason of subparagraph (A).

“(C) **QUALIFIED OFFICIAL EXTENDED DUTY.**—For purposes of this paragraph—

“(i) **IN GENERAL.**—The term ‘qualified official extended duty’ means any extended duty while serving at a duty station which is at least 50 miles from such property or while residing under Government orders in Government quarters.

“(ii) **UNIFORMED SERVICES.**—The term ‘uniformed services’ has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

“(iii) **FOREIGN SERVICE OF THE UNITED STATES.**—The term ‘member of the Foreign Service of the United States’ has the meaning given the term ‘member of the Service’ by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980, as in effect on the date of the enactment of this paragraph.

“(iv) **EXTENDED DUTY.**—The term ‘extended duty’ means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

“(D) **SPECIAL RULES RELATING TO ELECTION.**—

“(i) **ELECTION LIMITED TO 1 PROPERTY AT A TIME.**—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

“(ii) **REVOCATION OF ELECTION.**—An election under subparagraph (A) may be revoked at any time.”.

(b) **EFFECTIVE DATE; SPECIAL RULE.**—

(1) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) **WAIVER OF LIMITATIONS.**—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

**SEC. 102. TREATMENT OF DEATH GRATUITIES PAYABLE WITH RESPECT TO DECEASED MEMBERS OF THE ARMED FORCES.**

(a) **INCREASE IN AMOUNT OF DEATH GRATUITY.**—

(1) **IN GENERAL.**—Section 1478(a) of title 10, United States Code, is amended by striking “\$6,000” and inserting “\$12,000”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall take effect as of September 11, 2001, and shall apply with respect to deaths occurring on or after that date.

(b) **EXCLUSION FROM GROSS INCOME.**—

(1) **IN GENERAL.**—Subsection (b)(3) of section 134 (relating to certain military benefits) is amended by adding at the end the following new subparagraph:

“(C) **EXCEPTION FOR DEATH GRATUITY ADJUSTMENTS MADE BY LAW.**—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted after September 9, 1986.”.

(2) **CONFORMING AMENDMENT.**—Subparagraph (A) of section 134(b)(3) is amended by striking “subparagraph (B)” and inserting “subparagraphs (B) and (C)”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply with respect to deaths occurring after September 10, 2001.

**SEC. 103. EXCLUSION FOR AMOUNTS RECEIVED UNDER DEPARTMENT OF DEFENSE HOMEOWNERS ASSISTANCE PROGRAM.**

(a) **IN GENERAL.**—Section 132(a) (relating to the exclusion from gross income of certain fringe benefits) is amended by striking “or” at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting “, or”, and by adding at the end the following new paragraph:

“(8) qualified military base realignment and closure fringe.”.

(b) **QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.**—Section 132 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) **QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.**—For purposes of this section—

“(1) **IN GENERAL.**—The term ‘qualified military base realignment and closure fringe’ means 1 or more payments under the authority of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) (as in effect on the date of the enactment of this subsection) to offset the adverse effects on housing values as a result of a military base realignment or closure.

“(2) **LIMITATION.**—With respect to any property, such term shall not include any payment referred to in paragraph (1) to the extent that the sum of all of such payments related to such property exceeds the maximum amount described in clause (1) of subsection (c) of such section (as in effect on such date).”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

**SEC. 104. EXPANSION OF COMBAT ZONE FILING RULES TO CONTINGENCY OPERATIONS.**

(a) **IN GENERAL.**—Section 7508(a) (relating to time for performing certain acts postponed by reason of service in combat zone) is amended—

(1) by inserting “, or when deployed outside the United States away from the individual’s permanent duty station while participating in an operation designated by the

Secretary of Defense as a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) or which became such a contingency operation by operation of law" after "section 112".

(2) by inserting in the first sentence "or at any time during the period of such contingency operation" after "for purposes of such section";

(3) by inserting "or operation" after "such an area", and

(4) by inserting "or operation" after "such area".

(b) CONFORMING AMENDMENTS.—

(1) Section 7508(d) is amended by inserting "or contingency operation" after "area".

(2) The heading for section 7508 is amended by inserting "**OR CONTINGENCY OPERATION**" after "**COMBAT ZONE**".

(3) The item relating to section 7508 in the table of sections for chapter 77 is amended by inserting "or contingency operation" after "combat zone".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any period for performing an act which has not expired before the date of the enactment of this Act.

**SEC. 105. MODIFICATION OF MEMBERSHIP REQUIREMENT FOR EXEMPTION FROM TAX FOR CERTAIN VETERANS' ORGANIZATIONS.**

(a) IN GENERAL.—Subparagraph (B) of section 501(c)(19) (relating to list of exempt organizations) is amended by striking "or widowers" and inserting ", widowers, ancestors, or lineal descendants".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SEC. 106. CLARIFICATION OF THE TREATMENT OF CERTAIN DEPENDENT CARE ASSISTANCE PROGRAMS.**

(a) IN GENERAL.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

"(4) CLARIFICATION OF CERTAIN BENEFITS.—For purposes of paragraph (1), such term includes any dependent care assistance program (as in effect on the date of the enactment of this paragraph) for any individual described in paragraph (1)(A)."

(b) CONFORMING AMENDMENTS.—

(1) Section 134(b)(3)(A), as amended by section 102, is amended by inserting "and paragraph (4)" after "subparagraphs (B) and (C)".

(2) Section 3121(a)(18) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(3) Section 3306(b)(13) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(4) Section 3401(a)(18) is amended by striking "or 129" and inserting ", 129, or 134(b)(4)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(d) NO INFERENCE.—No inference may be drawn from the amendments made by this section with respect to the tax treatment of any amounts under the program described in section 134(b)(4) of the Internal Revenue Code of 1986 (as added by this section) for any taxable year beginning before January 1, 2003.

**SEC. 107. CLARIFICATION RELATING TO EXEMPTION FROM ADDITIONAL TAX ON CERTAIN DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS, ETC. ON ACCOUNT OF ATTENDANCE AT MILITARY ACADEMY.**

(a) IN GENERAL.—Subparagraph (B) of section 530(d)(4) (relating to exceptions from additional tax for distributions not used for educational purposes) is amended by striking

"or" at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

"(iv) made on account of the attendance of the designated beneficiary at the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the United States Coast Guard Academy, or the United States Merchant Marine Academy, to the extent that the amount of the payment or distribution does not exceed the costs of advanced education (as defined by section 2005(e)(3) of title 10, United States Code, as in effect on the date of the enactment of this section) attributable to such attendance, or";

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

**SEC. 108. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.**

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.—

"(1) IN GENERAL.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

"(2) TERRORIST ORGANIZATIONS.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

"(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

"(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

"(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

"(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

"(ii) such Executive order refers to this subsection.

"(3) PERIOD OF SUSPENSION.—With respect to any organization described in paragraph (2), the period of suspension—

"(A) begins on the later of—

"(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

"(ii) the date of the enactment of this subsection, and

"(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

"(4) DENIAL OF DEDUCTION.—No deduction shall be allowed under any provision of this title, including sections 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), and 2522, with respect to any contribution to an organiza-

tion described in paragraph (2) during the period described in paragraph (3).

"(5) DENIAL OF ADMINISTRATIVE OR JUDICIAL CHALLENGE OF SUSPENSION OR DENIAL OF DEDUCTION.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

"(6) ERRONEOUS DESIGNATION.—

"(A) IN GENERAL.—If—

"(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

"(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

"(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

"(B) WAIVER OF LIMITATIONS.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

"(7) NOTICE OF SUSPENSIONS.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

**SEC. 109. ABOVE-THE-LINE DEDUCTION FOR OVERNIGHT TRAVEL EXPENSES OF NATIONAL GUARD AND RESERVE MEMBERS.**

(a) DEDUCTION ALLOWED.—Section 162 (relating to certain trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

"(p) TREATMENT OF EXPENSES OF MEMBERS OF RESERVE COMPONENT OF ARMED FORCES OF THE UNITED STATES.—For purposes of subsection (a)(2), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business for any period during which such individual is away from home in connection with such service."

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ELECTS TO ITEMIZE.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

"(E) CERTAIN EXPENSES OF MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—The deductions allowed by section 162 which consist of expenses, determined at a rate not in excess of the rates for travel expenses (including per diem in lieu of subsistence) authorized for employees

of agencies under subchapter I of chapter 57 of title 5, United States Code, paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States for any period during which such individual is more than 100 miles away from home in connection with such services."

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2002.

#### **SEC. 110. TAX RELIEF AND ASSISTANCE FOR FAMILIES OF SPACE SHUTTLE COLUMBIA HEROES.**

(a) **INCOME TAX RELIEF.**—

(1) **IN GENERAL.**—Subsection (d) of section 692 (relating to income taxes of members of Armed Forces and victims of certain terrorist attacks on death) is amended by adding at the end the following new paragraph:

"(5) **RELIEF WITH RESPECT TO ASTRONAUTS.**—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty, except that paragraph (3)(B) shall be applied by using the date of the death of the astronaut rather than September 11, 2001."

(2) **CONFORMING AMENDMENTS.**—

(A) Section 5(b)(1) is amended by inserting "astronauts," after "Forces".

(B) Section 6013(f)(2)(B) is amended by inserting "astronauts," after "Forces".

(3) **CLERICAL AMENDMENTS.**—

(A) The heading of section 692 is amended by inserting "ASTRONAUTS," after "FORCES".

(B) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 is amended by inserting "astronauts," after "Forces".

(4) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply with respect to any astronaut whose death occurs after December 31, 2002.

(b) **DEATH BENEFIT RELIEF.**—

(1) **IN GENERAL.**—Subsection (i) of section 101 (relating to certain death benefits) is amended by adding at the end the following new paragraph:

"(4) **RELIEF WITH RESPECT TO ASTRONAUTS.**—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty."

(2) **CLERICAL AMENDMENT.**—The heading for subsection (i) of section 101 is amended by inserting "OR ASTRONAUTS" after "VICTIMS".

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to amounts paid after December 31, 2002, with respect to deaths occurring after such date.

(c) **ESTATE TAX RELIEF.**—

(1) **IN GENERAL.**—Section 2201(b) (defining qualified decedent) is amended by striking "and" at the end of paragraph (1)(B), by striking the period at the end of paragraph (2) and inserting "and", and by adding at the end the following new paragraph:

"(3) any astronaut whose death occurs in the line of duty."

(2) **CLERICAL AMENDMENTS.**—

(A) The heading of section 2201 is amended by inserting "DEATHS OF ASTRONAUTS," after "FORCES".

(B) The item relating to section 2201 in the table of sections for subchapter C of chapter 11 is amended by inserting "deaths of astronauts," after "Forces".

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to estates of decedents dying after December 31, 2002.

#### **TITLE II—REVENUE PROVISION**

##### **SEC. 201. EXTENSION OF CUSTOMS USER FEES.**

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19

U.S.C. 58c(j)(3)) is amended by striking "March 31, 2004" and inserting "March 1, 2005".

**SA 2052.** Mr. MCCONNELL (for Mr. McCain) proposed an amendment to the bill H.R. 3365, an act to amend title 10, United States Code, and the Internal Revenue Code of 1986 to increase the death gratuity payable with respect to deceased members of the Armed Forces and to exclude such gratuity from gross income, to provide additional tax relief for members of the Armed Forces and their families, and for other purposes; as follows:

Amend the title so as to read: "An Act to amend title 10, United States Code, and the Internal Revenue Code of 1986 to increase the death gratuity payable with respect to deceased members of the Armed Forces and to exclude such gratuity from gross income, to provide additional tax relief for members of the Armed Forces and their families, and for other purposes."

#### **AUTHORITY FOR COMMITTEES TO MEET**

SUBCOMMITTEE ON FINANCIAL MANAGEMENT,  
THE BUDGET AND INTERNATIONAL SECURITY

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Financial Management, the Budget, and International Security be authorized to meet on Monday, November 3, at 10:30 a.m. for a hearing titled, "Mutual Funds: Trading Practices and Abuses that Harm Investors."

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

#### **PRIVILEGES OF THE FLOOR**

Mr. HARKIN. Mr. President, I ask unanimous consent that Dennis O'Connor of my staff be granted floor privileges for the duration of today's session.

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

Mr. REED. Mr. President, I ask unanimous consent that Thomas Heibert, a fellow in my office, be granted the privileges of the floor for this debate.

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

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

On Thursday, October 30, 2003, the Senate passed H.R. 2800, as follows:

H.R. 2800

*Resolved*, That the bill from the House of Representatives (H.R. 2800) entitled "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes," do pass with the following amendment: Strike out all after the enacting clause and insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, and for other purposes, namely:*

#### **TITLE I—EXPORT AND INVESTMENT ASSISTANCE**

EXPORT-IMPORT BANK OF THE UNITED STATES  
INSPECTOR GENERAL OF THE EXPORT-IMPORT BANK

*For necessary expenses of the Office of Inspector General of the Export-Import Bank of the United States in carrying out the provisions of the Inspector General Act of 1978, as amended, \$1,000,000.*

#### **EXPORT-IMPORT BANK LOANS PROGRAM ACCOUNT**

*The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: Provided further, That notwithstanding section 1(c) of Public Law 103-428, as amended, sections 1(a) and (b) of Public Law 103-428 shall remain in effect through October 1, 2004.*

#### **ADMINISTRATIVE EXPENSES**

*For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed \$30,000 for official reception and representation expenses for members of the Board of Directors, \$74,395,000: Provided, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2004.*

#### **OVERSEAS PRIVATE INVESTMENT CORPORATION**

##### **NONCREDIT ACCOUNT**

*The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed \$35,000) shall not exceed \$41,385,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.*

##### **PROGRAM ACCOUNT**

*For the cost of direct and guaranteed loans, \$24,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Non-Credit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years*

2004 and 2005: Provided further, That such sums shall remain available through fiscal year 2012 for the disbursement of direct and guaranteed loans obligated in fiscal year 2004, and through fiscal year 2013 for the disbursement of direct and guaranteed loans obligated in fiscal year 2005.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Non-credit Account and merged with said account.

#### FUNDS APPROPRIATED TO THE PRESIDENT TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, \$50,000,000, to remain available until September 30, 2005.

#### TITLE II—BILATERAL ECONOMIC ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2004, unless otherwise specified herein, as follows:

##### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

##### CHILD SURVIVAL AND HEALTH PROGRAMS FUND (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, in addition to funds otherwise available for such purposes, \$1,435,500,000, to remain available until September 30, 2005: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for displaced and orphaned children; (5) programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, malaria, polio and other infectious diseases; and (6) family planning/reproductive health: Provided further, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: Provided further, That of the funds appropriated under this heading, not to exceed \$150,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: Provided further, That the following amounts should be allocated as follows: \$345,000,000 for child survival and maternal health; \$30,000,000 for vulnerable children; \$500,000,000 for HIV/AIDS including not less than \$22,000,000 which should be made available to support the development of microbicides as a means for combating HIV/AIDS; \$185,000,000 for other infectious diseases; and \$375,500,000 for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species: Provided further, That of the funds appropriated under this heading that are available for HIV/AIDS programs and activities, \$18,000,000 should be made available for the International AIDS Vaccine Initiative: Provided further, That of the funds appropriated under this heading, \$60,000,000 should be made available for a United States contribution to The Vaccine Fund, and up to \$6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading "Operating Expenses of the United States Agency for International Development" for costs directly related to international health,

but funds made available for such costs may not be derived from amounts made available for contribution under this and the preceding proviso: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion: Provided further, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensive information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section

104 of the Foreign Assistance Act of 1961: Provided further, That to the maximum extent feasible, taking into consideration cost, timely availability, and best health practices, funds appropriated in this Act or prior appropriations Acts that are made available for condom procurement shall be made available only for the procurement of condoms manufactured in the United States: Provided further, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

##### DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and 131, and chapter 10 of part I of the Foreign Assistance Act of 1961, \$1,423,000,000, to remain available until September 30, 2005: Provided, That none of the funds appropriated under title II of this Act that are managed by or allocated to the United States Agency for International Development's Global Development Secretariat, may be made available except through the regular notification procedures of the Committees on Appropriations: Provided further, That \$220,000,000 should be allocated for basic education: Provided further, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna: Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed \$32,500, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That of the aggregate amount of the funds appropriated by this Act that are made available for agriculture and rural development programs, \$40,000,000 should be made available for plant biotechnology research and development: Provided further, That not less than \$2,300,000 should be made available for core support for the International Fertilizer Development Center: Provided further, That of the funds appropriated under this heading, not less than \$1,000,000 shall be made available for support of the United States Telecommunications Training Institute: Provided further, That of the funds appropriated under this heading, not less than \$20,000,000 should be made available for the American Schools and Hospitals Abroad program: Provided further, That of the funds appropriated under this heading, up to \$3,000,000 should be made available for support of the International Real Property Foundation: Provided further, That of the funds appropriated by this Act, \$100,000,000 shall be made available for drinking water supply projects and related activities.

##### INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, \$235,500,000, to remain available until expended.

##### FAMINE FUND

For necessary expenses for famine prevention and relief, including for mitigation of the effects of famine, pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, \$100,000,000, to remain available until expended: Provided, That funds appropriated under this heading shall be available for obligation subject to prior consultation with the Committees on Appropriations.

##### TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, \$55,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may

include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: Provided further, That if the President determines that is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to \$5,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: Provided further, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

#### DEVELOPMENT CREDIT AUTHORITY (INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees, as authorized by sections 108 and 635 of the Foreign Assistance Act of 1961, up to \$21,000,000, to remain available until September 30, 2005, and to be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading "Assistance for Eastern Europe and the Baltic States": Provided, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That funds made available by this paragraph and under this heading in prior Acts making appropriations for foreign operations, export financing, and related programs, may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, \$8,000,000, to remain available until September 30, 2004, which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development.

#### PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, \$43,859,000.

#### OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, \$604,100,000, of which up to \$25,000,000 may remain available until September 30, 2005: Provided, That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" may be made available to finance the construction (including architect and engineering services), purchase, or long term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: Provided further, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through fiscal year 2005: Provided further, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long term lease of offices does not exceed \$1,000,000.

#### CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology

and related capital investments, pursuant to section 667, \$100,000,000, to remain available until expended: Provided, That this amount is in addition to funds otherwise available for such purposes: Provided further, That the Administrator of the United States Agency for International Development shall assess fair and reasonable rental payments for the use of space by employees of other United States Government agencies in buildings constructed using funds appropriated under this heading, and such rental payments shall be deposited into this account as an offsetting collection: Provided further, That the rental payments collected pursuant to the previous proviso and deposited as an offsetting collection shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations: Provided further, That the assignment of United States Government employees or contractors to space in buildings constructed using funds appropriated under this heading shall be subject to the concurrence of the Administrator of the United States Agency for International Development: Provided further, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

#### OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OF- FICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$35,000,000, to remain available until September 30, 2005, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

#### OTHER BILATERAL ECONOMIC ASSISTANCE ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, \$2,415,000,000, to remain available until September 30, 2005: Provided, That of the funds appropriated under this heading, not less than \$480,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act: Provided further, That not less than \$575,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than \$200,000,000 shall be provided as Commodity Import Program assistance: Provided further, That of the funds made available pursuant to the previous proviso, \$2,000,000 shall be made available for the Ibn Khaldun Center for Development: Provided further, That the Government of Egypt should promptly provide the United States Embassy in Cairo with assurances that it will honor contracts entered into with United States companies in a timely manner: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: Provided further, That of the funds appropriated under this heading, not less than \$250,000,000 shall be made available for assistance for Jordan: Provided further, That of the funds appropriated under this heading, up to \$5,000,000 may be made available for the Yitzhak Rabin Center for Israel Studies in Tel Aviv, Israel, and up to \$5,000,000 may be made available for the Center for Human Dignity Museum of Tolerance in Jerusalem, Israel: Provided further, That of the funds appropriated under this heading, up to \$1,000,000 should be used to

further legal reforms in the West Bank and Gaza, including judicial training on commercial disputes and ethics: Provided further, That of the funds appropriated under this heading that are made available for assistance for Pakistan, not less than \$10,000,000 should be made available to support programs and activities conducted by indigenous organizations that seek to further educational, health, employment, and other opportunities for the people of Pakistan: Provided further, That of the funds made available for indigenous organizations pursuant to the previous proviso, \$4,000,000 should be made available for the Pakistan Human Development Fund and \$1,000,000 for the Amanut Society: Provided further, That \$15,000,000 of the funds appropriated under this heading shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicomunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: Provided further, That \$35,000,000 of the funds appropriated under this heading shall be made available for assistance for Lebanon, of which not less than \$4,000,000 shall be made available only for American educational institutions for scholarships and other programs: Provided further, That notwithstanding section 634(a) of this Act, funds appropriated under this heading that are made available for assistance for the Central Government of Lebanon shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Government of Lebanon should enforce the custody and international pickup orders, issued during calendar year 2001, of Lebanon's civil courts regarding abducted American children in Lebanon: Provided further, That of the funds appropriated under this heading, not less than \$10,000,000 shall be made available for programs and activities in rural Mexico to promote microcredit lending, small business and entrepreneurial development, and private property ownership in rural communities, and to support small farmers who have been affected by adverse economic conditions: Provided further, That funds made available pursuant to the previous proviso may be made available only if the case involving three Americans arrested in Oaxaca, Mexico on October 6, 2003, in connection with a private property dispute is resolved satisfactorily, and such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, not less than \$25,000,000 shall be made available for assistance for the Democratic Republic of Timor-Leste to support subsistence agriculture and other income generating opportunities, expand basic education and vocational training, strengthen the judiciary, promote good governance and the sustainable use of natural resources, and improve health care and other basic human services and physical infrastructure, of which up to \$1,000,000 may be available for administrative expenses of the United States Agency for International Development: Provided further, That of the funds made available under this heading, not less than \$2,500,000 shall be made available, in addition to amounts otherwise available for such purposes, as a United States contribution to the Office of the United Nations High Commissioner for Human Rights, to support its activities including human rights training for peacekeepers, activities to address trafficking in persons, monitoring and field activities: Provided further, That of the funds appropriated under this heading, not less than \$250,000 shall be made available to support the Commission to Investigate Illegal Groups and Clandestine Security Apparatus in Guatemala: Provided further, That of the funds appropriated under this heading, not less than \$2,500,000 shall be made

available for assistance for countries to implement and enforce the Kimberley Process Certification Scheme: Provided further, That funds appropriated under this heading may be used, notwithstanding any other provision of law, to provide assistance to the National Democratic Alliance of Sudan to strengthen its ability to protect civilians from attacks, slave raids, and aerial bombardment by the Sudanese Government forces and its militia allies, and the provision of such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That in the previous proviso, the term "assistance" includes non-lethal, non-food aid such as blankets, medicine, fuel, mobile clinics, water drilling equipment, communications equipment to notify civilians of aerial bombardment, non-military vehicles, tents, and shoes: Provided further, That of the funds appropriated under this heading, not less than \$2,500,000 shall be made available during fiscal year 2004 for a contribution to the Special Court for Sierra Leone: Provided further, That of the funds appropriated under this heading, not less than \$3,500,000 should be made available for East Asia and Pacific Environment Initiatives: Provided further, That of the funds appropriated under this heading, \$10,000,000 shall be made available to continue to support the provision of wheelchairs for needy persons in developing countries: Provided further, That of the funds appropriated under this heading, \$3,000,000 should be made available for the Foundation for Security and Sustainability: Provided further, That of the funds appropriated under this heading, not less than \$350,000 should be made available, notwithstanding any other provision of law, for the National Endowment for Democracy to support democracy and human rights in North Korea: Provided further, That of the funds appropriated under this heading, up to \$1,000,000 should be made available for a program to promote greater understanding and interaction among youth in Albania, Kosovo, Montenegro and Macedonia: Provided further, That of the funds made available under this heading and the heading "Office of Transition Initiatives", not less than \$5,000,000 shall be made available for disarmament, demobilization, and reintegration of child soldiers in Liberia: Provided further, That of the funds appropriated under this heading, up to \$15,000,000 should be made available as a United States contribution to the Organization of American States for expenses related to the OAS Special Mission in Haiti and the implementation of OAS Resolution 822 and subsequent resolutions related to improving security and the holding of elections to resolve the political impasse created by the disputed May 2000 election: Provided further, That with respect to funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, the responsibility for policy decisions and justifications for the use of such funds, including whether there will be a program for a country that uses those funds and the amount of each such program, shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

#### ACTIVITIES TO COMBAT HIV/AIDS GLOBALLY FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, \$700,000,000, to remain available until expended: Provided, That of the funds appropriated under this heading, up to \$250,000,000 may be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) as amended by section 699J of this Act, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria: Provided further,

That such contribution shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That of the funds appropriated under this heading, \$150,000,000 is made available for the International Mother and Child HIV Prevention Initiative: Provided further, That funds made available for HIV/AIDS programs and activities under the headings "Child Survival and Health Programs Fund", "Economic Support Fund", "Assistance for Eastern Europe and the Baltic States" and "Assistance for the Independent States of the Former Soviet Union" in this Act may be transferred to and merged with funds appropriated under this heading: Provided further, That of the funds appropriated under this heading, \$20,000,000 may be apportioned directly to the Peace Corps to remain available until expended for necessary expenses to carry out activities to combat HIV/AIDS, tuberculosis and malaria: Provided further, That of the funds appropriated under this heading, funds shall be made available to the World Health Organization's HIV/AIDS, Tuberculosis and Malaria Cluster: Provided further, That of the funds appropriated under this heading, not more than \$8,000,000 may be made available for administrative expenses of the office of the "Coordinator of United States Government Activities to Combat HIV/AIDS Globally" of the Department of State: Provided further, That of the funds appropriated under this heading, not less than \$28,000,000 shall be made available for a United States contribution to UNAIDS: Provided further, That the Coordinator should seek to ensure that an appropriate percent of the budget for prevention and treatment programs of the Global Fund to Fight AIDS, Tuberculosis and Malaria is made available to support technical assistance to ensure the quality of such programs: Provided further, That of the funds appropriated under this heading, not less than \$29,000,000 shall be made available for injection safety programs, including national planning, the provision and international transport of nonreusable autodisposable syringes or other safe injection equipment, public education, training of health providers, waste management, and publication of quantitative results: Provided further, That of the funds appropriated under this heading, not less than \$46,000,000 shall be made available for blood safety programs, including the establishment and support of national blood services, the provision of rapid HIV test kits, staff training, and quality assurance programs.

#### ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, \$445,000,000, to remain available until September 30, 2005, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: Provided, That of the funds appropriated under this heading that are made available for assistance for Bulgaria, \$3,000,000 should be made available to enhance safety at nuclear power plants: Provided further, That of the funds appropriated under this heading, and under the headings "Assistance for the Independent States of the Former Soviet Union" and "Economic Support Fund", not less than \$50,000,000 shall be made available for programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, and malaria.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United

States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the United States Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(e) The provisions of section 629 of this Act shall apply to funds made available under subsection (d) and to funds appropriated under this heading: Provided, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 629 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(f) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1-A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between state sponsors of terrorism and terrorist organizations and Bosnian officials has not been terminated.

#### ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, \$596,000,000, to remain available until September 30, 2005: Provided, That the provisions of such chapters shall apply to funds appropriated by this paragraph: Provided further, That of the funds made available for the Southern Caucasus region, notwithstanding any other provision of law, funds may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That of the funds appropriated under this heading, \$20,000,000 shall be made available solely for assistance for the Russian Far East: Provided further, That \$5,000,000 shall be made available to promote freedom of the media and an independent media in Russia: Provided further, That not less than \$3,000,000 shall be made available for programs and activities authorized under section 307 of the FREEDOM Support Act (Public Law 102-511): Provided further, That of the funds appropriated under this heading, \$500,000 shall be made available to support democracy building programs in Russia through the Sakharov Archives: Provided further, That, notwithstanding



any other provision of law, funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, that are made available pursuant to the provisions of section 807 of Public Law 102-511 shall be subject to a 6 percent ceiling on administrative expenses.

(b) Of the funds appropriated under this heading that are made available for assistance for Ukraine, not less than \$20,000,000 shall be made available for nuclear reactor safety initiatives, of which \$14,000,000 should be for simulator-related projects; and not less than \$2,000,000 shall be made available for coal mine safety programs.

(c) Of the funds appropriated under this heading, \$75,000,000 should be made available for assistance for Georgia.

(d) Of the funds appropriated under this heading, not less than \$75,000,000 shall be made available for assistance for Armenia.

(e)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation:

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Non-proliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(f) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104-201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

#### INDEPENDENT AGENCIES

##### INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, \$16,334,000, to remain available until September 30, 2005.

##### AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96-533, \$18,689,000, to remain available until September 30, 2005: Provided, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the board of directors of the Foundation: Provided further, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board

of directors of the Foundation may waive the \$250,000 limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

#### PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), \$310,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 2005: Provided further, That during fiscal year 2004 and any subsequent fiscal year, the Director of the Peace Corps may make appointments or assignments, or extend current appointments or assignments, to permit United States citizens to serve for periods in excess of 5 years in the case of individuals whose appointment or assignment, such as regional safety security officers and employees within the Office of the Inspector General, involves the safety of Peace Corps volunteers: Provided further, That the Director of the Peace Corps may make such appointments or assignments notwithstanding the provisions of section 7 of the Peace Corps Act limiting the length of an appointment or assignment, the circumstances under which such an appointment or assignment may exceed 5 years, and the percentage of appointments or assignments that can be made in excess of 5 years.

#### DEPARTMENT OF STATE

##### INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, \$284,550,000, to remain available until expended: Provided, That during fiscal year 2004, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, \$20,000,000 should be made available for anti-trafficking in persons programs, including trafficking prevention, protection and assistance for victims, and prosecution of traffickers: Provided further, That of the funds appropriated under this heading, \$7,105,000 should be made available for the International Law Enforcement Academy in Roswell, New Mexico, of which \$2,105,000 should be made available for construction and completion of a new facility: Provided further, That of the funds appropriated under this heading, not more than \$25,117,000 may be available for administrative expenses: Provided further, That \$5,000,000 of amounts made available under this heading shall be for combating piracy of United States intellectual property.

##### ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support counterdrug activities in the Andean region of South America, \$660,000,000, to remain available until expended: Provided, That in addition to the funds appropriated under this heading and subject to the regular notification procedures of the Committees on Appropriations, the President may make available up to an additional \$37,000,000 for the Andean Counterdrug Initiative, which may be derived from funds appropriated under the heading "International Narcotics Control and Law Enforcement" in this Act and in prior Acts making appropriations for foreign operations, export financing, and related programs: Provided further, That in fiscal year 2004, funds available to the Depart-

ment of State for assistance to the Government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: Provided further, That this authority shall cease to be effective if the Secretary of State has credible evidence that the Colombian Armed Forces are not conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations: Provided further, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of any illegal self-defense group or illegal security cooperative, such helicopter shall be immediately returned to the United States: Provided further, That the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: Provided further, That of the funds appropriated under this heading, not less than \$250,000,000 shall be apportioned directly to the United States Agency for International Development, to be used for alternative development/institution building including judicial reform, of which not less than \$165,000,000 shall be made available for such purposes in Colombia: Provided further, That of the funds appropriated under this heading, not less than \$25,000,000 shall be made available for judicial reform in Colombia: Provided further, That of the funds appropriated under this heading, in addition to funds made available pursuant to the previous proviso, not less than \$2,500,000 shall be made available to protect human rights defenders in Colombia, not less than \$3,500,000 shall be made available for the United Nations Office of the High Commissioner for Human Rights in Colombia, not less than \$10,000,000 shall be made available for assistance for the Colombian Attorney General's Human Rights Unit, and not less than \$2,500,000 shall be made available for assistance for the human rights unit of the Colombian Procuraduria: Provided further, That not more than 20 percent of the funds appropriated by this Act that are used for the procurement of chemicals for aerial coca and poppy fumigation programs may be made available for such programs unless the Secretary of State, after consultation with the Administrator of the Environmental Protection Agency (EPA), certifies to the Committees on Appropriations that: (1) the herbicide mixture is being used in accordance with EPA label requirements for comparable use in the United States and any additional controls recommended by the EPA for this program, and with the Colombian Environmental Management Plan for aerial fumigation; and (2) the herbicide mixture, in the manner it is being used, does not pose unreasonable risks or adverse effects to humans or the environment: Provided further, That such funds may not be made available unless the Secretary of State certifies to the Committees on Appropriations that complaints of harm to health or licit crops caused by such fumigation are evaluated and fair compensation is being paid for meritorious claims: Provided further, That such funds may not be made available for such purposes unless programs are being implemented by the United States Agency for International Development, the Government

of Colombia, or other organizations, in consultation with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers whose illicit crops are targeted for fumigation: Provided further, That of the funds appropriated under this heading, not less than \$2,500,000 shall be made available for continued training, equipment, and other assistance for the Colombian National Park Service: Provided further, That none of the funds appropriated by this Act shall be made available for aerial fumigation within Colombia's national parks: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961, as amended, and funds appropriated by this Act that are made available for Colombia, shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the provisions of section 3204(b) through (d) of Public Law 106-246, as amended by Public Law 107-115, shall be applicable to funds appropriated for fiscal year 2004: Provided further, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: Provided further, That funds appropriated under this heading that are available for the Bolivian military and police may be made available if the Secretary of State determines and reports to the Committees on Appropriations that (1) the Bolivian Government is vigorously investigating and prosecuting members of the Bolivian military and police who have been credibly alleged to have committed gross violations of human rights and is promptly punishing those found to have committed such violations; and (2) the Bolivian military and police are cooperating with such investigations and prosecutions: Provided further, That of the funds appropriated under this heading, not more than \$16,285,000 may be available for administrative expenses of the Department of State, and not more than \$4,500,000 may be available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development.

#### MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, \$760,197,000, which shall remain available until expended: Provided, That not more than \$21,000,000 may be available for administrative expenses: Provided further, That not less than \$50,000,000 of the funds made available under this heading shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel: Provided further, That funds appropriated under this heading may be made available for a headquarters contribution to the International Committee of the Red Cross only if the Secretary of State determines (and so reports to the appropriate committees of Congress) that the Magen David Adom Society of Israel is not being denied participation in the activities of the International Red Cross and Red Crescent Move-

ment: Provided further, That funds made available under this heading should be made available to international organizations for assistance for refugees from North Korea: Provided further, That funds made available under this heading should be made available for assistance for persons in Thailand who fled Burma for humanitarian or other reasons: Provided further, That none of the funds appropriated by this Act shall be provided to the central Government of Nepal until the Secretary of State determines and reports to the Committees on Appropriations that the Government of Nepal is cooperating with the United Nations High Commissioner for Refugees and other appropriate international organizations on issues concerning the protection of refugees from Tibet.

#### UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), \$40,000,000, to remain available until expended: Provided, That funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of such Act which would limit the amount of funds which could be appropriated for this purpose.

#### NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, \$385,200,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That of this amount not to exceed \$35,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds appropriated under this heading, \$19,300,000 shall be made available for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided further, That notwithstanding the previous proviso, funds earmarked in the previous proviso that are not made available during fiscal year 2004 for a contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission and that are not necessary to make the United States contribution to the Commission in the amount assessed for fiscal year 2004 shall be made available for a voluntary contribution to the International Atomic Energy Agency and shall remain available until September 30, 2005: Provided further, That of the funds made available for demining and related activities, not to exceed \$690,000, in addi-

tion to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: Provided further, That the Secretary of State is authorized to provide not to exceed \$250,000 for public-private partnerships for mine action by grant, cooperative agreement, or contract.

#### DEPARTMENT OF THE TREASURY

##### INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), \$12,000,000, to remain available until September 30, 2006, which shall be available notwithstanding any other provision of law.

##### DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, and concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106-113, \$195,000,000, to remain available until expended: Provided, That not less than \$20,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: Provided further, That \$75,000,000 of the funds appropriated under this heading may be used by the Secretary of the Treasury to pay to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the International Bank for Reconstruction and Development amounts for the benefit of countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106-113: Provided further, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

- (1) the Inter-American Development Bank;
- (2) the African Development Fund;
- (3) the African Development Bank; and
- (4) the Central American Bank for Economic Integration:

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: Provided further, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: Provided further, That the Secretary of the Treasury shall inform the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to

the HIPC Trust Fund of amounts for such countries and institutions: Provided further, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

(1) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institutions to export-oriented commercial projects that generate foreign exchange which are generally referred to as “enclave” loans; and

(2) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That any limitation of subsection (c) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: Provided further, That none of the funds made available under this heading in this or any other appropriations Act shall be made available for Sudan or Burma unless the Secretary of the Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office.

#### TITLE III—MILLENNIUM CHALLENGE ASSISTANCE

SEC. 301. SHORT TITLE. This title may be cited as the “Millennium Challenge Act of 2003”.

SEC. 302. FINDINGS AND PURPOSES. (a) FINDINGS.—Congress makes the following findings:

(1) On March 14, 2002, President George W. Bush stated that “America supports the international development goals in the U.N. Millennium Declaration, and believes that the goals are a shared responsibility of developed and developing countries.” The President also called for a “new compact for global development, defined by new accountability for both rich and poor nations” and pledged support for increased assistance from the United States through the establishment of a Millennium Challenge Account for countries that govern justly, invest in their own people, and encourage economic freedom.

(2) The elimination of extreme poverty and the achievement of the other international development goals of the United Nations Millennium Declaration adopted by the United Nations General Assembly on September 8, 2000, are important objectives and it is appropriate for the United States to make development assistance available in a manner that will assist in achieving such goals.

(3) The availability of financial assistance through a Millennium Challenge Account, linked to performance by developing countries, can contribute significantly to the achievement of the international development goals of the United Nations Millennium Declaration.

(b) PURPOSES.—The purposes of this title are—

(1) to provide United States assistance for global development through the Millennium Challenge Corporation, as described in section 305; and

(2) to provide such assistance in a manner that promotes economic growth and the elimination of extreme poverty and strengthens good governance, economic freedom, and investments in people.

SEC. 303. DEFINITIONS. In this title:

(1) BOARD.—The term “Board” means the Millennium Challenge Board established by section 304(c).

(2) CANDIDATE COUNTRY.—The term “candidate country” means a country that meets the criteria set out in section 306.

(3) CEO.—The term “CEO” means the chief executive officer of the Corporation established by section 304(b).

(4) CORPORATION.—The term “Corporation” means the Millennium Challenge Corporation established by section 304(a).

(5) ELIGIBLE COUNTRY.—The term “eligible country” means a candidate country that is determined, under section 307, as being eligible to receive assistance under this title.

(6) MILLENNIUM CHALLENGE ACCOUNT.—The term “Millennium Challenge Account” means the account established under section 322.

SEC. 304. ESTABLISHMENT AND MANAGEMENT OF THE MILLENNIUM CHALLENGE CORPORATION. (a) ESTABLISHMENT OF THE CORPORATION.—There is established in the executive branch a corporation within the meaning of section 103 of title 5, United States Code, to be known as the Millennium Challenge Corporation with the powers and authorities described in this title.

(b) CEO OF THE CORPORATION.—(1) IN GENERAL.—There shall be a chief executive officer of the Corporation who shall be responsible for the management of the Corporation.

(2) APPOINTMENT.—The President shall appoint, by and with the advice and consent of the Senate, the CEO.

(3) RELATIONSHIP TO THE SECRETARY OF STATE.—The CEO shall report to and be under the direct authority and foreign policy guidance of the Secretary of State. The Secretary of State shall coordinate the provision of United States foreign assistance.

(4) DUTIES.—The CEO shall, in consultation with the Board, direct the performance of all functions and the exercise of all powers of the Corporation, including ensuring that assistance under this title is coordinated with other United States economic assistance programs.

(5) EXECUTIVE LEVEL II.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“Chief Executive Officer, Millennium Challenge Corporation.”.

(c) MILLENNIUM CHALLENGE BOARD.—

(1) ESTABLISHMENT OF THE BOARD.—There is established a Millennium Challenge Board.

(2) COMPOSITION.—The Board shall be composed of the following members:

(A) The Secretary of State, who shall serve as the Chair of the Board.

(B) The Secretary of the Treasury.

(C) The Administrator of the United States Agency for International Development.

(D) The CEO.

(E) The United States Trade Representative.

(2) FUNCTIONS OF THE BOARD.—The Board shall perform the functions specified to be carried out by the Board in this title.

SEC. 305. AUTHORIZATION FOR MILLENNIUM CHALLENGE ASSISTANCE. (a) AUTHORITY.—The Corporation is authorized to provide assistance to an eligible entity consistent with the purposes of this title set out in section 302(b) to conduct programs or projects consistent with the objectives of a Millennium Challenge Contract. Assistance provided under this title may be provided notwithstanding any other provision of law, except that the Corporation is prohibited from providing assistance to any entity for any project which is likely to—

(1) cause the substantial loss of United States jobs or the displacement of United States production; or

(2) pose an unreasonable or major environmental, health, or safety hazard.

(b) EXCEPTION.—Assistance under this title may not be used for military assistance or training.

(c) FORM OF ASSISTANCE.—Assistance under this title may be provided in the form of grants to eligible entities.

(d) COORDINATION.—The provision of assistance under this title shall be coordinated with other United States foreign assistance programs.

(e) APPLICATIONS.—An eligible entity seeking assistance under this title to conduct programs or projects consistent with the objectives of a Millennium Challenge Contract shall submit a

proposal for the use of such assistance to the Board in such manner and accompanied by such information as the Board may reasonably require.

SEC. 306. CANDIDATE COUNTRY. (a) IN GENERAL.—A country is a candidate country for the purposes of this title—

(1) during fiscal year 2004, if such country is eligible to receive loans from the International Development Association;

(2) during fiscal year 2005, if the per capita income of such country is less than the historical per capita income cutoff of the International Development Association for that year; and

(3) during any fiscal year after 2005—

(A) for which more than \$5,000,000,000 has been appropriated to the Millennium Challenge Account, if the country is classified as a lower middle income country by the World Bank on the first day of such fiscal year; or

(B) for which not more than \$5,000,000,000 has been appropriated to such Millennium Challenge Account, the per capita income of such country is less than the historical per capita income cutoff of the International Development Association for that year.

(b) LIMITATION ON ASSISTANCE TO CERTAIN CANDIDATE COUNTRIES.—In a fiscal year in which subparagraph (A) of subsection (a)(3) applies with respect to determining candidate countries, not more than 20 percent of the amounts appropriated to the Millennium Challenge Account shall be available for assistance to countries that would not be candidate countries if subparagraph (B) of subsection (a)(3) applied during such year.

SEC. 307. ELIGIBLE COUNTRY. (a) DETERMINATION BY THE BOARD.—The Board shall determine whether a candidate country is an eligible country by evaluating the demonstrated commitment of the government of the candidate country to—

(1) just and democratic governance, including a demonstrated commitment to—

(A) promote political pluralism and the rule of law;

(B) respect human and civil rights;

(C) protect private property rights;

(D) encourage transparency and accountability of government; and

(E) limit corruption;

(2) economic freedom, including a demonstrated commitment to economic policies that—

(A) encourage citizens and firms to participate in global trade and international capital markets;

(B) promote private sector growth and the sustainable use of natural resources; and

(C) strengthen market forces in the economy; and

(3) investments in the people of such country, including improving the availability of educational opportunities and health care for all citizens of such country.

(b) ASSESSING ELIGIBILITY.—

(1) IN GENERAL.—To evaluate the demonstrated commitment of a candidate country for the purposes of subsection (a), the CEO shall recommend objective and quantifiable indicators, to be approved by the Board, of a candidate country's performance with respect to the criteria described in paragraphs (1), (2), and (3) of such subsection. In recognition of the essential role of women in developing countries, the CEO shall ensure that such indicators, where appropriate, take into account and assess the role of women and girls. The approved indicators shall be used in selecting eligible countries.

(2) ANNUAL PUBLICATION OF INDICATORS.—

(A) INITIAL PUBLICATION.—Not later than 45 days prior to the final publication of indicators under subparagraph (B) in any year, the Board shall publish in the Federal Register and make available on the Internet the indicators that the Board proposes to use for the purposes of paragraph (1) in such year.

(B) FINAL PUBLICATION.—Not later than 15 days prior to the selection of eligible countries

in any year, the Board shall publish in the Federal Register and make available on the Internet the indicators that are to be used for the purposes of paragraph (1) in such year.

(3) **CONSIDERATION OF PUBLIC COMMENT.**—The Board shall consider any comments on the proposed indicators published under paragraph (2)(A) that are received within 30 days after the publication of such indicators when selecting the indicators to be used for the purposes of paragraph (1).

**SEC. 308. ELIGIBLE ENTITY.** (a) **ASSISTANCE.**—Any eligible entity may receive assistance under this title to carry out a project in an eligible country for the purpose of making progress toward achieving an objective of a Millennium Challenge Contract.

(b) **DETERMINATIONS OF ELIGIBILITY.**—The Board shall determine whether a person or governmental entity is an eligible entity for the purposes of this section.

(c) **ELIGIBLE ENTITIES.**—For the purposes of this section, an eligible entity is—

(1) a government, including a local or regional government; or

(2) a nongovernmental organization or other private entity.

**SEC. 309. MILLENNIUM CHALLENGE CONTRACT.** (a) **IN GENERAL.**—The Board shall invite the government of an eligible country to enter into a Millennium Challenge Contract with the Corporation. A Millennium Challenge Contract shall establish a multiyear plan for the eligible country to achieve specific objectives consistent with the purposes set out in section 302(b).

(b) **CONTENT.**—A Millennium Challenge Contract shall include—

(1) specific objectives to be achieved by the eligible country during the term of the Contract;

(2) a description of the actions to be taken by the government of the eligible country and the United States Government for achieving such objectives;

(3) the role and contribution of private entities, nongovernmental organizations, and other organizations in achieving such objectives;

(4) a description of beneficiaries, to the extent possible disaggregated by gender;

(5) regular benchmarks for measuring progress toward achieving such objectives;

(6) a schedule for achieving such objectives;

(7) a schedule of evaluations to be performed to determine whether the country is meeting its commitments under the Contract;

(8) a statement that the Corporation intends to consider the eligible country's performance in achieving such objectives in making decisions about providing continued assistance under the Contract;

(9) the strategy of the eligible country to sustain progress made toward achieving such objectives after the expiration of the Contract;

(10) a plan to ensure financial accountability for any assistance provided to a person or government in the eligible country under this title; and

(11) a statement that nothing in the Contract may be construed to create a legally binding or enforceable obligation on the United States Government or on the Corporation.

(c) **REQUIREMENT FOR CONSULTATION.**—The Corporation shall seek to ensure that the government of an eligible country consults with private entities and nongovernmental organizations in the eligible country for the purpose of ensuring that the terms of a Millennium Challenge Contract entered into by the Corporation and the eligible country—

(1) reflect the needs of the rural and urban poor in the eligible country; and

(2) provide means to assist poor men and women in the eligible country to escape poverty through their own efforts.

(d) **REQUIREMENT FOR APPROVAL BY THE BOARD.**—A Millennium Challenge Contract shall be approved by the Board before the Corporation enters into the Contract.

**SEC. 310. SUSPENSION OF ASSISTANCE TO AN ELIGIBLE COUNTRY.** The Secretary of State shall

direct the CEO to suspend the provision of assistance to an eligible country under a Millennium Challenge Contract during any period for which such eligible country is ineligible to receive assistance under a provision of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

**SEC. 311. DISCLOSURE.** (a) **REQUIREMENT FOR DISCLOSURE.**—The Corporation shall make available to the public on a continuous basis and on the earliest possible date, but not later than 15 days after the information is available to the Corporation, the following information:

(1) A list of the candidate countries determined to be eligible countries during any year.

(2) The text of each Millennium Challenge Contract entered into by the Corporation.

(3) For assistance provided under this title—

(A) the name of each entity to which assistance is provided;

(B) the amount of assistance provided to the entity; and

(C) a description of the program or project for which assistance was provided.

(4) For each eligible country, an assessment of—

(A) the progress made during each year by an eligible country toward achieving the objectives set out in the Millennium Challenge Contract entered into by the eligible country; and

(B) the extent to which assistance provided under this title has been effective in helping the eligible country to achieve such objectives.

(b) **DISSEMINATION.**—The information required to be disclosed under subsection (a) shall be made available to the public by means of publication in the Federal Register and posting on the Internet, as well as by any other methods that the Board determines appropriate.

**SEC. 312. MILLENNIUM CHALLENGE ASSISTANCE TO CANDIDATE COUNTRIES.** (a) **AUTHORITY.**—Notwithstanding any other provision of this title and subject to the limitation in subsection (c), the Corporation is authorized to provide assistance to a candidate country that meets the conditions in subsection (b) for the purpose of assisting such country to become an eligible country.

(b) **CONDITIONS.**—Assistance under subsection (a) may be provided to a candidate country that is not an eligible country under section 307 because of—

(1) the unreliability of data used to assess its eligibility under section 307; or

(2) the failure of the government of the candidate country to perform adequately with respect to only 1 of the indicators described in subsection (a) of section 307.

(c) **LIMITATION.**—The total amount of assistance provided under subsection (a) in a fiscal year may not exceed 10 percent of the funds made available to the Millennium Challenge Account during such fiscal year.

**SEC. 313. ANNUAL REPORT TO CONGRESS.** Not later than January 31 of each year, the President shall submit to Congress a report on the assistance provided under this title during the prior fiscal year. The report shall include—

(1) information regarding obligations and expenditures for assistance provided to each eligible country in the prior fiscal year;

(2) a discussion, for each eligible country, of the objectives of such assistance;

(3) a description of the coordination of assistance under this title with other United States foreign assistance and related trade policies;

(4) a description of the coordination of assistance under this title with the contributions of other donors; and

(5) any other information the President considers relevant to assistance provided under this title.

**SEC. 314. POWERS OF THE CORPORATION.** (a) **POWERS.**—The Corporation—

(1) shall have perpetual succession unless dissolved by an Act of Congress;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may prescribe, amend, and repeal such rules, regulations, and procedures as may be necessary for carrying out the functions of the Corporation;

(4) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation;

(5) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(6) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Corporation;

(7) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this title;

(8) may use the United States mails in the same manner and on the same conditions as the executive departments of Government;

(9) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(10) may hire or obtain passenger motor vehicles; and

(11) shall have such other powers as may be necessary and incident to carrying out this title.

(b) **CONTRACTING AUTHORITY.**—The functions and powers authorized by this title may be performed without regard to any provision of law regulating the making, performance, amendment, or modification of contracts, grants, and other agreements.

**SEC. 315. COORDINATION WITH USAID.** (a) **REQUIREMENT FOR COORDINATION.**—An employee of the Corporation assigned to a United States diplomatic mission or consular post or a United States Agency for International Development field mission in a foreign country shall, in a manner that is consistent with the authority of the Chief of Mission, coordinate the performance of the functions of the Corporation in such country with the officer in charge of the United States Agency of International Development programs located in such country.

(b) **USAID PROGRAMS.**—The Administrator of the United States Agency for International Development shall seek to ensure that appropriate programs of the Agency play a primary role in preparing candidate countries to become eligible countries under section 307.

**SEC. 316. PRINCIPAL OFFICE.** The Corporation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

**SEC. 317. PERSONNEL AUTHORITIES.** (a) **REQUIREMENT TO PRESCRIBE A HUMAN RESOURCES MANAGEMENT SYSTEM.**—The CEO shall, jointly with the Director of the Office of Personnel Management, prescribe regulations that establish a human resources management system, including a retirement benefits program, for the Corporation.

(b) **RELATIONSHIP TO OTHER LAWS.**—

(1) **INAPPLICABILITY OF CERTAIN LAWS.**—Except as provided in paragraph (2), the provisions of title 5, United States Code, and of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) shall not apply to the human resource management program established pursuant to paragraph (1).

(2) **APPLICATION OF CERTAIN LAWS.**—The human resources management system established pursuant to subsection (a) may not waive, modify, or otherwise affect the application to employees of the Corporation of the following provisions:

(A) Section 2301 of title 5, United States Code.

(B) Section 2302(b) of such title.

(C) Chapter 63 of such title (relating to leave).

(D) Chapter 72 of such title (relating to anti-discrimination).

(E) Chapter 73 of such title (relating to suitability, security, and conduct).

(F) Chapter 81 of such title (relating to compensation for work injuries).

(G) Chapter 85 of such title (relating to unemployment compensation).

(H) Chapter 87 of such title (relating to life insurance).

(I) Chapter 89 of such title (relating to health insurance).

(J) Chapter 90 of such title (relating to long-term care insurance).

(3) RELATIONSHIP TO RETIREMENT BENEFITS LAWS.—The retirement benefits program referred to in subsection (a) shall permit the employees of the Corporation to be eligible, unless the CEO determines otherwise, for benefits under—

(A) subchapter III of chapter 83 and chapter 84 of title 5, United States Code (relating to retirement benefits); or

(B) chapter 8 of title 1 of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) (relating to the Foreign Service Retirement and Disability System).

(c) APPOINTMENT AND TERMINATION.—Except as otherwise provided in this section, the CEO may, without regard to any civil service or Foreign Service law or regulation, appoint and terminate employees as may be necessary to enable the Corporation to perform its duties.

(d) COMPENSATION.—

(1) AUTHORITY TO FIX COMPENSATION.—Subject to the provisions of paragraph (2), the CEO may fix the compensation of employees of the Corporation.

(2) LIMITATIONS ON COMPENSATION.—The compensation for an employee of the Corporation may not exceed the lesser of—

(A) the rate of compensation established under title 5, United States Code, or any Foreign Service law for an employee of the Federal Government who holds a position that is comparable to the position held by the employee of the Corporation; or

(B) the rate of pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(e) TERM OF EMPLOYMENT.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no individual may be employed by the Corporation for a total period of employment that exceeds 5 years.

(2) EXCEPTED POSITIONS.—The CEO, and not more than 3 other employees of the Corporation who are designated by the CEO, may be employed by the Corporation for an unlimited period of employment.

(3) WAIVER.—The CEO may waive the maximum term of employment described in paragraph (1) if the CEO determines that such waiver is essential to the achievement of the purposes of this title.

(f) AUTHORITY FOR TEMPORARY EMPLOYEES.—The CEO may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(g) DETAIL OF FEDERAL EMPLOYEES TO THE CORPORATION.—Any Federal Government employee may be detailed to the Corporation on a fully or partially reimbursable or on a nonreimbursable basis, and such detail shall be without interruption or loss of civil service or Foreign Service status or privilege.

(h) REINSTATEMENT.—An employee of the Federal Government serving under a career or career conditional appointment, or the equivalent, in a Federal agency who transfers to or converts to an appointment in the Corporation with the consent of the head of the agency is entitled to be returned to the employee's former position or a position of like seniority, status, and pay without grade or pay reduction in the agency if the employee—

(1) is being separated from the Corporation for reasons other than misconduct, neglect of duty, or malfeasance; and

(2) applies for return to the agency not later than 30 days before the date of the termination of the employment in the Corporation.

SEC. 318. PERSONNEL OUTSIDE THE UNITED STATES. (a) ASSIGNMENT TO UNITED STATES EMBASSIES.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, may be assigned to a United States diplomatic mission or consular post or a United States Agency for International Development field mission.

(b) PRIVILEGES AND IMMUNITIES.—The Secretary of State shall seek to ensure that an employee of the Corporation, including an individual detailed to or contracted by the Corporation, and the members of the family of such employee, while the employee is performing duties in any country or place outside the United States, enjoy the privileges and immunities that are enjoyed by a member of the Foreign Service, or the family of a member of the Foreign Service, as appropriate, of comparable rank and salary of such employee, if such employee or a member of the family of such employee is not a national of or permanently resident in such country or place.

(c) RESPONSIBILITY OF CHIEF OF MISSION.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, and a member of the family of such employee, shall be subject to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) in the same manner as United States Government employees while the employee is performing duties in any country or place outside the United States if such employee or member of the family of such employee is not a national of or permanently resident in such country or place.

SEC. 319. USE OF SERVICES OF OTHER AGENCIES. The Corporation may utilize the information services, facilities and personnel of, or procure commodities from, any agency of the United States Government on a fully or partially reimbursable or nonreimbursable basis under such terms and conditions as may be agreed to by the head of such agency and the Corporation for carrying out this title.

SEC. 320. ADMINISTRATIVE AUTHORITIES. The Corporation is authorized to use any of the administrative authorities contained in the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) and the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) unless such authority is inconsistent with a provision of this title.

SEC. 321. APPLICABILITY OF CHAPTER 91 OF TITLE 31, UNITED STATES CODE. The Corporation shall be subject to chapter 91 of title 31, United States Code.

SEC. 322. ESTABLISHMENT OF THE MILLENNIUM CHALLENGE ACCOUNT. There is established on the books of the Treasury an account to be known as the Millennium Challenge Account that shall be administered by the CEO under the direction of the Board. All amounts made available to carry out the provisions of this title shall be deposited into such Account and such amounts shall be available to carry out such provisions.

SEC. 323. AUTHORIZATION OF APPROPRIATIONS. (a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of this title \$1,000,000,000 for fiscal year 2004, \$2,300,000,000 for fiscal year 2005, and \$5,000,000,000 for fiscal year 2006.

(b) AVAILABILITY.—Funds appropriated under subsection (a)—

(1) are authorized to remain available until expended, subject to appropriations acts; and

(2) are in addition to funds otherwise available for such purposes.

(c) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Corporation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this title. Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance

with authority granted in this title or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(2) NOTIFICATION.—The notification requirements of section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1(a)) shall apply to any allocation or transfer of funds made pursuant to paragraph (1).

SEC. 324. APPROPRIATIONS. (a) IN GENERAL.—There is hereby appropriated \$1,000,000,000 for fiscal year 2004, to remain available until expended, to carry out the provisions of this title to provide assistance for countries that have demonstrated commitment to—

(1) just and democratic governance;

(2) economic freedom; and

(3) investing in the well-being of their own people.

(b) NOTIFICATION.—Funds appropriated under this title shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

#### TITLE IV—MILITARY ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, \$91,700,000, of which up to \$3,000,000 may remain available until expended: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for military education and training for Guatemala may only be available for expanded international military education and training, and funds made available for Algeria, Cambodia, Nigeria and Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations.

##### FOREIGN MILITARY FINANCING PROGRAM

##### (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, \$4,384,000,000: Provided, That of the funds appropriated under this heading, not less than \$2,160,000,000 shall be available for grants only for Israel, and not less than \$1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than \$568,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, \$206,000,000 shall be made available for assistance for Jordan: Provided further, That of the funds appropriated by this paragraph, \$27,000,000 shall be made available for assistance for Poland: Provided further, That of the funds appropriated by this paragraph, \$2,500,000 shall be made available for assistance for Armenia: Provided further, That of the funds appropriated by this paragraph, \$15,000,000 shall be transferred to and merged with funds appropriated under the heading "Nonproliferation, Anti-Terrorism, Demining and Related Programs", and made available, in addition to amounts otherwise available for such purposes, as follows: \$10,000,000, to remain available until expended, shall be made available to carry out the provisions of section 504 of the FREEDOM Support

Act for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament; \$2,000,000 shall be made available to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for the Small Arms/Light Weapons Destruction program; and \$3,000,000 shall be made available as an additional contribution to the International Atomic Energy Agency: Provided further, That of the funds appropriated by this paragraph, not less than \$17,000,000 shall be transferred to and merged with funds appropriated under the heading "Andean Counterdrug Initiative" and made available for aircraft and related assistance for the Colombian National Police: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 615 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan, Guatemala and Liberia: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That the authority contained in the previous proviso or any other provision of law relating to the use of funds for programs under this heading, including provisions contained in previously enacted appropriations Acts, shall not apply to activities relating to the clearance of unexploded ordnance resulting from United States Armed Forces testing or training exercises: Provided further, That the previous proviso shall not apply to San Jose Island, Republic of Panama: Provided further, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than \$40,500,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than \$361,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2004 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Commit-

tees on Appropriations: Provided further, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2004 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act.

#### PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, \$84,900,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

#### TITLE V—MULTILATERAL ECONOMIC ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### INTERNATIONAL FINANCIAL INSTITUTIONS

##### GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, \$170,997,000 to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

##### CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, \$976,825,000, to remain available until expended.

##### CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, \$1,124,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

##### LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed \$16,340,000.

##### CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation, by the Secretary of the Treasury, \$898,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

##### CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, \$30,614,000, to remain available until expended.

##### CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, \$136,921,000, to remain available until expended.

##### CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, \$5,105,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

##### LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed \$79,610,000.

##### CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in re-

sources of the African Development Fund, \$118,081,000, to remain available until expended.

##### CONTRIBUTION TO THE EUROPEAN BANK FOR

##### RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, \$35,431,000, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

##### LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$122,085,000.

##### CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, \$15,004,000, to remain available until expended.

##### INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, \$322,550,000: Provided, That of the funds appropriated under this heading, \$120,000,000 shall be made available for a contribution to the United Nations Children's Fund, \$11,428,500 shall be made available for a contribution to the United Nations Environment Program, \$5,465,875 shall be made available for the United Nations Voluntary Fund for Victims of Torture, \$3,621,250 shall be made available for the Organization of American States Fund for Strengthening Democracy, \$1,937,975 shall be made available for International Contributions for Scientific, Educational and Cultural Activities, \$1,000,000 shall be made available for the United Nations Center for Human Settlements, \$1,500,000 shall be made available for the United Nations Fund for Human Rights, \$6,732,750 shall be made available for International Conservation Programs, and \$5,600,000 shall be made available for the Intergovernmental Panel on Climate Change/United Nations Framework Convention on Climate Change: Provided further, That none of the funds appropriated under this heading may be made available to the International Atomic Energy Agency (IAEA).

#### TITLE VI—GENERAL PROVISIONS

##### OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 601. Except for the appropriations entitled "International Disaster Assistance" and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

##### PRIVATE AND VOLUNTARY ORGANIZATIONS

SEC. 602. (a) None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: Provided, That the Administrator of the United States Agency for International Development, after informing the Committees on Appropriations, may, on a case-by-case basis, waive the restriction contained in this subsection, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.



(b) Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995.

#### LIMITATION ON RESIDENCE EXPENSES

SEC. 603. Of the funds appropriated or made available pursuant to this Act, not to exceed \$100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

#### LIMITATION ON EXPENSES

SEC. 604. Of the funds appropriated or made available pursuant to this Act, not to exceed \$5,000 shall be for entertainment expenses of the United States Agency for International Development during the current fiscal year.

#### LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 605. Of the funds appropriated or made available pursuant to this Act, not to exceed \$125,000 shall be available for representation allowances for the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed \$2,000 shall be available for entertainment expenses and not to exceed \$125,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed \$50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed \$2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of \$4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed \$2,000 shall be available for representation and entertainment allowances.

#### PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 606. None of the funds appropriated or made available (other than funds for "Non-proliferation, Anti-terrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

#### PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 607. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Libya, North Korea, Iran, Sudan, or Syria: Provided, That, for the purposes of section 501 of Public Law 106-570, the terms "areas outside of control of the Government of Sudan" and "area in Sudan outside of control of the Government of Sudan" shall, upon conclusion of a peace agreement between the Government of Sudan and the Sudan People's Liberation Movement, have the same meaning and application as was the case immediately prior to the conclusion of such agreement: Provided further, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

#### MILITARY COUPS

SEC. 608. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by decree or military coup: Provided, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: Provided further, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: Provided further, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

#### TRANSFERS

SEC. 609. (a) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than five days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

(b) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Office of the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: Provided, That funds transferred under such authority may be made available for the cost of such audits.

#### DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 610. Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this section may not be used in fiscal year 2004.

#### AVAILABILITY OF FUNDS

SEC. 611. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, section 23 of the Arms Export Control Act, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available for an additional four years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

#### LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 612. No part of any appropriation contained in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

#### COMMERCE AND TRADE

SEC. 613. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

#### SURPLUS COMMODITIES

SEC. 614. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

#### NOTIFICATION REQUIREMENTS

SEC. 615. For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Health Programs Fund", "Development Assistance",

"International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Andean Counterdrug Initiative", "Assistance for Eastern Europe and the Baltic States", "Assistance for the Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping Operations", "Capital Investment Fund", "Operating Expenses of the United States Agency for International Development", "Operating Expenses of the United States Agency for International Development Office of Inspector General", "Non-proliferation, Anti-terrorism, Demining and Related Programs", "Foreign Military Financing Program", "International Military Education and Training", "Peace Corps", and "Migration and Refugee Assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

#### LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 616. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2005.

#### INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 617. (a) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures. Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or non-proliferation programs.

(d) Funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" for the Russian Federation, Armenia, Georgia, and Ukraine shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading "Assistance for the Independent States of the Former Soviet Union" and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

#### PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 618. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the For-

ign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

#### EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 619. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2004, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

#### SPECIAL NOTIFICATION REQUIREMENTS

SEC. 620. None of the funds appropriated by this Act shall be obligated or expended for Colombia, Liberia, Serbia, Sudan, Zimbabwe, Pakistan, or the Democratic Republic of the Congo except as provided through the regular notification procedures of the Committees on Appropriations.

#### DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 621. For the purpose of this Act, "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development "program, project, and activity" shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

#### CHILD SURVIVAL AND HEALTH ACTIVITIES

SEC. 622. Up to \$15,500,000 of the funds made available by this Act for assistance under the heading "Child Survival and Health Programs Fund", may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: Provided, That up to \$3,500,000 of the funds made available by this Act for assistance under the heading "Development Assistance" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601

et seq.) as amended by section 699J of this Act: Provided further, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs: Provided further, That of the funds appropriated under title II of this Act, not less than \$445,000,000 shall be made available for family planning/reproductive health.

#### AFGHANISTAN

SEC. 623. Of the funds appropriated by this Act, \$600,000,000 shall be made available for assistance for Afghanistan, of which not less than \$395,000,000 shall be made available for humanitarian, reconstruction, and related assistance: Provided, That of the funds made available pursuant to this section, not less than \$164,000,000 should be from funds appropriated under the heading "Economic Support Fund" for rehabilitation of primary roads, implementation of the Bonn Agreement and women's development programs: Provided further, That of the funds made available pursuant to this section, not less than \$5,000,000 shall be made available for a reforestation program in Afghanistan which should utilize, as appropriate, the technical expertise of American universities: Provided further, That funds made available pursuant to the previous proviso should be matched, to the maximum extent possible, with contributions from American and Afghan businesses: Provided further, That of the funds made available pursuant to this section, not less than \$4,500,000 shall be made available for the Afghan Independent Human Rights Commission and not less than \$2,500,000 shall be made available for the Afghan Judicial Reform Commission: Provided further, That of the funds made available pursuant to this section, not less than \$25,000,000 shall be made available to support activities of the Afghan Ministry of Women's Affairs, including to improve the capacity and effectiveness of the Ministry, and to support programs aimed at addressing the needs of Afghan women in consultation with other Afghan ministries: Provided further, That funds made available pursuant to this section shall be made available for training and equipment to improve the capacity of women-led Afghan nongovernmental organizations and to support the activities of such organizations: Provided further, That not less than \$2,500,000 shall be made available for assistance for Afghan communities and families that suffer losses as a result of the military operations.

#### NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 624. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at \$7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

#### AUTHORIZATION REQUIREMENT

SEC. 625. Funds appropriated by this Act, except funds appropriated under the headings "Trade and Development Agency", "International Military Education and Training", "Foreign Military Financing Program", "Migration and Refugee Assistance", "Peace Corps", "Millennium Challenge Assistance",

and "Nonproliferation, Anti-Terrorism, Demining and Related Programs", may be obligated and expended notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

#### DEMOCRACY PROGRAMS

SEC. 626. (a) Notwithstanding any other provision of law, of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, not less than \$35,000,000 shall be made available for assistance for activities to support democracy, human rights, and the rule of law in the People's Republic of China, Hong Kong and Tibet: Provided, That not to exceed \$4,000,000 shall be provided to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China, of which up to \$3,000,000 may be made available for the Bridge Fund of the Rockefeller Philanthropic Advisors to support such activities: Provided further, That funds appropriated under the heading "Economic Support Fund" should be made available for assistance for Taiwan for the purposes of furthering political and legal reforms: Provided further, That such funds shall only be made available to the extent that they are matched from sources other than the United States Government: Provided further, That funds made available pursuant to the authority of this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) In addition to the funds made available in subsection (a), of the funds appropriated by this Act under the heading "Economic Support Fund" not less than \$25,000,000 shall be made available for programs and activities to foster democracy, human rights, civic education, women's development, press freedoms, and the rule of law in countries with a significant Muslim population, and where such programs and activities would be important to United States efforts to respond to, deter, or prevent acts of international terrorism: Provided, That funds made available pursuant to the authority of this subsection should support new initiatives or bolster ongoing programs and activities in those countries: Provided further, That not less than \$3,000,000 of such funds shall be made available for programs and activities that provide professional training for journalists: Provided further, That notwithstanding any other provision of law, not to exceed \$5,000,000 of such funds may be used in coordination with the Middle East Partnership Initiative for making grants to educational, humanitarian and nongovernmental organizations and individuals inside Iran to support the advancement of democracy and human rights in Iran: Provided further, That funds made available pursuant to this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) Of the funds made available under subsection (a), not less than \$15,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, to support the activities described in subsection (a), and of the funds made available under subsection (b), not less than \$15,000,000 shall be made available for such Fund to support the activities described in subsection (b): Provided, That funds made available in this section for such Fund are in addition to the \$17,000,000 requested by the President for the Fund for fiscal year 2004.

(d) Of the funds made available under subsection (a), not less than \$10,000,000 shall be made available for the National Endowment for Democracy to support the activities described in subsection (a), and of the funds made available under subsection (b), not less than \$5,000,000

shall be made available for the National Endowment for Democracy to support the activities described in subsection (b): Provided, That the funds appropriated by this Act that are made available for the National Endowment for Democracy may be made available notwithstanding any other provision of law or regulation, and the Secretary of State shall provide a report to the Committees on Appropriations within 120 days of the date of enactment of this Act on the status of the allocation, obligation, and expenditure of such funds.

#### PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 627. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

#### DEBT-FOR-DEVELOPMENT

SEC. 628. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

#### SEPARATE ACCOUNTS

SEC. 629. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or  
(B) for the administrative requirements of the United States Government.

(3) **PROGRAMMING ACCOUNTABILITY.**—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) **TERMINATION OF ASSISTANCE PROGRAMS.**—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) **REPORTING REQUIREMENT.**—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) **SEPARATE ACCOUNTS FOR CASH TRANSFERS.**—(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) **APPLICABILITY OF OTHER PROVISIONS OF LAW.**—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98-1159).

(3) **NOTIFICATION.**—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) **EXEMPTION.**—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

**COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS**

**SEC. 630.** (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the Inter-

national Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

**DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION**

**SEC. 631.** None of the funds appropriated under this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or who have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

**AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION**

**SEC. 632.** Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

**IMPACT ON JOBS IN THE UNITED STATES**

**SEC. 633.** None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(b) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That the application of section 507(4) (D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

**SPECIAL AUTHORITIES**

**SEC. 634.** (a) **AFGHANISTAN, PAKISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.**—Funds appropriated by this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 612 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated in titles I and II of this Act that are made available for Lebanon, Montenegro, Pakistan, and for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

(b) **TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.**—Funds appropriated

by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) **PERSONAL SERVICES CONTRACTORS.**—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: Provided, That not more than 10 of such contractors shall be assigned to any bureau or office: Provided further, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) **WAIVER.**—The President may waive the provisions of section 1003 of Public Law 100-204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) **PERIOD OF APPLICATION OF WAIVER.**—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(e) **CONTINGENCIES.**—During fiscal year 2004, the President may use up to \$50,000,000 under the authority of section 451 of the Foreign Assistance Act, notwithstanding the funding ceiling in section 451(a).

(f) **SMALL BUSINESS.**—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(g) **SHIPMENT OF HUMANITARIAN ASSISTANCE.**—During fiscal year 2004, of the amounts made available by the United States Agency for International Development to carry out the provisions of section 123(b) of the Foreign Assistance Act of 1961, funds may be made available to nongovernmental organizations for administrative costs necessary to implement a program to obtain available donated space on commercial ships for the shipment of humanitarian assistance overseas.

(h) **RECONSTITUTING CIVILIAN POLICE AUTHORITY.**—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(i) **WORLD FOOD PROGRAM.**—Of the funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance of the United States Agency for International Development, from this or any other Act, not less than \$6,000,000 shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

(j) **WAIVER.**—The prohibition in section 694 of this Act may be waived on a country by country basis if the President determines that doing so is

in the national security interest of the United States: Provided, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations describing:

- (1) the steps the Administration is taking to obtain the cooperation of the government in surrendering the indictee in question to the Special Court for Sierra Leone (SCSL) or the International Criminal Tribunal for Rwanda (ICTR);
- (2) a strategy for bringing the indictee before ICTR or SCSL; and
- (3) the justification for exercising the waiver authority.

#### ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 635. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) the three Arab League countries with diplomatic and trade relations with Israel should return their ambassadors to Israel, should refrain from downgrading their relations with Israel, and should play a constructive role in securing a peaceful resolution of the Israeli-Arab conflict;

(4) the remaining Arab League states should normalize relations with their neighbor Israel;

(5) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(6) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

#### ADMINISTRATION OF JUSTICE ACTIVITIES

SEC. 636. Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

#### ELIGIBILITY FOR ASSISTANCE

SEC. 637. (a) ASSISTANCE THROUGH NON-GOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": Provided, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of

those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2004, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

#### EARMARKS

SEC. 638. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

#### CEILINGS AND EARMARKS

SEC. 639. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements or prohibitions contained in any other Act shall not be applicable to funds appropriated by this Act.

#### PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 640. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed \$750,000 may be made available to carry out the provisions of section 316 of Public Law 96-533.

#### PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 641. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act

to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

#### NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

SEC. 642. None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

#### PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 643. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver authority of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

#### WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

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

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

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

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

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

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

(e) In this section:

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

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

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

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

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

(3) The term “parking fines and penalties” means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

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

#### LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 645. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

#### WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 646. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to \$30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: Provided further, That funds made available for tribunals other than Yugoslavia, Rwanda, or the Special Court for Sierra Leone shall be made available subject to the regular notification procedures of the Committees on Appropriations.

#### LANDMINES

SEC. 647. Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

#### RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 648. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or

any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

#### PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 649. None of the funds appropriated or otherwise made available by this Act under the heading “International Military Education and Training” or “Foreign Military Financing Program” for Informational Program activities or under the headings “Child Survival and Health Programs Fund”, “Development Assistance”, and “Economic Support Fund” may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

#### TIBET

SEC. 650. The Secretary of Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

#### HAITI

SEC. 651. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

#### LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 652. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States and that the Palestinian Authority has taken steps to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure. The report shall also include a description of how funds will be spent and the accounting procedures in place to ensure that they are properly disbursed.

#### LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 653. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

#### ENVIRONMENT PROGRAMS

SEC. 654. (a) FUNDING.—Of the funds appropriated by this Act, not less than \$485,000,000 shall be made available for environment programs: Provided, That of the funds appropriated under the heading “Development Assistance”, not less than \$165,000,000 shall be made available for programs and activities which directly protect biodiversity, including forests, in developing countries: Provided further, That of the funds made available under the previous proviso, \$1,500,000 shall be made available to improve the capacity of indigenous groups and local environmental organizations and law enforcement agencies to protect the biodiversity of indigenous reserves in the Amazon Basin region of Brazil, which amount shall be in addition to the amount requested in this Act for assistance for Brazil for fiscal year 2004: Provided further, That not later than one year after enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and other appropriate departments and agencies, and after consultation with appropriate governments and nongovernmental organizations, shall submit to the Committees on Appropriations a strategy for biodiversity conservation in the Amazon Basin region of South America: Provided further, That of the funds appropriated under the headings “Development Assistance” and “Andean Counterdrug Initiative”, not less than \$5,000,000 shall be made available in fiscal year 2004 to develop the strategy described in the previous proviso: Provided further, That funds appropriated by this Act under the heading “Child Survival and Health Programs Fund” should be used to fund child survival, health, and family planning activities of integrated population-health-environment programs, including in areas where biodiversity and endangered species are threatened, and funds appropriated by this Act under the heading “Development Assistance” should be used to fund environment, conservation, natural resource management, and sustainable agriculture activities of such integrated programs: Provided further, That of the funds appropriated by this Act, not less than \$185,000,000 shall be made available to support policies and programs in developing countries and countries in transition that directly (1) promote a wide range of energy conservation, energy efficiency and clean energy programs and activities, including the transfer of clean and environmentally sustainable energy technologies; (2) measure, monitor, and reduce greenhouse gas emissions; (3) increase carbon sequestration activities; and (4) enhance climate change mitigation and adaptation programs.

(b) CLIMATE CHANGE REPORT.—Not later than 45 days after the date on which the President's fiscal year 2005 budget request is submitted to



Congress, the President shall submit a report to the Committees on Appropriations describing in detail the following—

(1) all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2004, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix; and

(2) all fiscal year 2003 obligations and estimated expenditures, fiscal year 2004 estimated expenditures and estimated obligations, and fiscal year 2005 requested funds by the United States Agency for International Development, by country and central program, for each of the following: (i) to promote the transfer and deployment of a wide range of United States clean energy and energy efficiency technologies; (ii) to assist in the measurement, monitoring, reporting, verification, and reduction of greenhouse gas emissions; (iii) to promote carbon capture and sequestration measures; (iv) to help meet such countries' responsibilities under the Framework Convention on Climate Change; and (v) to develop assessments of the vulnerability to impacts of climate change and mitigation and adaptation response strategies.

#### REGIONAL PROGRAMS FOR EAST ASIA AND THE PACIFIC

SEC. 655. Funds appropriated by this Act under the heading "Economic Support Fund" that are allocated for "Regional Democracy" and "ASEAN Regional" assistance for East Asia and the Pacific shall be made available for the Human Rights and Democracy Fund of the Bureau for Democracy, Human Rights and Labor, Department of State to support democracy programs in Iraq.

#### ZIMBABWE

SEC. 656. The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans, to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and certifies to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

#### NIGERIA

SEC. 657. None of the funds appropriated under the headings "International Military Education and Training" and "Foreign Military Financing Program" may be made available for assistance for Nigeria until the President certifies to the Committees on Appropriations that the Nigerian Minister of Defense, the Chief of the Army Staff, and the Minister of State for Defense/Army are suspending from the Armed Forces those members, of whatever rank, against whom there is credible evidence of gross violations of human rights in Benue State in October 2001, and the Government of Nigeria and the Nigerian Armed Forces are taking effective measures to bring such individuals to justice: Provided, That the President may waive such prohibition if he determines that doing so is in the national security interest of the United States: Provided further, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations describing the involvement of the Nigerian Armed Forces in the incident in Benue State, the measures that are being taken to bring such individuals to justice, and whether any Nigerian Armed Forces units involved with the incident in Benue State are receiving United States assistance.

#### BURMA

SEC. 658. (a) The Secretary of the Treasury shall instruct the United States executive director to each appropriate international financial institution in which the United States partici-

pates, to oppose and vote against the extension by such institution of any loan or financial or technical assistance or any other utilization of funds of the respective bank to and for Burma.

(b) Of the funds appropriated under the heading "Economic Support Fund", not less than \$15,000,000 shall be made available to support democracy activities in Burma, along the Burma-Thailand border, for activities of Burmese student groups and other organizations located outside Burma, and for the purpose of supporting the provision of humanitarian assistance to displaced Burmese along Burma's borders: Provided, That funds made available under this heading may be made available notwithstanding any other provision of law: Provided further, That not more than 60 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit a report to the Committees on Appropriations detailing the amount and rate of disbursement of fiscal years 2002 and 2003 funding for HIV/AIDS programs and activities in Burma, the amount of funds expended by the State Peace and Development Council (SPDC) on HIV/AIDS programs and activities in calendar years 2001, 2002, and 2003, and the extent to which international nongovernmental organizations are able to conduct HIV/AIDS programs throughout Burma, including the ability of expatriate staff to freely travel through the country and to conduct programmatic oversight independent of SPDC handling and monitoring: Provided further, That funds made available by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) It is the sense of the Senate that the United Nations Security Council should debate and consider sanctions against Burma as a result of the threat to regional stability and peace posed by the repressive and illegitimate rule of the State Peace and Development Council.

#### ENTERPRISE FUND RESTRICTIONS

SEC. 659. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

#### CAMBODIA

SEC. 660. (a) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to meet basic human needs.

(b)(1) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia.

(2) Paragraph (1) shall not apply to assistance for basic education, reproductive and maternal and child health, cultural and historic preservation, programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, malaria, polio and other infectious diseases, programs to combat human trafficking that are provided through nongovernmental organizations, and for the Ministry of Women and Veterans Affairs to combat human trafficking.

(c) Of the funds appropriated by this Act under the heading "Economic Support Fund", \$7,000,000 shall be made available, notwithstanding subsection (b), for assistance for democratic opposition political parties in Cambodia.

(d) Funds appropriated by this Act to carry out provisions of section 541 of the Foreign Assistance Act of 1961 may be made available notwithstanding subsection (b) only if at least 15 days prior to the obligation of such funds, the Secretary of State provides to the Committees on Appropriations a list of those individuals who have been credibly alleged to have ordered or

carried out extrajudicial and political killings that occurred during the March 1997 grenade attack against the Khmer Nation Party, the July 1997 coup d'etat, and election related violence that occurred during the 1998, 2002, and 2003 elections in Cambodia.

(e) None of the funds appropriated or otherwise made available by this Act may be used to provide assistance to any tribunal established by the Government of Cambodia unless the Secretary of State certifies to the Committees on Appropriations that the perpetrators of the March 1997 grenade attack and election-related killings, including former parliamentarian Om Radsady, have been arrested and prosecuted.

#### FOREIGN MILITARY TRAINING REPORT

SEC. 661. (a) Notwithstanding any other provision of law, the Secretary of Defense and the Secretary of State shall jointly provide to the Congress by May 1, 2004, a report on all military training provided to foreign military personnel (excluding sales and training provided to the military personnel of countries belonging to the North Atlantic Treaty Organization (NATO) or of a country that has concluded a protocol with NATO for accession to NATO) under programs administered by the Department of Defense and the Department of State during fiscal year 2003 and those proposed for fiscal year 2004. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

#### ENTERPRISE FUNDS IN THE MIDDLE EAST REGION

SEC. 662. (a) Funds appropriated by this Act under the heading "Economic Support Fund" may be made available, notwithstanding any other provision of law, to establish and operate one or more enterprise funds in the Middle East region for the purpose of supporting the private sectors in that region: Provided, That provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the authorizations of appropriations provided in subsection (b) of that section) shall apply with respect to such enterprise funds: Provided further, That prior to obligating any funds for purposes other than the administrative support of any such enterprise fund, and every six months after the establishment of such fund, the President shall certify and report to the Committees on Appropriations that—

(1) the enterprise fund has taken all appropriate steps to ensure that amounts appropriated by this Act that are provided to the fund for the purpose of assisting the development of the private sector are not provided to or through any individual or entity that the management of the fund knows or has reason to believe advocates, plans, sponsors, or engages in, or has engaged in, terrorist activity;

(2) the enterprise fund furthers United States commercial interests in the region; and

(3) the enterprise fund is managed in a fiscally responsible manner.

#### PALESTINIAN STATEHOOD

SEC. 663. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated by this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) a new leadership of a Palestinian governing entity, that has not supported acts of terrorism, has been democratically elected through credible and competitive elections;

(2) the elected governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) has taken appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures;

(C) has established a new Palestinian security entity that is fully cooperative with appropriate Israeli and other appropriate security organizations; and

(D) has taken appropriate measures to enact a constitution assuring the rule of law and other reforms assuring transparent and accountable governance.

(b) **WAIVER.**—The President may waive subsection (a) if he determines that it is in the national security interests of the United States to do so.

(c) **EXEMPTION.**—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or a newly elected governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 652 of this Act (“Limitation on Assistance to the Palestinian Authority”).

#### COLOMBIA

**SEC. 664. (a) DETERMINATION AND CERTIFICATION REQUIRED.**—Notwithstanding any other provision of law, funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, may be made available as follows:

(1) Up to 50 percent of such funds may be obligated prior to a determination and certification by the Secretary of State pursuant to paragraph (2).

(2) Up to 25 percent of such funds may be obligated only after the Secretary of State certifies and reports to the appropriate congressional committees that:

(A) The Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank, who, according to the Minister of Defense or the Procuraduría General de la Nación, have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations.

(B) The Colombian Government is vigorously investigating and prosecuting those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations, and is promptly punishing those members of the Colombian Armed Forces found to have committed such violations of human rights or to have aided or abetted paramilitary organizations.

(C) The Colombian Armed Forces have made substantial progress in cooperating with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information).

(D) The Colombian Armed Forces have made substantial progress in severing links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at the command, battalion, and brigade levels, with paramilitary organizations, especially in regions where these organizations have a significant presence.

(E) The Colombian Armed Forces are dismantling paramilitary leadership and financial net-

works by arresting commanders and financial backers, especially in regions where these networks have a significant presence.

(3) The balance of such funds may be obligated after July 31, 2004, if the Secretary of State certifies and reports to the appropriate congressional committees, after such date, that the Colombian Armed Forces are continuing to meet the conditions contained in paragraph (2) and are conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations.

(b) **CONSULTATIVE PROCESS.**—At least 10 days prior to making the certifications required by subsection (a), the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in that subsection.

(c) **DEFINITIONS.**—In this section:

(1) **AIDED OR ABETTED.**—The term “aided or abetted” means to provide any support to paramilitary groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) **PARAMILITARY GROUPS.**—The term “paramilitary groups” means illegal self-defense groups and illegal security cooperatives.

#### ILLEGAL ARMED GROUPS

**SEC. 665. (a) DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.**—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided any support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC), including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(2) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights, including extra-judicial killings, in Colombia.

(b) **WAIVER.**—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

#### PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

**SEC. 666.** None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

#### IRAQ

**SEC. 667.** Notwithstanding any other provision of law, funds appropriated under the heading “Economic Support Fund” may be made available for assistance for Iraq: Provided, That the provisions of section 620G of the Foreign Assistance Act of 1961, or any other provision of law that applies to countries that have supported terrorism, shall not apply with respect to countries that provide assistance to Iraq: Provided further, That funds appropriated by this Act or prior appropriations Acts for Iraq should be made available for the removal and safe disposal in Iraq of unexploded ordnance, low level radioactive waste, and other environmental hazards: Provided further, That not less than \$10,000,000 of the funds appropriated by this Act or prior appropriations Acts that are available for assistance for Iraq should be made available for investigations of human rights violations by the former Iraq regime including the excavation of mass graves: Provided further, That funds made available under this section are made available subject to the regular notification procedures of the Committees on Appropriations.

#### WEST BANK AND GAZA PROGRAM

**SEC. 668. (a) OVERSIGHT.**—For fiscal year 2004, 30 days prior to the initial obligation of funds

for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading “Economic Support Fund” for the West Bank and Gaza.

(b) **VETTING.**—Prior to the obligation of funds appropriated by this Act under the heading “Economic Support Fund” for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual or entity that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection.

(c) **AUDITS.**—(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and subgrantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act under the heading “Economic Support Fund” that are made available for assistance for the West Bank and Gaza, up to \$1,000,000 may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection. Such funds are in addition to funds otherwise available for such purposes.

#### INDONESIA

**SEC. 669.** Funds appropriated by this Act under the heading “Foreign Military Financing Program” may be made available for assistance for Indonesia, and licenses may be issued for the export of lethal defense articles for the Indonesian Armed Forces, only if the President certifies to the appropriate congressional committees that—

(1) the Indonesia Minister of Defense is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, or to have aided or abetted militia groups;

(2) the Indonesian Government is prosecuting those members of the Indonesian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, or to have aided or abetted militia groups, and is punishing those members of the Indonesian Armed Forces found to have committed such violations of human rights or to have aided or abetted militia groups;

(3) the Indonesian Armed Forces are cooperating with civilian prosecutors and judicial authorities in Indonesia and with the joint United Nations-East Timor Serious Crimes Unit (SCU) in such cases (including extraditing those indicted by the SCU to East Timor and providing access to witnesses, relevant military documents, and other requested information);

(4) the Indonesian Government and Armed Forces are cooperating with the Federal Bureau of Investigation’s investigation of the killings and wounding of American and Indonesian citizens in Papua on August 31, 2002; and

(5) the Minister of Defense is making publicly available audits of receipts and expenditures of the Indonesian Armed Forces.

#### RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS DESTABILIZING WEST AFRICA

**SEC. 670. (a)** None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible

evidence that such government has aided or abetted, within the previous 6 months, in the illicit distribution, transportation, or sale of diamonds mined in Sierra Leone or Liberia.

(b) Whenever the prohibition on assistance required under subsection (a) is exercised, the Secretary of State shall notify the Committees on Appropriations in a timely manner.

#### SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 671. (a) **AUTHORITY TO REDUCE DEBT.**—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89-808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95-501).

#### (b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as “Paris Club Agreed Minutes”.

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as “IDA-only” countries.

(c) **CONDITIONS.**—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) **AVAILABILITY OF FUNDS.**—The authority provided by subsection (a) may be used only with regard to the funds appropriated by this Act under the heading “Debt Restructuring”.

(e) **CERTAIN PROHIBITIONS INAPPLICABLE.**—A reduction of debt pursuant to subsection (a) shall not be considered assistance for the purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

#### AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 672. (a) **LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.**—

(1) **AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.**—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in sec-

tion 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with the local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) **TERMS AND CONDITIONS.**—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) **ADMINISTRATION.**—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) **LIMITATION.**—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) **DEPOSIT OF PROCEEDS.**—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) **ELIGIBLE PURCHASERS.**—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) **DEBTOR CONSULTATIONS.**—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) **AVAILABILITY OF FUNDS.**—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading “Debt Restructuring”.

#### CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

SEC. 673. Funds appropriated in Public Law 107-115 and Public Law 108-7 that were available for the United Nations Population Fund (UNFPA), and \$35,000,000 in this Act, shall be made available for the UNFPA unless the President determines that the UNFPA supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided, That none of the funds made available for the UNFPA may be used in the People's Republic of China: Provided further, That the other conditions on availability of funds for abortion and abortion-related activities contained in this Act shall apply to any assistance provided for the UNFPA in this Act: Provided further, That the conditions on availability of

funds for the UNFPA as contained in section 576(c) of Public Law 107-115 shall apply to any assistance provided for the UNFPA in this Act.

#### CENTRAL ASIA

SEC. 674. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Uzbekistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Uzbekistan is making substantial and continuing progress in meeting its commitments under the “Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America”, including respect for human rights, establishing a genuine multi-party system, and ensuring free and fair elections, freedom of expression, and the independence of the media.

(b) Funds appropriated by this Act may be made available for assistance for the Government of Kazakhstan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Kazakhstan has made significant improvements in the protection of human rights during the preceding 6 month period.

(c) The Secretary of State may waive the requirements under subsection (b) if he determines and reports to the Committees on Appropriations that such a waiver is in the national security interests of the United States.

(d) Not later than October 1, 2004, the Secretary of State shall submit a report to the Committees on Appropriations describing the following:

(1) The defense articles, defense services, and financial assistance provided by the United States to the countries of Central Asia during the 6-month period ending 30 days prior to submission of each such report.

(2) The use during such period of defense articles, defense services, and financial assistance provided by the United States by units of the armed forces, border guards, or other security forces of such countries.

(e) For purposes of this section, the term “countries of Central Asia” means Uzbekistan, Kazakhstan, Kyrgyz Republic, Tajikistan, and Turkmenistan.

#### COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 675. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

#### WAR CRIMINALS

SEC. 676. (a)(1) None of the funds appropriated or otherwise made available pursuant to this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to vote against any new project involving the extension by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the “Tribunal”) all persons in their territory who have been indicted by the Tribunal and to otherwise cooperate with the Tribunal.

(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate congressional committees that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including access for investigators to archives and witnesses, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

(c) Not less than 10 days before any vote in an international financial institution regarding the extension of any new project involving financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(d) In carrying out this section, the Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of the Treasury shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (a).

(e) The Secretary of State may waive the application of subsection (a) with respect to projects within a country, entity, or municipality upon a written determination to the Committees on Appropriations that such assistance directly supports the implementation of the Dayton Accords.

(f) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term “country” means Bosnia and Herzegovina, Croatia and Serbia.

(2) ENTITY.—The term “entity” refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro and the Republika Srpska.

(3) MUNICIPALITY.—The term “municipality” means a city, town or other subdivision within a country or entity as defined herein.

(4) DAYTON ACCORDS.—The term “Dayton Accords” means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

#### USER FEES

SEC. 677. The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan, grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' financing programs.

#### FUNDING FOR SERBIA

SEC. 678. (a) Funds appropriated by this Act may be made available for assistance for Serbia after March 31, 2004, if the President has made the determination and certification contained in subsection (c).

(b) After March 31, 2004, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of the Federal Republic of Yugoslavia (or a government of a successor state)

subject to the conditions in subsection (c): Provided, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Federal Republic of Yugoslavia (or a successor state) through international financial institutions.

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations that the Government of the Federal Republic of Yugoslavia (or a government of a successor state) is—

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees, including Ratko Mladic, or assistance in their apprehension;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law, including the release of political prisoners from Serbian jails and prisons.

(d) This section shall not apply to Montenegro, Kosovo, humanitarian assistance or assistance to promote democracy in municipalities.

#### MULTILATERAL DEVELOPMENT BANK ACCOUNTABILITY

SEC. 679. Beginning not more than 180 days after the date of enactment of this Act, the Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank or subsidiary or window thereof (hereinafter “Bank”), not to vote in favor of any action proposed to be taken by such Bank unless not less than 45 days before consideration by the board of directors of such Bank, the Secretary of State, in consultation with the Secretary of the Treasury, has determined that—

(1) such Bank is implementing regular, independent external audits of internal management controls and procedures for meeting operational objectives, complying with Bank policies, and preventing fraud, and is making reports describing the scope and findings of such audits available to the public on at least an annual basis;

(2) any proposed loan, credit, or grant agreement has been published and includes the resources and conditionality necessary to ensure that the borrower complies with applicable laws in carrying out such loan, credit, or grant agreement, including laws pertaining to the integrity and transparency of the process such as public consultation, and to public health and safety and environmental protection; and

(3) such Bank is implementing effective procedures for the receipt, retention, and treatment of (A) complaints received by the Bank regarding fraud, accounting, mismanagement, internal accounting controls, or auditing matters; and (B) the confidential, anonymous submission by employees of the Bank of concerns regarding fraud, accounting, mismanagement, internal accounting controls, or auditing matters.

#### COOPERATION WITH CUBA ON COUNTER-NARCOTICS MATTERS

SEC. 680. (a) Subject to subsection (b), of the funds appropriated under the heading “International Narcotics Control and Law Enforcement”, \$5,000,000 should be made available for the purposes of preliminary work by the Department of State, or such other entity as the Secretary of State may designate, to establish cooperation with appropriate agencies of the Government of Cuba on counter-narcotics matters, including matters relating to cooperation, coordination, and mutual assistance in the interdiction of illicit drugs being transported through Cuba airspace or over Cuba waters.

(b) The amount in subsection (a) shall not be available if the President certifies that—

(1) Cuba does not have in place appropriate procedures to protect against the loss of innocent life in the air and on the ground in connection with the interdiction of illegal drugs; and

(2) there is evidence of involvement of the Government of Cuba in drug trafficking.

#### COMMUNITY-BASED POLICE ASSISTANCE

SEC. 681. (a) AUTHORITY.—Funds made available to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in internationally recognized human rights, the rule of law, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) Report.—The requirement for an annual report, contained in section 582 (b)(1) of Division E of Public Law 108-7, shall be applicable to all programs for which funds are provided under the authority of this subsection.

#### OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK RESTRICTIONS

SEC. 682. (a) LIMITATION ON USE OF FUNDS BY OPIC.—None of the funds made available in this Act may be used by the Overseas Private Investment Corporation to insure, reinsure, guarantee, or finance any investment in connection with a project involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(b) LIMITATION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK.—None of the funds made available in this Act may be used by the Export-Import Bank of the United States to guarantee, insure, extend credit, or participate in an extension of credit in connection with the export of any goods to a country for use in an enterprise involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(c) REQUIREMENTS.—The requirements referred to in subsections (a) and (b) are that the country concerned is implementing the recommendations, obligations and requirements developed by the Kimberley Process on conflict diamonds.

#### AMERICAN CHURCHWOMEN AND OTHER CITIZENS IN EL SALVADOR AND GUATEMALA

SEC. 683. (a) Information relevant to the December 2, 1980, murders of four American churchwomen in El Salvador, and the May 5, 2001, murder of Sister Barbara Ann Ford and the murders of other American citizens in Guatemala since December 1999, should be declassified and made public as soon as possible.

(b) In making determinations concerning declassification and release of relevant information, all Federal agencies and departments should use the discretion contained within such existing standards and procedures on classification in support of releasing, rather than withholding, such information.

#### CONFLICT RESOLUTION

SEC. 684. Of the funds appropriated under the headings “Economic Support Fund” and “Assistance for Eastern Europe and the Baltic States”, \$15,000,000 shall be made available to support conflict resolution programs and activities which bring together individuals of different ethnic, religious, and political backgrounds from areas of civil conflict and war.

#### NICARAGUA

SEC. 685. Of the funds appropriated under the headings “Economic Support Fund”, “Development Assistance”, and “Child Survival and

Health Programs Fund", not less than \$35,000,000 shall be made available for assistance for Nicaragua, of which not less than \$5,000,000 shall be made available from funds appropriated under the heading "Economic Support Fund": Provided, That with respect to funds made available pursuant to this section, priority shall be given to programs to provide alternative means of income for subsistence farmers and to promote judicial reform.

#### REPORT ON INTERNATIONAL COFFEE CRISIS

SEC. 686. Not later than 120 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, shall submit a report to the Committees on Appropriations describing the progress the United States is making toward meeting the objectives set forth in paragraph (1) of S. Res. 368 (107th Congress) and paragraph (1) of H. Res. 604 (107th Congress), including adopting a global strategy to deal with the international coffee crisis and measures to support and complement multilateral efforts to respond to the international coffee crisis.

#### VENEZUELA

SEC. 687. (a) None of the funds appropriated or otherwise made available pursuant by this Act may be made available for assistance for the central Government of Venezuela if the Secretary of State certifies to the Committees on Appropriations that the central Government of Venezuela is assisting, harboring, or providing sanctuary for Colombian terrorist organizations.

(b) The provision of subsection (a) shall not apply to democracy and rule of law assistance for Venezuela.

(c) Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than \$5,000,000 shall be made available for democracy and rule of assistance for Venezuela.

#### DISABILITY ACCESS

SEC. 688. The Administrator of the United States Agency for International Development ("USAID") shall seek to ensure that programs, projects, and activities administered by USAID in Iraq and Afghanistan comply fully with USAID's "Policy Paper: Disability" issued on September 12, 1997: Provided, That the Administrator shall submit a report to the Committees on Appropriations not later than December 31, 2004, describing the manner in which the needs of people with disabilities were met in the development and implementation of USAID programs, projects, and activities in Iraq and Afghanistan in fiscal year 2004: Provided further, That the Administrator, not later than 180 days after enactment of this Act and in consultation, as appropriate, with other appropriate departments and agencies, the Architectural and Transportation Barriers Compliance Board, and nongovernmental organizations with expertise in the needs of people with disabilities, shall develop and implement appropriate standards for access for people with disabilities for construction projects funded by USAID.

#### THAILAND

SEC. 689. Funds appropriated by this Act that are available for the central Government of Thailand may be made available if the Secretary of State determines and reports to the Committees on Appropriations that the central Government of Thailand (1) supports the advancement of democracy in Burma and is taking action to sanction the military junta in Rangoon; (2) is not hampering the delivery of humanitarian assistance to people in Thailand who have fled Burma; and (3) is not forcibly repatriating Burmese to Burma.

#### MODIFICATION ON REPORTING REQUIREMENTS

SEC. 690. Section 3204(f) of the Emergency Supplemental Act, 2000 (Public Law 106-246) is amended—

(1) in the heading, by striking "BI-MONTHLY" and inserting "QUARTERLY";

(2) by striking "60" and inserting "90"; and

(3) by striking "Congress" and inserting "the appropriate congressional committees".

#### ASSISTANCE FOR FOREIGN NONGOVERNMENTAL ORGANIZATIONS

SEC. 691. Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

#### PROHIBITION ON FUNDING TO COUNTRIES THAT TRADE IN CERTAIN WEAPONS WITH NORTH KOREA

SEC. 692. (a) No funds appropriated pursuant to this Act may be made available to the government of a country or for a project in a country that, during the 12-month period ending on the date that such funds would be obligated, has—

(1) exported to North Korea any item listed on the United States Munitions List under section 38 of the Arms Export Control Act (22 U.S.C. 2278) or any dual-use item on the Commerce Control List pursuant to the Export Administration Regulations (15 C.F.R. part 730 et seq.), if the President determines that such items are intended for use in a weapons of mass destruction or a missile program in North Korea; or

(2) imported from North Korea any item described in paragraph (1).

(b) The President may waive the prohibition in subsection (a) with respect to a country or project if the President certifies to Congress that it is in the national interest of the United States to waive the prohibition.

#### MALAYSIA

SEC. 693. (a) Funds appropriated by this Act that are available for assistance for Malaysia may be made available if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Malaysia supports and promotes religious freedoms, including tolerance for people of the Jewish faith.

(b) The Secretary of State may waive the requirements of subsection (a) if he determines and reports to the Committees on Appropriations that such a waiver is in the national security interests of the United States.

#### WAR CRIMES IN AFRICA

SEC. 694. Funds appropriated by this Act, including funds for debt restructuring, shall not be made available to the central government of a country in which individuals indicted by the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) are credibly alleged to be living unless the Secretary of State certifies to the President of the Senate and the Speaker of the House of Representatives that such government is cooperating with ICTR and SCSL, including the surrender and transfer of indictees: Provided, That the previous proviso shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961: Provided further, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by ICTR and SCSL to bring to justice individuals indicted by such tribunals.

#### REPORT ON ADMISSION OF REFUGEES

SEC. 695. (a) Congress makes the following findings:

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

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

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

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

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

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

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

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

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

(B) unaccompanied refugee minors;

(C) refugees outside traditional camp settings; and

(D) refugees in woman-headed households.

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

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

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

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

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

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

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

#### ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM TO INCLUDE INFORMATION ON ANTI-SEMITISM AND OTHER RELIGIOUS INTOLERANCE

SEC. 696. Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended by adding at the end the following new subparagraph:

"(G) ACTS OF ANTI-SEMITISM AND OTHER RELIGIOUS INTOLERANCE.—A description for each foreign country of—

"(i) acts of violence against people of the Jewish faith and other faiths that occurred in that country;

"(ii) the response of the government of that country to such acts of violence; and

"(iii) actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith.

POST DIFFERENTIALS AND DANGER PAY  
ALLOWANCES

SEC. 697. (a) Section 5925(a) of title 5, United States Code, is amended in the third sentence by inserting after "25 percent of the rate of basic pay" the following: "or, in the case of an employee of the United States Agency for International Development, 35 percent of the rate of basic pay".

(b) Section 5928 of title 5, United States Code, is amended by inserting after "25 percent of the basic pay of the employee" both places it appears the following: "or 35 percent of the basic pay of the employee in the case of an employee of the United States Agency for International Development".

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 2003, and shall apply with respect to post differentials and danger pay allowances paid for months beginning on or after that date.

SENSE OF CONGRESS ON CONTRACTING FOR  
DELIVERY OF ASSISTANCE BY AIR

SEC. 698. It is the sense of Congress that the Administrator of the United States Agency for International Development should, to the maximum extent practicable and in a manner consistent with the use of full and open competition (as that term is defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6))), contract with small, domestic air transport providers for purposes of the delivery by air of assistance available under this Act.

SEC. 699. (a) Congress makes the following findings:

(1) International organizations and non-governmental observers, including the Organization for Security and Cooperation in Europe, the National Democratic Institute, and Human Rights Watch documented widespread government manipulation of the electoral process in advance of the Presidential election held in Azerbaijan on October 15, 2003.

(2) Such organizations and the Department of State reported widespread vote falsification during the election, including ballot stuffing, fraudulent additions to voter lists, and irregularities with vote tallies and found that election commission members from opposition parties were bullied into signing falsified vote tallies.

(3) The Department of State issued a statement on October 21, 2003 concluding that the irregularities that occurred during the elections "cast doubt on the credibility of the election's results".

(4) Human Rights Watch reported that government forces in Azerbaijan used excessive force against demonstrators protesting election fraud and that such force resulted in at least one death and injuries to more than 300 individuals.

(5) Following the elections, the Government of Azerbaijan arrested more than 330 individuals, many of whom are leaders and rank-and-file members of opposition parties in Azerbaijan, including individuals who served as observers and polling-station officials who refused to sign vote tallies from polling stations that the individuals believed were fraudulent.

(6) The national interest of the United States in promoting stability in the Caucasus and Central Asia and in winning the war on terrorism is best protected by maintaining relationships with democracies committed to the rule of law.

(7) The credible reports of fraud and intimidation cast serious doubt on the legitimacy of the October 15, 2003 Presidential election in Azerbaijan and on the victory of Ilham Aliyev in such election.

(b) It is the sense of Congress that—

(1) the President and the Secretary of State should urge the Government of Azerbaijan to create an independent commission, with participation from the Organization for Security and Cooperation in Europe and the Council of Europe, to investigate the fraud and intimidation surrounding the October 15, 2003 election in

Azerbaijan, and to hold a new election if such a commission finds that a new election is warranted;

(2) the violence that followed the election should be condemned and should be investigated in a full and impartial investigation;

(3) the perpetrators of criminal acts related to the election, including Azerbaijani police, should be held accountable; and

(4) the Government of Azerbaijan should immediately release from detention all members of opposition political parties who were arrested for peacefully expressing political opinions.

(c) Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Attorney General, shall submit a report to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee of Appropriations of the House of Representatives on the investigation of the murder of United States democracy worker John Alvis. Such report shall include—

(1) a description of the steps taken by the Government of Azerbaijan to further such investigation and bring to justice those responsible for the murder of John Alvis;

(2) a description of the actions of the Government of Azerbaijan to cooperate with United States agencies involved in such investigation; and

(3) any recommendations of the Secretary for furthering progress of such investigation.

REPORT ON SIERRA LEONE

SEC. 699A. Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development shall submit a report to the Committee on Foreign Relations and Committee on Appropriations of the Senate and the Committee on International Relations and Committee on Appropriations of the House of Representatives on the feasibility of establishing a United States mission in Sierra Leone.

REPORT ON SOMALIA

SEC. 699B. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report on a strategy for engaging with competent and responsible authorities and organizations within Somalia, including in Somaliland, to strengthen local capacity and establish incentives for communities to seek stability.

(b) The report shall describe a multi-year strategy for—

(1) increasing access to primary and secondary education and basic health care services;

(2) supporting efforts underway to establish clear systems for effective regulation and monitoring of Somali hawala, or informal banking, establishments; and

(3) supporting initiatives to rehabilitate the livestock export sector in Somalia.

DESIGNATION OF THE GLOBAL FUND TO FIGHT  
AIDS, TUBERCULOSIS AND MALARIA UNDER THE  
INTERNATIONAL ORGANIZATIONS IMMUNITIES  
ACT

SEC. 699C. The International Organizations Immunities Act (22 U.S.C. 288 et seq.) is amended by adding at the end the following new section:

"SEC. 16. The provisions of this title may be extended to the Global Fund to Fight AIDS, Tuberculosis and Malaria in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation."

GUINEA WORM ERADICATION PROGRAM

SEC. 699D. Of the funds made available in title II under the headings "CHILD SURVIVAL AND HEALTH PROGRAMS FUND" and "DEVELOPMENT ASSISTANCE", not less than \$5,000,000 may be made available for the Carter Center's Guinea Worm Eradication Program.

SEC. 699E. (a) Congress makes the following findings:

(1) The Islamic Republic of Iran is neither free nor fully democratic, and undemocratic institutions, such as the Guardians Council, thwart the will of the Iranian people.

(2) There is ongoing repression of journalists, students, and intellectuals in Iran, women in Iran are deprived of their internationally recognized human rights, and religious freedom is not respected under the laws of Iran.

(3) The Department of State asserted in its "Patterns of Global Terrorism 2002" report released on April 30, 2003, that Iran remained the most active state sponsor of terrorism and that Iran continues to provide funding, safe-haven, training, and weapons to known terrorist groups, notably Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(4) The International Atomic Energy Agency (IAEA) has found that Iran has failed to accurately disclose all elements of its nuclear program. The IAEA is engaged in efforts to determine the extent, origin and implications of Iranian nuclear activities that were not initially reported to the IAEA.

(5) There have been credible reports of Iran harboring Al Qaeda fugitives and permitting the passage of terrorist elements into Iraq.

(b) It is the sense of Congress that it should be the policy of the United States to—

(1) support transparent, full democracy in Iran;

(2) support the rights of the Iranian people to choose their system of government;

(3) condemn the brutal treatment and imprisonment and torture of Iranian civilians expressing political dissent;

(4) call upon the Government of Iran to comply fully with requests by the International Atomic Energy Agency for information and to immediately suspend all activities related to the development of nuclear weapons and their delivery systems;

(5) demand that Al Qaeda members be immediately turned over to governments requesting their extradition; and

(6) demand that Iran prohibit and prevent the passage of armed elements into Iraq and cease all activities to undermine the Iraqi Governing Council and the reconstruction of Iraq.

SEC. 699F. (a) None of the funds made available by title II under the heading "MIGRATION AND REFUGEE ASSISTANCE" or "UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND" to provide assistance to refugees or internally displaced persons may be provided to an organization that has failed to adopt a code of conduct consistent with the Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises six core principles for the protection of beneficiaries of humanitarian assistance.

(b) In administering the amounts made available for the accounts described in subsection (a), the Secretary of State and Administrator of the United States Agency for International Development shall incorporate specific policies and programs for the purpose of identifying specific needs of, and particular threats to, women and children at the various stages of a complex humanitarian emergency, especially at the onset of such emergency.

(c) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate, the Committee on International Relations of the House of Representatives and the Committees on Appropriations a report on activities of the Government of the United States



to protect women and children affected by a complex humanitarian emergency. The report shall include—

- (1) an assessment of the specific protection needs of women and children at the various stages of a complex humanitarian emergency;
- (2) a description of which agencies and offices of the United States Government are responsible for addressing each aspect of such needs and threats; and
- (3) guidelines and recommendations for improving United States and international systems for the protection of women and children during a complex humanitarian emergency.

#### DEMOCRACY BUILDING IN CUBA

SEC. 699G. (a) Of the funds appropriated in title II, under the heading "TRANSITION INITIATIVES" not more than \$5,000,000 shall be available for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including the following:

- (1) Published and informational material, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economics, to be made available to independent democratic groups in Cuba.
- (2) Humanitarian assistance to victims of political repression, and their families.
- (3) Support for democratic and human rights groups in Cuba.
- (4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(b) In this section:

(1) The term "independent nongovernmental organization" means an organization that the Secretary of State determines, not less than 15 days before any obligation of funds made available under this section to the organization, is a charitable or nonprofit nongovernmental organization that is not an agency or instrumentality of the Cuban Government.

(2) The term "individuals" means a Cuban national in Cuba, including a political prisoner and the family of such prisoner, who is not an official of the Cuban Government or of the ruling political party in Cuba, as defined in section 4(10) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023(10)).

(c) The notification requirements of section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) shall apply to any allocation or transfer of funds made pursuant to this section.

#### RESPONSIBLE JUSTICE AND RECONCILIATION MECHANISMS IN CENTRAL AFRICA

SEC. 699H. (a) Of the funds appropriated under title II under the heading "ECONOMIC SUPPORT FUND", \$12,000,000 should be made available to support the development of responsible justice and reconciliation mechanisms in the Democratic Republic of the Congo, Rwanda, Burundi, and Uganda, including programs to increase awareness of gender-based violence and improve local capacity to prevent and respond to such violence.

SEC. 699I. Beginning not later than 60 days after the date of enactment of this Act, the Coordinator should make publicly available (including through posting on Internet web sites maintained by the Coordinator) prices paid to purchase HIV/AIDS pharmaceuticals, antiviral therapies, diagnostic and monitoring tests, and other appropriate medicines, including medicines to treat opportunistic infections, for the treatment of people with HIV/AIDS and the prevention of mother-to-child transmission of HIV/AIDS in developing countries—

- (1) through the use of funds appropriated under this Act; and
- (2) to the extent available, by—
  - (A) the World Health Organization; and
  - (B) the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

#### ASSISTANCE FOR HIV/AIDS

SEC. 699J. The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria

Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.) is amended—

(1) in section 202(d)(4)(A), by adding at the end the following new clause:

"(vi) for the purposes of clause (i), 'funds contributed to the Global Fund from all sources' means funds contributed to the Global Fund at any time during fiscal years 2004 through 2008 that are not contributed to fulfill a commitment made for a fiscal year prior to fiscal year 2004.'";

(2) in section 202(d)(4)(B), by adding at the end the following new clause:

"(iv) Notwithstanding clause (i), after July 1 of each of the fiscal years 2004 through 2008, any amount made available under this subsection that is withheld by reason of subparagraph (A)(i) is authorized to be made available to carry out sections 104A, 104B, and 104C of the Foreign Assistance Act of 1961 (as added by title III of this Act)."; and

(3) in section 301(f), by inserting ", except that this subsection shall not apply to the Global Fund to Fight AIDS, Tuberculosis and Malaria or to any United Nations voluntary agency" after "trafficking".

#### GLOBAL AIDS ASSISTANCE

SEC. 699K. For an additional amount for "Global AIDS Initiative", \$289,000,000, to remain available until September 30, 2006, for programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, and malaria, which may include additional contributions to the Global Fund to Fight AIDS, Tuberculosis, and Malaria.

#### INTERNATIONAL MILITARY TRAINING ASSISTANCE FOR INDONESIA

SEC. 699L. (a) Subject to subsection (b), none of the funds appropriated under the heading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" shall be made available for Indonesia, except that such prohibition shall not apply to expanded military education and training.

(b) The President may waive the application of subsection (a) if the President determines that important national security interests of the United States justify such a waiver and the President submits notice of such a waiver and justification to the Committees on Appropriations in accordance with the regular notification procedures of such Committees.

(c) Respect of the Indonesian military for human rights and the normalization of the military relationship between the United States and Indonesia is in the interests of both countries. The normalization process cannot begin until the Federal Bureau of Investigation has received full cooperation from the Government of Indonesia and the Indonesian armed forces with respect to its investigation into the August 31, 2002, murders of two American citizens and one Indonesian citizen in Timika, Indonesia, and the individuals responsible for those murders have been prosecuted and appropriately punished.

#### TECHNICAL CORRECTION RELATING TO THE ENHANCED HIPC INITIATIVE.

SEC. 699M. Section 1625(a)(1)(B)(ii) of the International Financial Institutions Act (as added by section 501 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25)) is amended by striking "subparagraph (A)" and inserting "clause (i)".

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004".

#### THE CARE ACT

Mr. GRASSLEY. Mr. President, I rise to speak on the CARE Act. The CARE Act is the President's initiative to strengthen the work of charities in this country by providing greater incentives to give to nonprofits. Recent

newspaper accounts have noted that charitable giving has declined in the recent year. Clearly, the President is right to seek additional tax benefits for charitable giving.

I cannot improve upon the Democratic leader's own assessment at the time the CARE Act was passed by the Senate, when he said this:

This legislation, the CARE Act, expands our Nation's capacity to respond to the needs of its citizens who need help.

These are very fine words. Unfortunately, these words are not being translated into action. The Finance Committee passed the CARE Act on February 27 and it was passed by the full Senate on April 9. The other body passed the CARE Act earlier this fall. However, the Senate has been prevented from going to conference on this important legislation. The other side has repeatedly blocked efforts to take the traditional step of going to conference with the House to resolve outstanding matters and, in turn, then put the President's good goals into law.

While there have been many arguments and claims made by the other side about why we cannot go to conference on the CARE Act, they seem to have settled now on one, that the CARE Act is not going forward because of concerns that Democrat conferees from the Senate will not be able to meaningfully participate in this conference.

I think, at least in the case of any legislation coming out of the Finance Committee, that sort of argument is pure nonsense. There is nothing in the history of this specific act, the CARE Act, or my dealings with the other side, that would give the other side cause to suggest that they have justification to be concerned they would be shut out.

The CARE Act has at all times been a bipartisan effort, beginning with Senators SANTORUM and LIEBERMAN as the prime sponsors of this CARE Act. In addition, I have worked closely with Senator BAUCUS on this matter as well as other members of the Democratic side of the aisle. Many of the provisions of this bill are due to priorities and concerns voiced by the minority. I think it is fair to say that, as chairman, no one has gone further in working with and listening to the other side on matters that are of concern, not only in the CARE Act but in all legislation considered by the Finance Committee.

The relationship between Senator BAUCUS and I working cooperatively is too well known for the leadership on the other side to ignore. I intend that tradition of bipartisanship to continue in conference on the CARE Act. In fact, let me make it very clear. I give my word at this time, as at other times, that all conferees from the Senate will be meaningfully participating in the conference, and I am confident we will come back from conference with a bill that will enjoy similar strong bipartisan support enjoyed by the CARE Act when it first passed the Senate.

I cannot make a stronger statement or commitment. To reject it is to suggest that the Democratic leadership does not think that I and Senator BAUCUS will continue our tradition of working in a bipartisan spirit on this bill. I cannot believe the leadership of the other side harbors such a view.

So if that is the true reason, concern that Senate Democrats will not be able to meaningfully participate, I have given my word that will not be the case. So we should now be able to go forward with a conference on the legislation that the minority leader stated, when it passed,

... will get meaningful aid to organizations and institutions that are equipped to help those who need help the most.

I am worried that even though I have addressed the stated concern, we will still not see movement on the CARE Act for unspoken reasons.

When it comes to unspoken reasons, it is just a matter of guess, or maybe responding to whispers in the hallways.

It has been discussed widely in the media that many people "hate" President Bush. I fear this hatred is being translated into stopping the President's signature initiative of strengthening our charitable arena.

The sad thing is that the zeal to keep the President from having a "win" will mean, as well noted by the minority leader, "fewer meals for the hungry, fewer beds for the homeless, fewer safe havens for battered wives and children." I think this is most unfortunate.

When I questioned President Clinton's AmeriCorps Program 10 years ago, I did not seek to end that program. I sought to reform it and to make it work the way President Clinton intended that it work. I thought then that President Clinton had a right to a small program for which he had campaigned so aggressively. President Bush deserves the same courtesy by allowing these tax initiatives for charitable giving to go through.

I am also concerned that overlooked is that the CARE Act contains many other provisions Members are stopping. Let us not forget that the CARE Act is paid for by the most sweeping efforts to stop tax shelters in a generation. Those who stop the CARE Act are certainly being cheered on by the hucksters selling tax shelters so that corporations can continue to avoid fair taxation.

In addition, the CARE Act also now includes legislation that will provide tax relief for our military as well as low-income families with children. I have never seen such hand-wringing in this Chamber as has been the case regarding the need to pass military tax relief and expanded child credit for low-income families. Now that we have a chance to have these matters go to conference on a bill that has a real chance of becoming law, we are being stopped by the Democratic minority. I am worried that what is desired by some is an issue—not a solution to the child credit for low-income families and tax relief for military personnel.

Let me close by saying I have addressed the other side's stated concerns. I have given my personal commitment that Democratic Members will be meaningful participants in the conference on the CARE Act. If that is their only reason, then I have put that to rest. If they continue to object, I fear it is for a small reason, maybe a petty reason, a reason that puts partisanship before the welfare of those most in need. If that is the case, I can only state that I am saddened and certainly disappointed.

At this point, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7, the charitable giving bill. I further ask unanimous consent that all after the enacting clause be stricken; that the Snowe amendment and the Grassley-Baucus amendments which are at the desk be agreed to en bloc; that the substitute amendment which is the text of S. 476, the Senate-passed version of the charitable choice bill, as amended by the Snowe and Grassley-Baucus amendments, be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; further, that the Senate insist upon its amendments and request a conference with the House; and, lastly, that the Chair be authorized to appoint conferees with the ratio of 3 to 12, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, first of all, I say to my friend that I have the greatest admiration and respect for the Senator from Iowa. I don't say that lightly. No one I know of has ever questioned his ability to be a legislator in the truest sense of the word.

Let me also say—and I speak for myself and I hope I speak for everyone on this side—that I don't hate President Bush. I disagree with him on certain issues. I certainly don't hate him. I don't dislike President Bush. I like him. In all of our meetings, on a personal basis, he has been very cordial. He seems to be a very nice man, and he is President of the United States; I recognize that. But on some issues, I disagree.

This matter of how we should proceed has nothing to do with the integrity of the chairman of the Finance Committee. It has everything to do with what has happened with the Republican leadership in the House and the Senate as to what happened with the bills that need to go to conference. We, of course, over here are very concerned—and it is almost to a point of frightening—with these nonconferences that take place.

I object, and I will put forward my own unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I ask unanimous consent that the Senate now

proceed to the immediate consideration of H.R. 7, as reported by the Senate Finance Committee; that there be only two amendments in order, which are at the desk; that those amendments be agreed to; that the act, as amended, be read a third time and passed; and the motion to reconsider be laid upon the table without any intervening action or debate.

I think that will move this very important piece of legislation forward, and we can resolve it within a matter of days.

The PRESIDING OFFICER. Is there objection to the request by the Senator from Nevada?

Mr. GRASSLEY. Mr. President, reserving the right to object—and I will object—first of all, we have advanced this bill according to the rules of the Senate with the provisions that are necessary to go to conference. I am disappointed we don't have that opportunity to go to conference. This will not be our last effort to try to get to conference.

I appreciate the unanimous consent request by my friend from Nevada, the assistant minority leader, because I know he is sincere in proceeding along the lines he would like to proceed. But I think it does suggest that there is a nervousness on the other side as to the rightness of my original request and that we ought to get this to conference.

The conference could be settled very quickly. We could get the bill back here and for charitable organizations and for military families, and also try to help low-income families with refundable tax credits, as has been the position of the Senate for a long period of time.

I also suggest he may be legitimately concerned about how the other body handles conferences. I appreciate his understanding that I try to be fair. But in the process, comity dictates that what the other body does the other body does, and we have to work within the environment of what we can control. What we can control is what the Senate does. Along those lines, I have made my commitment that there be full Democrat participation, and that is about as far as I can go.

So I object to the unanimous consent request by the Senator from Nevada, the assistant minority leader.

The PRESIDING OFFICER. Objection is heard.

Mr. GRASSLEY. Mr. President, I yield the floor. I thank the Senator from Nevada.

#### UNANIMOUS CONSENT REQUEST— H.R. 1904

Mr. McCONNELL. Mr. President, I ask unanimous consent that with respect to H.R. 1904, the Healthy Forests bill, the Senate insist upon its amendments and request a conference with the House. I further ask that the Chair be authorized to appoint conferees at a ratio of 3-2.

Mr. REID. Reserving the right to object, Mr. President, we have had a difficult time with conference committees. A perfect example is the very important Medicare conference. With that matter, we have had the majority say you can have two Democrats attend, but they are the only ones. If anybody else comes into the room who should not be on the conference, we will terminate that session of the conference.

Conferences have not been as we believe they should, where you have Democrats representing the minority and Republicans representing the majority meeting and trying to work out issues. These matters are simply resolved behind closed doors with Democrats having no input. Regarding the very important supplemental, which was completed and voted on and passed today, Senator STEVENS specifically said on the floor he would have a full participation of all conferees. We did that. The conference took 2 days. It was tough and grueling. We won very few issues, but at least we had a conference.

Healthy Forests is a bill I support wholeheartedly. As I indicated with the votes taken by the Senate on this issue, most Democrats support this issue. But we want a conference. We are not going to get one. What we suggest is we take our bill and merge it with the House bill and send it back to the House. If they don't like something, they can send it back with amendments. That is what we recommend and that is how we are going to stand on the issue.

Respectfully, I object to the unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, we have had forest fires raging in the West for a number of years, and this year it finally hit in a big State—California—and destroyed the home of the chairman of the House Armed Services Committee. Finally, it got the attention of large numbers of Americans, including Members of this body.

With all due respect to my friend from Nevada, the way we do legislation is we appoint conferees and the House and Senate work out their differences. I hope some time before we are out of session this year we will be able to follow the normal legislative procedure and give the conferees a chance to reconcile the differences between the House and the Senate and move forward on this most important issue, because it is not going away. It is going to continue to be a problem summer after summer.

Mr. REID. Mr. President, if I may be recognized to respond to my friend.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, the fires in California were disastrous. But what happened in California is not going to be changed by virtue of a conference. We believe if the majority really wants a bill—and I believe they do—they

should take our suggestion. It is not anything unique. It has been done many times in the past. We have done it this year; that is, just take what we have passed in the Senate and send it to the House. If there is something they don't like, they can send it back to us with an amendment. That would be my suggestion.

#### UNANIMOUS CONSENT REQUEST— H.R. 7

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7, the charitable giving bill. I further ask unanimous consent that all after the enacting clause be stricken and the Snowe amendment and the Grassley-Baucus amendment, which are at the desk, be agreed to en bloc; that the substitute amendment, which is the text of S. 476, the Senate-passed version of the charitable giving bill, as amended by the Snowe and Grassley-Baucus amendments, be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; further, that the Senate insist on its amendment and request a conference with the House; that the Chair be authorized to appoint conferees with a ratio of 3 to 2; and that any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the chairman of the Finance Committee, Senator GRASSLEY, and this Senator just had a discussion on this same issue.

We are concerned about going to conference because there will wind up being no conference. What we want to do is merge the Senate bill with the House bill, send it back to the House, and if they have a problem, they can send it back to us. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, as my friend from Nevada indicates, once again the normal legislative process is being prevented by not allowing conferees from the House and Senate to be approved, which is typically the way differences between House and Senate bills are resolved.

#### FALLEN PATRIOTS TAX RELIEF ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3365.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3365) to amend title 10, United States Code, and the Internal Revenue Code of 1986 to increase the death gratuity pay-

able with respect to deceased members of the Armed Forces and to exclude such gratuity from gross income.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, we are tonight adopting long overdue legislation to rectify a number of inequities faced by members of our Nation's armed services.

Since the terrorist attacks of September 11, these brave men and women have been called upon to make terrific sacrifices. They have left their families and friends behind for months at a time to willingly cast themselves into harm's way. Whether in Afghanistan, Iraq, or on whatever battlefield the war against terrorism must be fought, these courageous patriots have put their lives on the line to defend our freedoms.

While I realize that we could never begin to fully repay these fine young Americans—not to mention the loved ones they leave behind—the Senate has an opportunity tonight to show our gratitude for their sacrifices.

The legislation before us, which the Finance Committee first developed during the 107th Congress, will ensure that members of the uniformed services, the National Guard, and the foreign service are treated fairly in all aspects of the tax code.

First, this legislation ensures that the families of military personnel called into active duty are not disadvantaged under the home sale exclusion. Unlike most Americans, military personnel who are called to active duty or asked to relocate often lack the flexibility to meet residency requirements under the exclusion and are adversely impacted by these rules. This legislation would suspend the residency test for periods of active duty aggregating no more than 10 years.

We should not punish members of our military and their families who are asked to relocate in the name of service to their country.

This legislation also clarifies that dependent care benefits provided to families of the uniformed services will not be treated as taxable compensation. The provision of affordable childcare is an important function of the military during peacetime; but it is never more critical than during periods of conflict—families.

We must also not forget about the increasing role that Reserve and National Guard members fulfill in our Nation's defense. Currently, more than 157,000 reservists and National Guard are on active duty status—most assisting in Operation Iraqi Freedom. We have begun to rely increasingly on these service personnel to defend our borders and to serve and protect in other areas of the world.

This legislation will allow an above-the-line deduction for travel expenses that these men and women incur related to training assignments. This provision will at least partially reimburse national guard members and reservists for the expenses they incur when they travel for weekend drills.

The Armed Forces Tax Fairness Act also ensures that military personnel serving in Secretary of Defense designated "contingency operations" receive appropriate relief from the administrative burdens of our tax laws during participation in those operations.

What's more, this legislation is completely offset. All of the military tax fairness provisions in this legislation are fully funded by extending Customs user fees.

As we consider this legislation tonight, the men and women of our armed forces remain in hostile situations, battling terrorism wherever that battle may lead. At the same time, their loved ones—wives, husbands, parents, children—remain at home, making equally demanding sacrifices as they struggle to make ends meet. It is deeply regrettable that Congress has delayed so long to enact this common-sense legislation.

We must delay no longer. I urge my colleagues to support this legislation to provide the tax relief that our military personnel need and deserve.

Mr. BAUCUS. Mr. President, I rise today in support of this amendment to the Fallen Patriots Tax Benefit Act of 2003. The bill that we received from the House includes two important provisions that the Senate has already approved this year. However, it does not include the numerous other provisions that the Senate has passed to ensure equity for military personnel. This amendment would add these important provisions.

First, the House bill doubles the amount of the death gratuity payments for members of our military. Under current law, the families of military personnel receive a death gratuity benefit of \$6,000. This bill would increase that amount to \$12,000. The Senate included this provision in the defense authorization bill that is currently in conference.

Second, the House bill ensures that these payments will not be subject to taxation. Under current law, death gratuity benefits are excludable from income only to the extent they were as of September 9, 1986, which was \$3,000.

In 1991, the benefit was increased to \$6,000, but the Tax Code was never adjusted to exclude the additional \$3,000 from income. Because of this oversight, the U.S. Government has been taxing families for the death of a family member who died in combat.

The House bill would make the entire \$12,000 death gratuity benefit tax-free, and ensure that families are not hit with a tax bill during their most difficult hour. This provision was included in the Senate passed Armed Forces Tax Fairness Act.

That is what this bill does. Now let me talk about what the House bill does not do.

This bill does not include the numerous other provisions for military personnel that were included in the Armed Forces Tax Fairness Act of 2003, which

was passed by the Senate in May. These provisions are vital to ensuring tax equity for our active duty military and reservists.

Let me explain these provisions.

First, the House bill does not include the exclusion of gain on the sale of a principal residence.

In 1997, Congress passed legislation revising the taxation of capital gains on the sale of a person's principal residence.

The new law provides that up to \$250,000—or \$500,000 for a married couple—is excluded on the sale of a principal residence if the individual has lived in the house for at least 2 of the previous 5 years.

However, when enacted, Congress failed to provide a special rule for military and Foreign Service personnel who are required to move either within the U.S. or abroad.

Our proposal in the Armed Forces Tax Fairness Act would permit service personnel and members of the Foreign Service to suspend the 5-year period while away on assignment. That means that those years would not count toward either the 2 years or the 5-year periods. Senators MCCAIN, GRAHAM, and LINCOLN proposed a bill in the last session to correct this.

Second, the House bill does not allow for the exclusion from taxable income of amounts received under the Military Housing Assistance Program. The Department of Defense provides payments to members of the Armed Services to offset diminution in housing values due to military base realignment or closure.

For example, if a house near a base was worth \$140,000 prior to the base closure and \$100,000 after the base closure, DOD may provide the owner with a payment to offset some, but not all, of the \$40,000 diminution in value. Under current law, those amounts are taxable as compensation.

We should ensure that those men and women losing value in their homes due to a Federal Government decision are not adversely affected financially.

The proposal in the Armed Forces Tax Fairness Act would provide that payments for this type of lost value are not includable into income.

Third, the House bill does not expand the combat zone filing rules to include contingency operations. Under current law, military personnel in a combat zone are afforded an extended period for filing tax returns.

However, this does not apply to contingency operations. This proposal in the Armed Forces Taxes Fairness Act would extend the same benefits to military personnel assigned to contingency operations.

It cannot be easy trying to figure out our complicated tax system while you are overseas and protecting our nation's freedom. Those men and women who are sent to uphold democracy and freedom in other countries are confronted with the same filing complications as combat zone personnel.

Contingency operations are just as demanding as combat zone deployment, although not always in the same manner. For example, in our current war on terrorism, this proposal would help members of our Special Forces in the Philippines supporting Operation Enduring Freedom. These troops are just as focused on accomplishing their critical mission as our troops in the Iraqi combat zone.

Fourth, the House bill does not provide an above-the-line deduction for overnight travel expenses of National Guard and Reserve members. Some reservists who travel one weekend per month and two weeks in the summer for Reserve duty incur significant travel and lodging expenses.

For the most part, these expenses are not reimbursed. Under current law, these are deductible as itemized deductions but must exceed 2 percent of adjusted gross income.

For lower income reservists, this deduction does not provide a benefit, because they do not itemize. For higher income reservists, the 2 percent floor limits the amount of the benefit of the deductions.

In my home State of Montana, we have approximately 3,500 reservists—800 of whom travel each month across the State for their training. These 800 reservists pay travel and lodging expenses out of their own pocket.

Montana ranks 48th in the Nation for per capita personal income. So that \$200 expense for Reserve duty every month means a lot to the Montana reservist. Yet, they continue selflessly to provide their services to our country at their own expense. For those reservists who travel out of State for their training, this expense is even higher.

The proposal in the Armed Forces Tax Fairness Act would provide an above the line deduction for overnight travel costs and would be available for all reservists and members of the National Guard.

Fifth, the House bill does not expand the rules to qualify for membership of veterans organizations. Currently, qualified veterans organizations under section 501(c)(19) of the tax code both tax-exempt and contributions to the organization are tax deductible.

In order to qualify under 501(c)(19), the organization must meet several tests. For example, 75 percent of the members must be current or former military, and substantially all of the other members must be either spouses, widows, or widowers of current or former military.

The proposal in the Armed Forces Tax Fairness Act would permit lineal descendants and ancestors to qualify as eligible members of these important groups.

It is important that our veterans organizations continue the good work that they do. But, as the organizations age, they are in danger of losing tax-exempt status. The Armed Forces Tax Fairness Act helps ensure the vitality of these organizations.

Sixth, the House bill does not clarify the tax treatment of childcare subsidies. I want to ensure that parents in the military can continue their dedicated service with the knowledge that their children are well taken care of.

The military provides extensive childcare benefits to its employees. Employees at DoD-owned facilities provide childcare services while other areas with non-DoD owned facilities contract out their childcare.

When Congress passed the Tax Reform Act of 1986, we included a provision stating that qualified military benefits are excluded from income. It is not absolutely clear whether childcare provisions are covered under this provision.

The proposal in the Armed Forces Tax Fairness Act would clarify that any childcare benefit provided to military personnel would be excludable from income.

Seventh, the House bill does not allow students at the Service Academies to use their education savings account funds. In contrast, the Armed Forces Tax Fairness Act does permit penalty-free withdrawals from education savings accounts and qualified tuition programs made on account of the attendance of the account holder or beneficiary at any of the Service Academies. The amount of the funds that can be withdrawn penalty-free is limited to the costs of advanced education in that calendar year.

Eighth, the House does not allow the IRS to suspend the tax-exempt status of terrorist organizations. Under current law, there is no procedure for the IRS to suspend the tax-exempt status of an organization.

The Armed Forces Tax Fairness Act would allow the suspension of the tax-exempt status of an organization for any period during which the organization is designated or identified by Executive Order as a terrorist organization.

Ninth, the House bill does not provide tax relief for families of those killed in the Space Shuttle *Columbia*. Current law provides for income tax, estate tax, and death benefit relief to soldiers who are killed in a combat zone, victims of the September 11 attacks, the Oklahoma City bombing victims, and the victims of the anthrax attacks.

The crew of the Space Shuttle *Columbia* was heroic in every sense of the word. We have a duty to those who lost their lives for the advancement of science and increasing our knowledge of the world we live in. The Armed Forces Tax Fairness Act would make all of the above benefits available to the families of the *Columbia* crew.

The tenth and final difference between the House bill before us and the Armed Forces Tax Fairness Act is that the bill before us is not offset. In contrast, the Armed Forces Tax Fairness Act is completely offset by strengthening the collection of taxes from people who have renounced their U.S. citizenship in order to avoid U.S. taxes.

However, some of our colleagues in the House have objected to this provision. So in the interest of enacting these important military tax provisions as quickly as possible, the Senate changed the offset to a simple extension of the present law customs user fees.

The Senate amendment to the House bill would add these very important nine provisions. In addition, it would add an offset that the House has not opposed this offset in the past. We hope that this compromise on our part will allow them to pass the provisions from the Armed Forces Tax Fairness Act that we have included in this amendment.

The passage of the death gratuity payments provision is an important first step. However, there are thousands of men and women in uniform that are depending on us to pass the other ten provisions included in the Armed Forces Tax Fairness Act.

Simply put, there is absolutely no excuse if Congress fails to pass the Armed Forces Tax Fairness Act this year.

Everyday, our military men and women fight for our freedom and the freedom of every American. Their sacrifices are great. Passing the other ten provisions included in the Armed Forces Tax Fairness Act is not a lot for them to ask of Congress.

I urge my colleagues in the House to pass the Senate amendment to the Fallen Patriots Act of 2003.

Ms. COLLINS. Mr. President, I want to express my full support for the passage of H.R. 3365, the Fallen Patriots Tax Relief Act. Earlier this year, the Senate passed S. 704, introduced by myself, Senator WARNER, Senator MCCAIN, Senator ALLEN, and Senator BEN NELSON, which would have increased the death gratuity paid to the survivors of deceased members of our military from \$6,000 to \$12,000. Further, it would make this increase retroactive to September 11, 2001. I am pleased that H.R. 3365 incorporates this legislation.

There is no better way to honor the memories of fallen soldiers than to ensure that their loved ones receive the support they deserve. The death gratuity is provided within days to the family of the servicemember killed while on active duty. These funds help the family to deal with immediate needs during this difficult time. Given the sacrifices of our troops currently in Iraq, I believe that this increase in assistance is far past due.

H.R. 3365 also ensures that the death gratuity is tax free. I fully support this legislation, and believe that it sends a strong message of support to our troops. As the brave men and women of our military continue to go in harm's way in defense of our Nation, it is crucial that they do so with the confidence that their families will have our full support should tragedy occur.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the McCain-Baucus-Grassley amendment, which is at the desk, be agreed to; that

the bill, as amended, be read a third time and passed; that the title amendment be agreed to; that the motions to reconsider be laid upon the table, en bloc; and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 2051) was agreed to.

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

The title amendment (No. 2052) was agreed to, as follows:

Amend the title so as to read: "An Act to amend title 10, United States Code, and the Internal Revenue Code of 1986 to increase the death gratuity payable with respect to deceased members of the Armed Forces and to exclude such gratuity from gross income, to provide additional tax relief for members of the Armed Forces and their families, and for other purposes."

The bill (H.R. 3365), as amended, was read the third time and passed.

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

#### GIVING PRIORITY TO PASSING TAX RELIEF LEGISLATION FOR MILITARY PERSONNEL

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 257, submitted earlier today by Senator LANDRIEU.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 257) expressing the sense of the Senate that Congress should give priority to passing legislation to provide tax relief for United States military personnel and should offset the cost of such tax relief with legislation preventing individuals from avoiding taxes by renouncing United States citizenship.

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. Mr. President, today the Senate passed the Military Tax Fairness Act of 2003, about \$1.1 billion in tax relief for our military families. I support this bill. We all support this bill. In fact, we passed this unanimously or near unanimously on a couple of previous occasions. We are revisiting this bill again today because the House of Representatives does not like the offset we used to pay for the bill. We paid for it by taxing individuals who renounce their United States citizenship in order to avoid paying U.S. taxes.

It is astounding to me that this bill keeps getting bounced back and forth between the Senate and the other body over this issue. We are talking about tax relief for military families and we want Americans who are exploiting tax loop holes to step up and make that relief possible. Most of these people have known great financial success. They were blessed by the economic opportunity that our nation's liberty gives us and the free enterprise system which make those fortunes possible.

Those blessings were secured by our military personnel. Every year, the United States Treasury loses about \$80 million on individuals who decide that they would prefer to have their cake and eat it too. They want American markets, they want American prestige, they want American stability, but they do not want the obligations that accrue to American citizenship. All the Senate was saying is if you benefited from this nation's security, you should be willing to pay for it.

When the Senate first considered this legislation, I had hoped to include a tax credit for the private sector employers of our National Guard and Reserve. When our Guard and Reserves answer the call to serve they leave jobs, homes, and most of all, their families behind. Many employers continue to pay all or part of the salaries of those employees who get called up. My legislation would provide those patriotic employers with a tax credit for paying up to 50 percent of the salaries for their Guard and Reserve employees.

I understand that my legislation cannot be included in this bill. So I am introducing a sense of the Senate resolution to put us on record as supporting these employers. The resolution states that we should pay for this tax credit by closing the expatriation loophole.

The facts are simple, and they are laid out in this resolution. Since 2001, the President has signed tax cuts amounting to \$1.75 trillion. Today, military families will get their first taste at direct relief. Yet, this bill amounts to less than .1 percent of the tax relief that the Government has doled out. No one could justify this to voters. So it's been happening behind closed doors—in conference reports, and parliamentary maneuvering. This resolution is a first step to putting a bright, hot spotlight on the truth. The leadership of the House Ways and Means Committee is more interested in protecting expatriate corporations, than it is in providing meaningful tax benefits to the men and women of our Armed Forces.

I am glad for what we are doing in this bill, but there is so much more that can be done and should be done. Personally, I believe that a military tax vehicle should be used to discuss military tax issues. However, the Senate cannot stand in the way of immediate relief to the families of those who have given the ultimate sacrifice in battle. For that reason, we are passing this resolution today to send a signal that this imbalance must come to an end.

I appreciate the chairman and ranking member of the Finance Committee for agreeing to this resolution in conjunction with the underlying bill. I look forward to working with them in the future on giving this tax relief to America's employers.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, that the motion to reconsider be

laid upon the table, and that any statements relating to the resolution be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 257) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 257

Whereas Congress is responsible for providing United States military personnel with the equipment, supplies, and other resources needed to preserve our freedom;

Whereas Congress is responsible for providing United States military personnel with a comprehensive compensation package;

Whereas, since 2001, Congress has passed and the President has signed legislation providing for \$1,750,000,000,000 in tax relief;

Whereas the Senate has passed legislation providing for \$1,100,000,000 in additional tax relief for United States military personnel and their families;

Whereas United States citizens benefit from economic opportunities which arise from the liberty protected by United States military personnel;

Whereas the United States loses approximately \$80,000,000 per year in tax revenue from individuals who renounce United States citizenship;

Whereas the Senate has unanimously passed legislation which prevents individuals from avoiding taxes by renouncing United States citizenship as an offset to the cost of providing tax relief for the 1,400,000 active duty military personnel and the 1,200,000 members of the National Guard and Reserves; and

Whereas Congress has asked the Comptroller General of the United States to conduct a study on the total compensation package provided for United States military personnel in order to ensure that the unique needs of military personnel are addressed: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) Congress should give priority to passing legislation to provide tax relief for—

(A) United States military personnel, including those serving in the National Guard and Reserves; and

(B) the employers of active duty members of the National Guard and Reserves; and

(2) the cost of such tax relief should be offset by legislation which prevents individuals from avoiding taxes by renouncing United States citizenship.

#### FIFTY YEARS OF OUTSTANDING SERVICE BY AGRICULTURAL RESEARCH SERVICE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S.J. Res. 22, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res 22) recognizing the Agricultural Research Service of the Department of Agriculture for 50 years of outstanding service to the Nation through agricultural research.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. COCHRAN. Mr. President, on November 3, 2003, the Agricultural Research Service, the primary research agency in the U.S. Department of Agriculture, will celebrate its 50th anniversary. To commemorate this special anniversary, I, along with Senator HARKIN, am offering a Senate joint resolution to recognize the important contributions the Agricultural Research Service provides to the agriculture community and to the Nation. Although ARS can trace its heritage back to early 19th century seed collection activities in the U.S. Patent Office, it was officially organized on November 2, 1953, when USDA consolidated most of its research functions into the newly named Agricultural Research Service. Today, ARS is a public institution that conducts agricultural research exclusively for the public good. The research is often long-term and costly, and unlikely to be undertaken by the private sector. The ARS discoveries and innovations touch the lives of every American through the food we eat, the clothes we wear, and the environment in which we live.

I am very proud of the accomplishments ARS has made in my State. For example, ARS established the Lower Mississippi Delta Nutrition Intervention Research Initiative in 1995 to improve the health of residents of the Mississippi Delta through nutrition intervention research. ARS has partnered with, among others, the University of Southern Mississippi in Hattiesburg and Alcorn State University in Lorman to identify food and nutrition problems in communities and to design nutrition interventions to determine how and why people make food choices, and how those choices could be improved. Another fine example of the partnership between the ARS and our Mississippi universities is the Southern Horticultural Laboratory in Poplarville. This ARS small fruit research facility, in cooperation with Mississippi State University, has led in the establishment of a vibrant blueberry industry in South Mississippi and other Gulf Coast States and has now expanded to include research on ornamentals and vegetables.

The ARS Catfish Genetics Research Unit at Stoneville, in partnership with Mississippi State University, bred a new catfish variety, NWAC 103, and released it in February 2001. This marks one of the few times genetic research has improved catfish since the industry started in the United States in the late 1950s. Since then, catfish has become one of the most successful aquacultural enterprises, thereby guaranteeing a plentiful supply of high-quality fish to consumers. Also, ARS scientists, in partnership with the University of Mississippi scientists, invented a new natural product-based algicide for use in catfish aquaculture, thus providing an alternative to synthetic herbicides.

A special ARS project in the late 1990s in Mississippi showed that farm runoff is not damaging Mississippi



groundwater. Data from the 7,320-acre Mississippi Delta Management Systems Evaluation Areas in Sunflower and LeFlore counties showed contamination by farm chemicals is not a problem. The Mississippi Delta MSEA also focused on farmland erosion control and preventing sediment and chemical runoff into three oxbow lakes: Beasley, Thighman and Deep Hollow. Technology being tested in the Delta MSEA not only enhances the health of the lakes, thus increasing fish and duck numbers, but may also help growers reduce costs.

To mark its five decades of public service and, in recognition of the local and national partnerships that are the foundation of much of their research, ARS will celebrate with various events throughout the next year following a kick-off celebration on November 3, 2003.

I commend the Agricultural Research Service on the occasion of its 50th anniversary and look forward to many more years of its important service to the Nation.

Mr. HARKIN. Mr. President, 50 years ago, James Watson and Francis Crick were identifying the double-helix molecule of DNA. The first embryo transfers from donor cows to recipients were made. The Korean War ended. And the Agricultural Research Service was created.

The creation of ARS was not the beginning of the Department of Agriculture's efforts in agricultural research. President Abraham Lincoln signed the act creating the department, which included the charge to "acquire and diffuse among the people of the United States useful information . . . and to procure, propagate, and distribute among the people new and valuable seeds and plants." The Department's commitment to agricultural research reaches back nearly 150 years. The ARS itself was created by Secretary of Agriculture Ezra Taft Benson through a reorganization of the former Agricultural Research Administration, on November 2, 1953.

In its 50 years of service, the ARS has discovered dozens of ways to protect crops and livestock from pests and disease. It has improved the quality and safety of agricultural products. It has played a critical role in developing nutrition standards and carrying out nutrition research. It has also developed techniques to maintain the quality of our soil, perhaps our greatest renewable natural resource. Its research has helped farmers work more efficiently and profitably. And it has worked to develop ways to keep food affordable for consumers.

My State has been one of the greatest beneficiaries of ARS research, and the National Animal Disease Center at Ames, Iowa has played a vital role over the years in carrying out the mission of ARS.

Hog cholera was one of the greatest problems faced by hog farmers in this country for more than 130 years, since

it was first reported in Ohio in 1833. Outbreaks occurred frequently over the years, some resulting in the loss of more than one in 10 hogs in the U.S. In the early 1960's, hog cholera was still costing farmers \$50 million per year.

Agricultural research at USDA on hog cholera, much of it carried out in Ames, IA, dates back to the 1903 discovery of the hog cholera virus. ARS large scale studies starting in 1961 developed and tested a program to immunize hogs against cholera using killed virus. On the advice of ARS, USDA regulatory officials banned interstate shipment of live virus or animals vaccinated with live virus. In January 1978, Secretary of Agriculture Bob Bergland announced that, as a result of an aggressive campaign that employed the treatment techniques developed by ARS, that hog cholera had been entirely eradicated.

ARS has had many similar successes. The eradication of screwworm in cattle and Marek's disease in chickens has saved an untold amount of money by preventing livestock losses. It is estimated that the savings from the Marek's disease program is 44.3 times its cost for every dollar spent on immunization, \$44.30 is saved. For those who suggest that domestic government spending does not help the economy, the work of ARS stands as a great example of a program that works and helps American farmers be the best in the world.

So I salute the scientists of ARS for their 50 years of service to agriculture, and wish them 50 more. There are still many challenges to agriculture, and ARS will be there working to solve them.

Mr. MCCONNELL. I ask unanimous consent that the resolution be read the third time and passed, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the resolution be printed in the RECORD.

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

The joint resolution (S.J. Res. 22) was read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 22

Whereas the Agricultural Research Service is the primary research agency of the Department of Agriculture and provides the Department of Agriculture and other Federal offices with objective research that is critical to the missions of those offices;

Whereas the agricultural research conducted by the Agricultural Research Service has an enormous impact on the economic viability of agriculture in the United States and around the world;

Whereas people around the world, especially rural Americans, enjoy a higher quality of life due in part to the work of the Agricultural Research Service to expand scientific knowledge;

Whereas the Agricultural Research Service has achieved major scientific breakthroughs that have benefited farmers, ranchers, agribusiness, and consumers;

Whereas the Agricultural Research Service has made scientific discoveries and techno-

logical developments that address agricultural problems of broad scope and high national priority, ensure safe and high quality food and other agricultural products that meet nutritional needs, and maintain a quality environment and natural resource base; and

Whereas the Agricultural Research Service continues to play a vital role in maintaining the global competitiveness and leadership of the United States in the next millennium: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—*

(1) recognizes the Agricultural Research Service of the Department of Agriculture for 50 years of outstanding service to the Nation through agricultural research; and

(2) acknowledges the promise of the Agricultural Research Service to continue to perform outstanding agricultural research in the next 50 years and beyond.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 1828

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the minority leader, the Senate proceed to the immediate consideration of H.R. 1828, the Syria accountability bill, under the following limitations: That the debate be limited to 90 minutes, with 30 minutes under the control of Senator LUGAR or his designee, 30 minutes under the control of Senator BIDEN or his designee, and 30 minutes under the control of Senator SPECTER; that the Lugar-Boxer-Santorum amendment be the only amendment in order and that the amendment be agreed to; further, that upon disposition of the Lugar amendment and use or yielding back of time, the bill, as amended, be read the third time and a vote be scheduled at that time to be determined by the majority leader in consultation with the minority leader.

The PRESIDING OFFICER. Is there objection. The Senator from Nevada.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not have the floor, so that is inappropriate.

Mr. REID. I object then.

The PRESIDING OFFICER. The objection is heard.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. I withdraw my objection.

Mr. MCCONNELL. I renew my request.

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

# RAISING AWARENESS AND ENCOURAGING PREVENTION OF STALKING

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 359, S. Con. Res. 58.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 58) expressing the sense of Congress with respect to raising awareness and encouraging prevention of stalking in the United States and supporting the goals and ideals of National Stalking Awareness Month.

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on the Judiciary with an amendment, an amendment to the preamble, and an amendment to the title.

[Strike the parts, shown in black brackets and insert the parts shown in italic.]

## S. CON. RES. 58

[Whereas an estimated 1,006,970 women and 370,990 men are stalked annually in the United States and, in the majority of such cases, the person is stalked by someone who is not a stranger;

[Whereas 81 percent of women who are stalked by an intimate partner are also physically assaulted by that partner, and 76 percent of women who are killed by an intimate partner were also stalked by that intimate partner;

[Whereas 26 percent of stalking victims lose time from work as a result of their victimization and 7 percent never return to work;

[Whereas stalking victims are forced to take drastic measures to protect themselves, such as relocating, changing their address, changing their identities, changing jobs, and obtaining protection orders;

[Whereas stalking is a crime that cuts across race, culture, gender, age, sexual orientation, physical and mental ability, and economic status;

[Whereas stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;

[Whereas there are national organizations, local victim service organizations, prosecutors' offices, and police departments who stand ready to assist stalking victims and who are working diligently to craft competent, thorough, and innovative responses to stalking; and

[Whereas there is a need to enhance the criminal justice system's response to stalking and stalking victims, including aggressive investigation and prosecution: Now, therefore, be it]

Whereas an estimated 1,006,970 women and 370,990 men are stalked annually in the United States and, in the majority of such cases, the person is stalked by someone who is not a stranger;

Whereas 81 percent of women who are stalked by an intimate partner are also physically assaulted by that partner, and 76 percent of women who are killed by an intimate partner were also stalked by that intimate partner;

Whereas 26 percent of stalking victims lose time from work as a result of their victimization and 7 percent never return to work;

Whereas stalking victims are forced to take drastic measures to protect themselves, such as relocating, changing their address, changing

their identities, changing jobs, and obtaining protection orders;

Whereas stalking is a crime that cuts across race, culture, gender, age, sexual orientation, physical and mental ability, and economic status;

Whereas stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;

Whereas there are national organizations, local victim service organizations, prosecutors' offices, and police departments that stand ready to assist stalking victims and who are working diligently to craft competent, thorough, and innovative responses to stalking;

Whereas there is a need to enhance the criminal justice system's response to stalking and stalking victims, including aggressive investigation and prosecution; and

Whereas Congress urges the establishment of January, 2004 as National Stalking Awareness Month: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

[(1) it is the sense of Congress that—

[(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

[(B) all Americans should applaud the efforts of the many victim service providers, police, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness about stalking; and

[(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofits, and others should recognize the need to increase awareness of stalking and availability of services for stalking victims;

[(2) Congress urges national and community organizations, businesses in the private sector, and the media to promote, through National Stalking Awareness Month, awareness of the crime of stalking; and

[(3) Congress supports the goals and ideals of National Stalking Awareness Month.]

(1) it is the sense of Congress that—

(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

(B) all Americans should applaud the efforts of the many victim service providers, police, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness about stalking; and

(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofits, and others should recognize the need to increase awareness of stalking and availability of services for stalking victims; and

(2) Congress urges national and community organizations, businesses in the private sector, and the media to promote, through National Stalking Awareness Month, awareness of the crime of stalking.

Amend the title so as to read: "Resolution raising awareness and encouraging prevention of stalking by urging the establishment of January 2004 as National Stalking Awareness Month."

Mr. MCCONNELL. I ask unanimous consent that the committee amendment be agreed to, the concurrent resolution as amended, be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the title amendment be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the resolution be printed in the RECORD.

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

The committee amendment was agreed to.

The concurrent resolution (S. Con. Res. 58), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The title amendment was agreed to.

The resolution, with its preamble, reads as follows:

## S. CON. RES. 58

Whereas an estimated 1,006,970 women and 370,990 men are stalked annually in the United States and, in the majority of such cases, the person is stalked by someone who is not a stranger;

Whereas 81 percent of women who are stalked by an intimate partner are also physically assaulted by that partner, and 76 percent of women who are killed by an intimate partner were also stalked by that intimate partner;

Whereas 26 percent of stalking victims lose time from work as a result of their victimization and 7 percent never return to work;

Whereas stalking victims are forced to take drastic measures to protect themselves, such as relocating, changing their address, changing their identities, changing jobs, and obtaining protection orders;

Whereas stalking is a crime that cuts across race, culture, gender, age, sexual orientation, physical and mental ability, and economic status;

Whereas stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;

Whereas there are national organizations, local victim service organizations, prosecutors' offices, and police departments that stand ready to assist stalking victims and who are working diligently to craft competent, thorough, and innovative responses to stalking;

Whereas there is a need to enhance the criminal justice system's response to stalking and stalking victims, including aggressive investigation and prosecution; and

Whereas Congress urges the establishment of January, 2004 as National Stalking Awareness Month: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the sense of Congress that—

(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

(B) all Americans should applaud the efforts of the many victim service providers, police, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness about stalking; and

(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofits, and others should recognize the need to increase awareness of stalking and availability of services for stalking victims; and

(2) Congress urges national and community organizations, businesses in the private sector, and the media to promote, through National Stalking Awareness Month, awareness of the crime of stalking.

## APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to Public Law 105-83, announces the appointment of the following Senators to serve as members of the National Council of the Arts: the

Senator from Utah, Mr. BENNETT, in lieu of the Senator from Alabama, Mr. SESSIONS; the Senator from Ohio, Mr. DEWINE.

#### MEASURES PLACED ON THE CALENDAR—S. 1805 and S. 1806

Mr. MCCONNELL. Mr. President, I understand there are two bills at the desk that are due a second reading.

The PRESIDING OFFICER. That is correct. The clerk will report the titles of the bills.

The legislative clerk read as follows:

A bill (S. 1805) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

A bill (S. 1806) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

Mr. MCCONNELL. I object en bloc to further proceedings on these measures at this time.

The PRESIDING OFFICER. Under the rule, the bills will be placed on the calendar.

#### ORDERS FOR TUESDAY, NOVEMBER 4, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, November 4. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for 60 minutes, with the first 30 minutes under the control of the minority leader or his designee and the second 30 minutes under the control of Senator HUTCHISON or her designee, provided that following morning business, the Senate proceed to the consideration of S. 1753, the fair credit reporting bill.

I further ask consent that the Senate recess tomorrow from 12:30 to 2:15 p.m. for the weekly party luncheons.

Mr. REID. Mr. President, I know the Senator from Kentucky has the floor, but I just want to say a couple of things. I will be very brief. The Healthy Forests Act and CARE Act are extremely important and we understand that. But to think that what we are suggesting is abnormal is simply not the case. This happens all the time. This is not something unique that we have developed, to send the bill over and have them send it back with amendments. My friend from Kentucky used the term it wasn't normal Senate procedure. Quite to the contrary, it is, Mr. President. We do this all the time and we believe it is certainly appropriate with the experiences we have had with the conferences.

The PRESIDING OFFICER. No objection having been heard, without objection, the request is agreed to.

#### PROGRAM

Mr. MCCONNELL. For the information of all Senators, tomorrow morning following morning business, the Senate will begin consideration of the fair credit reporting bill. The consent agreement provides for a limited list of amendments, and it is hoped we can finish that bill during tomorrow's session.

In addition, moments ago the Senate locked in an agreement with respect to the Syria accountability bill. We will be looking for an opportunity to schedule that bill during Tuesday's session. Therefore, Senators should anticipate rollcall votes throughout the day tomorrow.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:29 p.m., adjourned until Tuesday, November 4, 2003, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate November 3, 2003:

##### THE JUDICIARY

GENE E. K. PRATTER, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA, VICE WILLIAM H. YOHN, JR., RETIRING.

##### DEPARTMENT OF VETERANS AFFAIRS

GORDON H. MANSFIELD, OF VIRGINIA, TO BE DEPUTY SECRETARY OF VETERANS AFFAIRS, VICE LEO S. MACKAY, JR., RESIGNED.

##### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be captain

JEFFREY L. BUSCH, 0000  
MARYELLEN M. COLELLA, 0000  
KRISTIN Q. CORCORAN, 0000  
TIMOTHY P. CROWLEY, 0000  
JOHN P. HURLEY, 0000  
DONALD F. KAROL, 0000  
LURILLA J. LEE, 0000  
KENNETH R. OLSEN, 0000  
JOHN D. POTTER, 0000  
RICHARD A. REYNOLDS, 0000  
SELDEN D. RHODES, 0000  
DAVID G. SELLA, 0000  
JOHN S. WELCH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

##### To Be lieutenant commander

WILLIAM D. ADKINS, 0000  
LARA A. ANDERSON, 0000  
SCOTT ANDERSON, 0000  
CHRISTOPHER J. ANDRES, 0000  
ALBERT F. ANTARAN, 0000  
CARISSA C. APRIL, 0000  
JENNIFER H. ARKO, 0000  
DESARAE ATNIP, 0000  
AREX B. AVANNI, 0000  
DONALD E. BADER, 0000  
MICHAEL M. BALDING, 0000  
JON N. BALLWEBER, 0000  
KIMBER L. BANNAN, 0000  
DAVID C. BARATA, 0000  
MICHAEL D. BARNER, 0000  
RICHARD L. BATES, 0000

RICHARD E. BATSON, 0000  
ERICH J. BAUER, 0000  
LANCE C. BELBEN, 0000  
CHARLES M. BELL, 0000  
CHERI BENESAU, 0000  
DAMON L. BENTLEY, 0000  
MICHAEL A. BILLEAUDEAUX, 0000  
STEVEN J. BOSAU, 0000  
GARY R. BOWEN, 0000  
PETER F. BRADY, 0000  
MICHAEL J. BRANDHUBER, 0000  
MARY M. BRITTON, 0000  
MARKO BROZ, 0000  
GLENN A. BRUNNER, 0000  
KENNETH R. BRYAN, 0000  
CHRISTOPHER A. BUCKRIDGE, 0000  
STEPHEN BURDIAN, 0000  
JAMES D. BURNS, 0000  
DAVID A. BUTTERRIES, 0000  
CHRISTOPHER J. BUTTON, 0000  
MICHAEL E. CAMPBELL, 0000  
SEAN M. CARROLL, 0000  
ANDREA D. CHAMPAGNIE, 0000  
CHRISTOPHER M. CHASE, 0000  
ANDREW B. CHENEY, 0000  
RICHARD F. CHRISTENSEN, 0000  
KURT A. CLARKE, 0000  
FRANCIS COLANTONIO, 0000  
DWIGHT E. COLLINS, 0000  
LAURA D. COLLINS, 0000  
CHRISTOPHER J. CONLEY, 0000  
DAVID COOPER, 0000  
THOMAS F. COOPER, 0000  
KELLY A. COUGHLIN, 0000  
DARREL W. CREACY, 0000  
SEAN M. CROSS, 0000  
LUCINDA CUNNINGHAM, 0000  
DEBORAH K. DARMINIO, 0000  
CHARLES V. DARR, 0000  
RUSSELL E. DASH, 0000  
JERRY W. DAVENPORT, 0000  
CHRISTINA M. DAVIDSON, 0000  
ANTHONY P. DAVIS, 0000  
KARL D. DAVIS, 0000  
ROBERT L. DECOOPMAN, 0000  
DONALD D. DEIBLER, 0000  
DANIEL J. DEPTULA, 0000  
JOHN C. DETTLEFF, 0000  
DAVID S. DEUEL, 0000  
LINDSAY R. DEW, 0000  
DEREK M. DOSTIE, 0000  
ERIC J. DOUCETTE, 0000  
JOHN J. DRISCOLL, 0000  
JOSEPH S. DUFRESNE, 0000  
JOSEPH A. DUGAN, 0000  
JAMES E. DUNNE, 0000  
DOUGLAS E. EGGLESTON, 0000  
CARL A. ELLIS, 0000  
LAWRENCE K. ELLIS, 0000  
ANDREW W. ERKS, 0000  
JAMES P. ESPINO, 0000  
JAMES C. ESTRAMONTE, 0000  
COLLIN T. FAGAN, 0000  
MATTHEW J. FAY, 0000  
CHRISTIAN A. FERGUSON, 0000  
BRIAN C. FINNEY, 0000  
SAMUEL D. FORBES, 0000  
RICHARD J. FRATTARELLI, 0000  
GERALD S. FRYE, 0000  
CHRISTOPHER A. GALE, 0000  
MARIA G. GALMAN, 0000  
RICHARD J. GAY, 0000  
DAVID D. GEFFEL, 0000  
OWEN L. GIBBONS, 0000  
PAUL M. GILL, 0000  
BRIAN C. GLANDER, 0000  
DOUGLAS D. GOODWIN, 0000  
KEVIN E. GOUNAUD, 0000  
YURI V. GRAVES, 0000  
JOHN P. GREGG, 0000  
RYAN K. GRIFFIN, 0000  
JOHN HALL, 0000  
RICHARD W. HANCOCK, 0000  
JEFFREY S. HARRY, 0000  
JOHN L. HARTLINE, 0000  
RANDAL A. HARTNETT, 0000  
JEFFREY J. HAUKOM, 0000  
TIMOTHY L. HAWS, 0000  
LEONARD J. HERSL, 0000  
JONATHAN HICKEY, 0000  
MARK C. HICKMAN, 0000  
BRIAN K. HICKEBER, 0000  
JOHN L. HOLLINGSWORTH, 0000  
DENNIS R. HOOKS, 0000  
TROY A. HOSMER, 0000  
JAMES P. HOUC, 0000  
BESSIE V. HOWARD, 0000  
THOMAS T. HUBLE, 0000  
EVAN D. HUDSPETH, 0000  
JOSEPH P. HUMBERT, 0000  
LANCE E. ISAKSON, 0000  
WILLIAM T. JEFFRIES, 0000  
CHRISTOPHER JENSEN, 0000  
KEVIN M. JONES, 0000  
THOMAS J. KAMINSKI, 0000  
CHRISTOPHER R. KAPLAN, 0000  
BRIAN P. KEFFER, 0000  
ELIZABETH F. KEISTER, 0000  
ROBERT S. KEISTER, 0000  
SCOTT A. KEISTER, 0000  
SCOTT J. KELLY, 0000  
JOHN W. KENNEDY, 0000  
BRENDEN J. KETTNER, 0000  
BRAD J. KIESERMAN, 0000  
KEVIN M. KING, 0000  
JADON E. KLOPSON, 0000  
FRANK W. KLUCZNIK, 0000

MARC W. KNOWLTON, 0000  
JEFFERY A. KNYBEL, 0000  
BRIAN K. KOSHULSKY, 0000  
GEORGE E. KOVATCH, 0000  
FRANK J. KULHAWICK, 0000  
PATRICIA T. KUTCH, 0000  
SHERMAN M. LACEY, 0000  
CHASE R. LANDON, 0000  
EDWARD J. LANE, 0000  
KELLY M. LARSON, 0000  
RAYMOND J. LECHNER, 0000  
WILLIAM G. LEDDY, 0000  
CYNTHIA A. LEDERER, 0000  
PAUL G. LEDOUX, 0000  
DOUGLAS LIESS, 0000  
TODD R. LIGHTLE, 0000  
MICHAEL T. LINGAITIS, 0000  
THOMAS C. LINKE, 0000  
JOSEPH B. LORING, 0000  
STEVEN B. LOWE, 0000  
KRISTI M. LUTTRELL, 0000  
PATRICK J. MACK, 0000  
GREGORY H. MAGEE, 0000  
JAY E. MAIN, 0000  
PETER W. MALDINI, 0000  
RYAN D. MANNING, 0000  
PAUL T. MARKLAND, 0000  
GLENN A. MARTINEAU, 0000  
DAVID J. MARTYN, 0000  
SCOTT P. MASON, 0000  
DERRICK T. MASTERS, 0000  
JOSEPH P. MCANDREWS, 0000  
MICHAEL C. MCKEAN, 0000  
PHILIP M. MCMANUS, 0000  
CECIL D. MCNUTT, 0000  
JOSHUA D. MCTAGGART, 0000  
CARLOS L. MERCADO, 0000  
CARL R. MESSALLE, 0000  
FRANCES M. MESSALLE, 0000  
THOMAS S. MEYER, 0000  
CHARLES D. MILLER, 0000  
ERIC J. MILLER, 0000  
KEVIN W. MOHR, 0000  
MARK G. MOLAND, 0000  
SHANE D. MONTOYA, 0000  
THOMAS S. MORKAN, 0000  
DWAYNE M. MORRIS, 0000  
KENNETH M. MOSER, 0000  
PAUL K. MUCHA, 0000  
HOLLY L. NAJARIAN, 0000  
PATRICK S. NELSON, 0000  
JAMES A. NOVOTNY, 0000  
TOBIAS M. OLSEN, 0000  
NORBERT J. PAIL, 0000  
RONALD PAILLIOTET, 0000  
KEITH O. PELLETTIER, 0000  
DANIEL PICKLES, 0000  
JOHN L. PRIEBE, 0000  
JOHN W. PRUITT, 0000  
MICHAEL J. PUTLOCK, 0000  
JOHN W. REED, 0000  
PATRICK S. REILLY, 0000  
JOHN V. REINERT, 0000  
THOMAS C. REMMERS, 0000  
WILLIAM A. RIMBACH, 0000  
JOHN G. RIVERS, 0000  
CHRISTOPHER C. ROACH, 0000  
MONICA L. ROCHESTER, 0000  
CONNIE M. ROOKE, 0000  
ERIC W. RUBIO, 0000  
SEAN P. RYAN, 0000  
MICHAEL G. SARAMOSING, 0000  
WILLIAM E. SASSER, 0000  
TANYA L. SCHNEIDER, 0000  
PATRICK C. SCHREIBER, 0000

RICHARD J. SCHULTZ, 0000  
MATTHEW L. SEEBALD, 0000  
JERROLD N. SGOBBO, 0000  
PATRICK J. SHAW, 0000  
KEVIN J. SHEEHAN, 0000  
JAMES F. SHINN, 0000  
CHRISTOPHER J. SHIVERY, 0000  
WILLIAM J. SIEBEN, 0000  
DOUGLAS C. SIMPSON, 0000  
STEVEN P. SIMPSON, 0000  
VINCENT J. SKWAREK, 0000  
RUSSELL S. SLOANE, 0000  
DAVID K. SMITH, 0000  
JEFFREY M. SMITH, 0000  
NEVADA A. SMITH, 0000  
JON S. SMITHERS, 0000  
MICHAEL S. STEWART, 0000  
TIFFANY M. STGEORGE, 0000  
THOMAS J. STUHLREYER, 0000  
PAUL D. STUKUS, 0000  
CAROL M. STUNDTNER, 0000  
LINDA A. STURGIS, 0000  
CURTIS L. SUMROK, 0000  
RANDY D. SUNDBERG, 0000  
JOSEPH SUNDLAND, 0000  
RICHARD T. SUNDLAND, 0000  
JAMES P. SUTTON, 0000  
JOHN P. SWIDRAK, 0000  
THOMAS D. TARRANTS, 0000  
TOBIAH TAYLOR, 0000  
CORNELL C. THOMPSON, 0000  
RICHTER L. TIPTON, 0000  
GREGORY TLAPA, 0000  
JENNIFER A. TRAVERS, 0000  
BRUCE M. TWEED, 0000  
JACQUELINE M. TWOMEY, 0000  
TROY J. VEST, 0000  
KURTIS L. VIRKATTIS, 0000  
MARK VISLAY, 0000  
MARK R. VLAUN, 0000  
JUSTIN H. WARD, 0000  
PAUL T. WASHLESKY, 0000  
ADAM R. WASSERMAN, 0000  
AARON E. WATERS, 0000  
SCOTT J. WEAVER, 0000  
CHRISTOPHER S. WEBB, 0000  
BLAKE E. WELBORN, 0000  
ADRIAN L. WEST, 0000  
TIMOTHY J. W. WHALEN, 0000  
STEVEN A. WHEELER, 0000  
MATTHEW T. WHITE, 0000  
STEPHEN R. WHITE, 0000  
STEVEN D. WHITEHEAD, 0000  
JOHN H. WHITTEMORE, 0000  
CRAIG J. WIESCHHORSTER, 0000  
NEIL A. WILSON, 0000  
JOSHUA D. WITTMAN, 0000  
TODD L. WIZA, 0000  
CHRISTOPHER T. WOODLE, 0000  
HOWARD H. WRIGHT, 0000  
CHARLES A. YATES, 0000  
MICHAEL S. ZIDIK, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT  
IN THE UNITED STATES MARINE CORPS RESERVE TO THE  
GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. CRAIG T. BODDINGTON, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

ROBERT E. VINCENT II, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR AP-  
POINTMENT IN THE GRADES INDICATED IN THE UNITED  
STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND  
5582:

*To be lieutenant commander*

RODNEY A. BOLLING, 0000  
SHAWN M. DISARUFFINO, 0000  
BRIAN D. MILLER, 0000

*To be lieutenant*

JEANETTE M. BEDERMAN, 0000  
JOSHUA J. BURKHOLDER, 0000  
ROBERT C. CADENA, 0000  
ROLANDO C. CALVO, 0000  
ROBERT A. CLARADY, 0000  
MARK I. EDWARDS, 0000  
JOHN P. GARSTKA, 0000  
DAMIAN M. GELBAND, 0000  
MATTHEW L. GHEN, 0000  
COLIN W. GREEN, 0000  
RICHARD A. HUTH, 0000  
DONNETTA S. JOHNSON, 0000  
RICHARD D. JOHNSTON JR., 0000  
TERIJO KANNUSHAMILTON, 0000  
PATRICK C. LAZZARETTI, 0000  
TOBY N. LEDBETTER, 0000  
THOMAS R. MERKLE, 0000  
GREGORY A. MOSELLE, 0000  
DAVID L. MURRAY, 0000  
MARIA V. NAVARRO, 0000  
TRUNG D. NGUYEN, 0000  
FRANK H. PERRY JR., 0000  
GARRETT W. PREISCH, 0000  
LOREN S. REINKE, 0000  
THOMAS A. SEIGENTHALER, 0000  
JONATHAN W. SIMS, 0000  
MATTHEW N. SMITH, 0000  
BENJAMIN J. STARKEY, 0000  
HARVEY J. THARP III, 0000  
JAMES V. WALSH, 0000  
EDDI L. WATSON, 0000  
RICHARD M. ZAMORA, 0000

*To be lieutenant junior grade*

DAVID C. ANDERSON, 0000  
JOHN J. ANDREW, 0000  
KEITH ARCHIBALD, 0000  
WILLIE D. BRISBANE, 0000  
DOUGLAS J. BURRELL JR., 0000  
NINA M. BUTLER, 0000  
DAVID J. CHENEY, 0000  
STACIE M. GIBSON, 0000  
RICHARD J. GREENHOE, 0000  
COREY G. HESSELBERG, 0000  
ERICK J. HOFFMAN, 0000  
JONATHAN S. KEEFFER, 0000  
BRIAN K. MCCLAIN, 0000  
VICTOR H. MEI, 0000  
DAGMARA W. MOSELLE, 0000  
LAURETTE M. OQUENDO, 0000  
KAREN Y. L. PATTERSON, 0000  
JOHN J. TERRY, 0000  
ERIC G. TURNER, 0000  
GENEVIEVE G. UBINA, 0000  
JAY S. VIGNOLA, 0000