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Senate

The Senate met at 9:33 a.m. and was called to order by the Honorable JAMES M. TALENT, a Senator from the State of Missouri.

The PRESIDING OFFICER. The Chaplain will lead the Senate in prayer. Today's guest Chaplain is Dr. K. Randel Everett of the John Leland Center for Theological Studies in Arlington, VA.

PRAYER

The guest Chaplain offered the following prayer:

May we pray.

Dear God, we bow our knees before You, from whom every family in Heaven and Earth derives its name, and ask that You will grant us to be filled with Your spirit, and with Your power that You might empower us to experience Your riches according to Your glory in our inner person.

Please give us courage that we might stand with confidence in a world of uncertainty.

Give us boldness that we might speak truth.

Give us humility that we might extend grace.

Give us compassion that we might act with kindness.

Give us patience that we might live wisely.

Give us faith in You that we might trust You with all of our heart and not to rely on our own understanding.

Dear Lord, today is a gift You have given us. May we experience Your joy through the lives and opportunities that await us. In thy name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JAMES M. TALENT 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 6, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JAMES M. TALENT, a Senator from the State of Missouri, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. TALENT assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will be in a period of morning business until 10:30 a.m.

Following morning business, the Senate will begin consideration of Calendar No. 79, S. 14, the energy bill. Under the previous agreement, no amendments to the bill will be in order until Thursday. However, Members are encouraged to come to the floor to make opening statements and to debate the merits of the bill.

Also, today the Senate will recess for the weekly party lunches from 12:30 to 2:15 p.m.

In addition to the energy bill, the Senate may begin consideration of any of the following items later today: The State Department reauthorization bill, the air cargo security bill, the FAA reauthorization bill, as well as any additional nominations that can be cleared over the course of the morning. There are still several judicial nominations that are on the calendar that may require rollcall votes and, therefore, Members should anticipate rollcall votes during today's session.

Under a unanimous consent agreement reached last night, on Wednesday the Senate will begin consideration of the NATO Expansion Treaty. The agreement allows for two amendments to be considered on Wednesday. However, the Senate will not vote on the resolution of ratification until Thursday morning at 9:30 a.m.

I thank all Members for their attention. As always, we will notify Members as votes are scheduled today.

I suggest the absence of a quorum.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until the hour of 10:30 a.m., with the time equally divided between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, I ask unanimous consent time under the previous quorum call be charged equally.

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

THE BUDGET

Mr. CONRAD. Mr. President, I come to the Chamber today to talk about the budget circumstance in which we find ourselves, the President's proposal for additional tax cuts and, more largely, why I believe we are on a course that is utterly disconnected from reality.

First, let me say the news media reports of the tax cut debate are among the worst I have ever seen. I believe the American people listening to news reports would believe that we are debating a tax cut of either $350 billion or $550 billion and that the President proposed a tax cut of $726 billion. That is what you read about; that is what you hear about; that is what is broadcast. But it is wrong. It is not even close to being right.

The President proposed a tax cut of $1.6 trillion. This at a time when we are running record budget deficits. Let me make this clear. The deficit this year is going to be between $500 and $600 billion on a budget of $2.2 trillion. That is a massive deficit, a record. We have never had a unified deficit above $290 billion. Yet in that context, the President proposes large and exploding tax cuts that will dig the hole deeper and deeper. And the press reports that he has proposed $700 billion in tax cuts. How can this be?

It is very simple. In the budget that was passed, there are two pots of money for tax cuts: the so-called reconciled tax cuts, the ones given special protection from the normal legislative process; and the unreconciled tax cuts, those that have to move in the regular order. If you put the two pots together, here is what passed the Senate and the House: $1.3 trillion of tax cuts.

What passed the House was $550 billion of so-called reconciled tax cuts; $725 billion unreconciled. The press has completely forgotten and left out the $725 billion. You don't see it reported anywhere. So it is not unusual.

I had a banker say to me this morning: Gee, Kent, I didn't realize that the President was seeking $1.6 trillion of tax cuts. I thought it was $726 billion and that the difference was between the $350 billion that there was an agreement on in the Senate and the $550 billion in the House. That sounds like a reasonable compromise.

Of course, that was missing the basic facts because the news media has failed utterly in its responsibility to share full information with the American public so they can make judgments about what the policy of the country should be. This is a broad failure. It is truly remarkable. I read story after story in the most respected newspapers in America that the tax cut is $550 billion or $350 billion. That is just one part of a much larger tax cut proposal that is before us.

In the Senate, we passed the following: $550 billion of reconciled tax cuts, protected from filibuster, given special protections in the Senate, and $725 billion of unreconciled tax cuts.

Why does any of this matter? It matters because of what has happened. Two years ago we were told we could expect almost $6 trillion of surpluses over the next decade. In fact, the specific number we were told by the administration was $5.6 trillion of surpluses over the next decade. The Congressional Budget Office agreed with that. Now we see, just 2 years later, instead of surpluses, if we enact the Republican budget, the Congressional Budget Office tells us we will run $2 trillion of deficits over that same period, 2002 to 2011. That is a reversal of $7.6 trillion in just 2 years.

Where did the money go? The President said in a speech the other day that the reason for the disappearance of the surplus is the attack on the country and the weak economy. Those are two reasons, but they are not the biggest reason. He forgot the biggest reason. The biggest reason is the tax cuts, both already implemented and the additional ones proposed by the President.

If you look over the same 10-year period, 36 percent of the disappearance of the surplus is because of the tax cuts, both those already implemented and those proposed in the Republican budget. Twenty-eight percent is from the increased spending as a result of the attack on this country; that is, the increased defense spending, increased homeland security spending, the money to rebuild New York and the money to rebuild the Pentagon. Twenty-seven percent is because of revenue being lower than expected. Quite apart from the tax cuts, the revenue is also lower than anticipated. That trend is continuing. In a few moments, I will refer to the latest numbers on what is happening to our revenue. They are truly alarming.

I hope people are paying attention to the overall circumstance we face. We are in record budget deficit now. The President is proposing massive additional tax cuts, although he is also proposing increased spending, not reduced spending to pay for the tax cuts, but increased spending. We are on the eve of the retirement of the baby boom generation which will dramatically increase the cost to the Federal Government. Only 9 percent of the disappearance of the surplus is because of the economic downturn.

Some have suggested deficits are going to be relatively small and short term. That is not what we see. We see very large deficits continuing throughout the entire decade. In fact, they never get below $300 billion on an operating basis. Those are massive budget deficits by any calculation. These numbers probably substantially understate the deficit.

Let me repeat that. These numbers are according to the Congressional Budget Office. They exclude Social Security, setting Social Security aside, as it should be. You never have deficits over the entire next 10 years of less than $300 billion.

But that badly understates how serious the deficit situation is going to be. There is no money in here for the reconstruction or the occupation of Iraq. There is no money in here to fix the alternative minimum tax, which is a ticking timebomb. Right now 2 million people are affected by the alternative minimum tax. By the end of this decade, it is going to be 40 million people affected. It costs $600 billion to fix. There is no money in this budget for that. In truth, the revenue is still falling far short of expectations. That is not in these numbers, either.

This, although it is dire, understates the seriousness of the budget deficits we will face. Goldman Sachs just did an analysis. This is what they found. They concluded that instead of $2 trillion of deficits over the 2002 to 2011 period, if we enact the President's plan over the next decade, the deficits will be over twice that: $4.2 trillion over the 2004 to 2013 period. Remember, just 2 years ago we were told there was going to be $5.6 trillion of surpluses. Now Goldman Sachs has done an analysis saying the true deficits are going to be closer to $4 trillion over the 2004 to 2013 time period. That is an absolutely stunning reversal in just 2 years.

We were told 2 years ago that if we enacted the President's plan, we would pay off virtually all of the publicly held debt by 2008.

Now we see instead the gross debt of the United States exploding—$6.7 trillion today. If the President's plan is enacted, and what has been passed in Congress goes through, the debt will increase—gross debt—to $12 trillion in 2013, and this at the worst possible time. Why the worst possible time? Because the baby boom generation is going to start to retire. They are going to double the number of people eligible for Social Security and Medicare.

It is not surprising, then, that at the very time the President is asking for a big, new tax reduction, Republicans are asking for the biggest expansion of the debt in the history of the United States. Think about this. We cannot pay our bills, we are running record deficits, we are piling up debt at a record rate, and the President says let's cut revenues some more. Now, as a short-term matter, that might make some sense, to give lift to the economy. We know it stimulates the economy to cut taxes and to spend the money. Those two things stimulate the economy.

In the short-term, that would make sense to me. In fact, very little of the

President's so-called stimulus package is effective this year. It is a very odd thing. Only 5 percent of the President's so-called growth package is effective this year at a time of economic weakness. Ninety-five percent of the cost is in future years which, of course, adds to the deficit, adds to the debt, at the very time the President says the economy will be growing stronger.

So there is an incredible disconnect between what the President says is the problem—economic weakness now—and his plan, which is to provide tax cuts that have very little impact now and have most of their cost later on, 5 years from now, 6 years from now, 10 years from now—at the very time we know the cost of the Federal Government will be going up as a result of the retirement of the baby boom generation.

Is anybody watching? Is anybody listening? Is anybody thinking about what happens to this country right over the horizon? I am not talking about next year. I am not talking about the year after that. I am talking about 5 and 6 years from now when the President's plan explodes in cost, at the very time the cost to the Federal Government explodes as a result of the retirement of the baby boom generation, doubling the number of people eligible for Social Security and Medicare. This is clearly a plan that does not add up. It doesn't connect with the reality that we all know is going to occur. As a result, Republicans are asking for the biggest increase in the debt in the history of the country. They have just asked for nearly a trillion-dollar increase in the debt. The biggest previous increase was $915 billion in the President's father's administration.

I must say I find this circumstance alarming for the future economic strength of the country. Now, this is a chart that I did not prepare. This is a chart that is right out of the President's own budget. It is from page 43 of his analytical perspectives. It is the long-term view, according to the President's own analysis, of what happens to the budget deficits if his plan is passed—his spending plan, his revenue plan. Here is what he says will happen. You can see we never get out of deficit and that once we get past this 10-year period, when the trust funds are throwing off big surpluses, the Social Security and Medicare trust funds are now producing big surpluses—once we get past that point, the baby boomers start to retire, the cost of the President's tax cut explodes, and the deficits explode into large, unsustainable amounts that will fundamentally threaten the economic security of this country.

Again, this is not my chart, this is the President's chart showing what happens, in his view, if his policies are passed—his spending plan, his tax plan. The deficits explode. Remember, what is most sobering is that we already have record deficits. Where you see the relatively small amount of red ink, that represents record budget deficits—the biggest we have ever had in the history of the country. What the President is saying is it is going to get worse with his plan—much worse.

A fundamental reason for that is shown on this chart. On this chart, the blue bar is the Medicare trust fund. The green bar is the Social Security trust fund. The red bar is the tax cuts that have passed Congress in the budget. What this shows us is the trust funds right now for Social Security and Medicare are running big surpluses. This year alone, Social Security is going to run a surplus of over $160 billion. But we are not taking that money and paying down the debt or prepaying for the liability that is to come. Instead, that money is being taken to pay for tax cuts and to pay for other expenses of Government. You can see that this is the level of the tax cuts that have been enacted so far and that are proposed. Look what happens. As the trust funds start to move from big surpluses in this decade and start to be reduced as the baby boomers retire—and you can see that, ultimately, in the next decade they go negative, cash negative—then the trust funds are losing money. That is at the very time the cost of the President's tax cuts explode, leading us deeper and deeper into deficits, deeper and deeper into debt, when we are already experiencing record deficits. This is a disconnect from reality that is very hard to understand.

Mr. President, some are now saying, well, deficits don't really matter; you can run budget deficits like this as long as the people will continue to loan you money. It is OK and it doesn't have an adverse effect on the economy. I don't believe that. What is amazing to me is most of my Republican colleagues didn't used to believe that. They believed deficits matter. I always have. But I am certainly not alone in that judgment.

This quote is from Chairman Greenspan, head of the Federal Reserve, the man who has the dominant responsibility in this country for managing the economy—at least from the monetary point of view. That is the obligation of the Federal Reserve. What does he say? He said:

> There is no question that as deficits go up, contrary to what some have said, it does affect long-term interest rates. It does have a negative impact on the economy, unless attended.

Of course, that is right. How does it affect long-term interest rates? I think if you just think about it in commonsense terms, to the extent the Federal Government is going to be borrowing money, it is competing with everybody else who is trying to borrow money—people trying to borrow money to buy a home, people who are trying to borrow money to buy a car, people who are borrowing money to run a small business, or even a large business; and to the extent there is more competition for those dollars that are available, the higher cost of borrowing money; the higher cost of borrowing money, interest rates go up. When the Government runs big deficits, that is reducing the pool of money available for investment.

It reduces the pool of societal savings when the Federal Government is running deficits. If you reduce the pool of money available for investment, you reduce investment. Without investment, you cannot grow. That is why many of us believe the President's so-called growth plan is an antigrowth plan. It is not going to help growth; in the long-term, it is going to hurt growth because it is all financed with borrowed money. It is all financed by putting it on the credit card. It is all financed not by cutting spending or raising other revenue, it is financed by borrowed money.

Chairman Greenspan just came before the House Financial Services Committee. As noted in the New York Times, he said:

> Tax cuts without spending reductions could be damaging.

He said very clearly:

> The economy was poised to grow without further large tax cuts, and the budget deficits, resulting from lower taxes without offsetting reductions in spending, could be damaging to the economy.

We are not talking about a growth package here. We are talking about a package that is going to undermine growth. That is not just my view. It is not just the view of the Chairman of the Federal Reserve. The distinguished economist Mark Zandi did an analysis of the competing plans before us to boost economic growth.

He found that the Democratic plan would provide about twice as much job growth in 2003 and 2004 as the President's plan but not have the negative consequences of the President's plan over the next decade. He found the President's plan actually hurts economic growth because it is all financed with borrowed money. It increases deficits, reduces the pool of societal savings, reduces the pool of money available for investment, and hurts the economy long term.

It is not just Chairman Greenspan, it is not just me, it is not just distinguished economists like Mr. Zandi. In fact, we have now had 10 Nobel laureates in economics come out and say the Bush tax plan will not help the economy, it will hurt the economy; that long term, it will reduce economic growth, not increase it.

Interestingly enough, that is also the conclusion of Macroeconomic Advisers, who have been hired by the White House and the Congressional Budget Office to do this kind of economic analysis.

Do you know what they found? The President's plan will give a boost in the short term, but it is worse than doing nothing after 2004. After 2004, it will actually hurt economic growth, will hurt job opportunity, will hurt the strength of the American economy. Why? Because, once again, it is financed with

borrowed money. It runs up the deficit. It runs up the debt. It reduces the money available for investment, and that hurts economic growth, not help it.

The Congressional Budget Office has just done what is called dynamic scoring. You will recall that some have said, and the President has said if we cut taxes, it will actually increase revenue. We will get a big boost from cutting taxes in the economy, and that will raise revenue.

The President's own economists do not believe that. They say if you cut taxes, as the President has proposed, you will reduce revenue and reduce it dramatically.

The Congressional Budget Office is now headed by a man who was previously on the President's Council of Economic Advisers. He was appointed by our Republican friends. They control the Senate and the House. They had the ability to choose the new head of the Congressional Budget Office. He came from the President's Council of Economic Advisers. He did an analysis of what our Republican colleagues and what the President are telling America.

The President is saying: If you go out there and cut taxes, you get more revenue. That is not what the head of the Congressional Budget Office found. He found you get increased deficits. Guess what? If you cut the revenue when you already have massive budget deficits, the deficits get bigger. That is his conclusion.

Our Republican friends have said: If you just use dynamic scoring, if you just take into account the effect of the tax cuts, you will see that you get more revenue.

Their own appointee did just that. He used dynamic scoring. He took into account the effect of the tax cuts, and here is what he found:

> The net effect of the proposals in the President's budget on economic output could be either positive or negative . . . Importantly, regardless of its direction, the net effect through long-term changes to the supply side of the economy . . . would probably be small.

He did not stop there. He did seven different ten-year analyses of the President's budget proposal. Using the old method called static scoring, CBO projects the President's budget has a $2.7 trillion impact on the deficit—negative impact. In other words, it is going to take $900 billion of forecasted surplus. It takes that first and then goes $1.8 trillion in the hole. So it is a negative total impact of $2.7 trillion.

The new head of CBO, who just came from the President's Council of Economic Advisers, did an analysis using the dynamic scoring our Republican colleagues wanted him to do. Do you know what he found? In four of the seven ten-year models, the deficits would be even larger than under the old method of analyzing deficits. Why? Because the deficits are increasing. It is increasing the debt, and the dead weight of those deficits and debt hurt the economy. They hurt the economy because they reduce societal savings. They reduce the money available for investment, and without investment, you cannot grow.

Is anybody paying attention to these linkages? Is anybody paying attention to the long-term implications of what is being proposed?

They did dynamic scoring. In four of the seven long-term models, they found deficits even larger than what occurred using the old method of analysis because the effect of these tax cuts is not positive. Over time it is negative because they are not offset by spending reductions. They are all financed by borrowed money. You cannot borrow your way to prosperity. Nobody ever has. No country certainly ever has.

When they did this analysis, they found three models that showed somewhat smaller deficits than would occur using static scoring. Using dynamic scoring in three of the seven long-term models, they had somewhat smaller deficits, although not much smaller; instead of $2.6 trillion, $2.5 trillion, and $2.3 trillion. Do you know what their assumption was here? That over the next decade—this is using dynamic scoring—over the next decade, people would work harder in anticipation of the large tax increases to come as a result of the President's policy now; that the President's policy now will require huge tax increases in the future to balance the books and, as a result, people will know that and work harder over the decade; meaning, they will make more money, there will be more tax revenue, and, as a result, the deficits will be somewhat smaller.

Let's do a reality check on this question of if we just put these tax cuts into effect, we will get more revenue.

I remember very well 2 years ago. I came to this floor on many occasions. In the Budget Committee, I showed this chart on many occasions. This was CBO's analysis of where the deficit was headed, the range of possibilities from the best-case scenario, in terms of the surplus, to the worst-case scenario.

This is what they told us 2 years ago was the range of possibilities, and they adopted the midrange of this possible series of outcomes as their $5.6 trillion ten-year surplus projection.

I had so many of my Republican colleagues come to me and say: But, KENT, you are being way too conservative. You are saying that we might not get this midrange of outcomes, that it might be worse, and so we ought to be cautious about what we do. Do you not understand that when we put in place these big tax cuts, there will be more revenue, not less revenue; that there will be more revenue and so there will not be $5.6 trillion of surpluses, there will be $7 trillion of surpluses or $7.5 trillion of surpluses? It will be much higher than the midrange of the forecast.

What has happened? Here is reality. That is the red line on this chart. This is what is projected based on what has actually happened in the real world and what the President has proposed. This is where things come in, not at the midpoint of the range, not at the bottom end of the range of CBO's forecast of possible outcomes for the surplus and the deficit, but below the bottom end of the range.

So much for dynamic scoring saving the day. We did the big tax cuts that the President said would produce more revenue. It did not work. It did not come close to working. We are going down a blind alley. We are going down a path that will inexorably lead to massive budget deficits, a massive buildup of debt, and fundamentally threaten the economic security and strength of this country. That is where we are headed, and it is just as clear as it can be.

Newspapers all across the country are questioning the wisdom of what the President is proposing. The Cleveland Plain Dealer from April 24:

> Although the dividends tax cut Bush seeks might some day be a reasonable step, that day is not now. Not amid talk of a Federal deficit approaching $500 billion next year. Not when Alan Greenspan, the Federal Reserve chairman Bush just reappointed, sees no economic stimulus in a plan he said, if enacted, should be paid for by offsets elsewhere to avoid the danger of deeper deficits. Not when there is no end in sight to the costs of recreating Iraq as a democracy.

It is not only the Cleveland Plain Dealer. It is others as well. The St. Louis Post-Dispatch:

> The national debt isn't free. We'll pay interest on it for decades. Every dollar of interest is a dollar that can't be used for education, law enforcement, defense, or help for the poor and elderly. The public senses this, and that is why it is not eager for a new tax cut. . . . In fact, Mr. Bush is steering the economy toward an iceberg. Massive deficits year after year contribute to higher interest rates. Higher rates can choke off prosperity.

They have it right.

Here is what has happened to jobs during the current administration. We have lost 2.7 million jobs since January 2001. Let me be clear, the President's economic policy is not responsible for all of this. This is a combined effect of the bubble bursting, of a runup in investments that was unprecedented. It is, in part, the effect of the attack on this country which, without question, hurt this country's economy. It is also, I believe, in part a result of an economic policy that does not generate confidence going forward. We cannot run record budget deficits and go out and propose increasing the spending and cutting the revenue dramatically, but that is what the President is proposing.

We have record budget deficits now. He is not talking about cutting spending. He is increasing the spending by over $600 billion above the baseline. He is cutting the revenue. Think about this. If one were at home and they couldn't pay their monthly bills—their bills were more than their income—would their answer be to go out and increase spending and reduce their income? Is that what one does? That is

what the President is proposing we do as a nation.

We are going to have the biggest budget deficits in the history of America this year. The President's answer is, increase spending and cut the revenue. That might make sense as a short-term measure. That might make sense for the moment to give a lift to the economy. The President is not proposing this as a short-term measure. He is proposing increasing spending and cutting revenue over the entire next decade and beyond, driving us deeper into deficit, deeper into debt, right at the time we know the baby boomers are about to retire.

This is the record on job growth of this administration compared to previous administrations. We can see in every previous administration we have had positive records of job growth. In this administration, we have had negative job growth. This plan is not working.

I said at the beginning I would talk about the latest numbers we have seen on revenue, and they are truly alarming. We have just received the results of the first 7 months of this year in terms of the revenue. What we are finding is that revenue is running $100 billion below the forecast for the first 7 months of the year. We already have a projection of record budget deficits, the biggest in the history of the country. Now we learn that in the first 7 months the revenue is running $100 billion below the forecast. That means, obviously, the deficits will be $100 billion higher if those trends continue. All of us hope they do not, all of us hope they are reversed, but if they do continue, here is what we see: Revenues, as a percentage of our national income, as a percentage of our gross domestic product, are headed toward the lowest level since 1959.

Remember, 3 years ago revenue was at the highest level we have had since 1969. In fact, the President used that as a reason to have a big tax cut. Remember? He said revenue is coming in at a higher rate as a percentage of our national income, as a percentage of our gross domestic product, as it has been since 1969—I think he used since 1970 at the time in making the argument. And so he said: We have to cut taxes.

Guess what. Now the revenue is going to be the lowest it has been since 1959, and his answer is cut taxes some more, increasing spending and cutting taxes. This is a prescription for deficits that are deep and abiding and that will fundamentally hurt this economy. That is what Chairman Greenspan is telling us. That is what 10 Nobel laureates are telling us. That is what over 500 economists are telling us. That is what the Committee for Economic Development, made up of 250 of this country's leading corporations and academics, is telling us. They are saying this is a policy that is unwise. That is what former Secretary of the Treasury Bob Rubin, former head of the Federal Reserve Paul Volcker, and former Republican Senator Warren Rudman who served on the Budget Committee with great distinction are all warning us about. When you run record budget deficits, you cannot add on top of that record tax cuts and increase spending and wind up with anything more than even deeper deficits and deeper debt. That is especially unwise given the fact the baby boomers are about to retire.

The Washington Post said this morning in an editorial labeled ''Tax Cut Trickery: Part II'':

> The House Ways and Means committee plans to take up a tax plan that makes President Bush's look like a model of budget honesty, fiscal probity, and distributional fairness. The plan concocted by Chairman Bill Thomas junks the president's proposal to end taxes on dividends in favor of a proposal to cut the top rate on both dividends and capital gains to 15 percent. The Thomas plan is more straightforward than the administration's complicated proposal but has not much else to recommend it. First, it is tilted even more heavily to the very wealthy. An analysis by the Urban Institute-Brookings Tax Policy Center shows that households with annual incomes of more than $1 million would see their taxes drop an average of $42,800 under the Thomas capital gains-dividend cut, compared with $26,800 under the Bush dividend plan. Taking the two plans as a whole, those households would receive an average tax cut in 2003 of $105,600 under the Thomas plan and $89,500 under the Bush plan.

Let me repeat that. The Washington Post is reporting that under the Thomas plan, the chairman of the House Ways and Means Committee, taxes on those earnings over $1 million a year would be cut by over $100,000 for 2003 alone. Taxes under the President's plan for people earning over $1 million would be cut by almost $90,000. This is at a time when we are in record budget deficits, at a time we are on the eve of the retirement of the baby boom generation that will double the number of people eligible for Social Security and Medicare. This is going to dramatically increase the cost to the Federal Government. This is disconnect from reality.

I yield the floor.

The PRESIDING OFFICER. Morning business is closed.

ENERGY POLICY ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 14, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 14) to enhance the energy security of the United States, and for other purposes.

Mr. DOMENICI. 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. DOMENICI. 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. DOMENICI. Mr. President, parliamentary inquiry: What is the subject matter before the Senate?

The PRESIDING OFFICER. The bill S. 14 is the pending business.

Mr. DOMENICI. Mr. President, S. 14 is the comprehensive energy bill produced by the Energy and Natural Resources Committee. It is accompanied by a report as contemplated by the rules of the Senate.

For those who are interested in the bill, there is a report and it will be available tomorrow. The 1-day delay is because of printing problems. Under the rule, there would be no amendments that can be offered today, in any event. It will be a day for discussion. Those who are looking toward the text in terms of what they might want to do to the bill and for the bill, the report will be in their hands before amendments are allowed.

I will start with some opening remarks and then yield to my friend, Senator BINGAMAN, for remarks on his side, and any other Senators on either side who desire to comment.

I might ask again a parliamentary inquiry: How much time has been set aside for this bill today pursuant to previous order?

The PRESIDING OFFICER. There is no time limit.

Mr. DOMENICI. Mr. President, our citizens need to know that they can, with some reasonable level of assurance, budget what their annual heating and cooling costs will be. This is not an area in which we can have much tolerance for those who propound politically correct policies.

Let me be blunt. I am a strong supporter of solar and renewable energy, and as chairman of the Appropriations Subcommittee on Energy and Water Development, which appropriates the money for the research and development in those areas, I have supported millions, indeed billions, of dollars for research to develop less expensive solar and renewable energy technologies. However, they only represent a niche market, and they are not capable of providing a baseload power to our cities, our hospitals, and our factories.

The bill before the Senate today is comprehensive. It encourages the conservation of energy through efficiency programs. But it also takes steps to ensure reliable and cleaner production of electricity from coal, and provides adequate—in fact extremely significant—research and development programs to make coal burning cleaner; it ensures nuclear power and gas, and decreases our reliance on imported energy sources by increasing production of energy here at home.

The bill, in my opinion, is pragmatic. I am a strong supporter of opening ANWR. I believe oil and gas can be produced from ANWR with a minimal impact on the environment and a substantial positive impact on the U.S. energy security and ultimately on prices since it would cause a very substantial amount of new oil to be put into the

pool from which the world purchases its oil.

Those who say we should do without ANWR production, in my humble opinion, are cavalier about our energy needs. ANWR holds estimated reserves equal to three times as much oil as in the entire State of Texas, and I know of no one who proposes we close all the production in Texas on behalf of the environment, nor do I know anyone who thinks the production of oil in Texas is insignificant to the energy needs of America.

The impact on our economy is too easy to predict, but somehow they get away with arguing against ANWR—and they have in this body to date. However, I have not included ANWR in this bill, even though I understand there were votes to do so on the Energy Committee the committee I chair, because I know the 60 votes are not here on the floor to break a filibuster. I think that is a shame. But I also am not about to sacrifice a broader energy policy over that single, though important, issue.

In this committee, we have deferred to the floor in debate over climate change. I know the debate is coming. I saw no reason for consuming the time of the committee on a matter sure to be considered on the floor and a matter which is technically not within the jurisdiction of the Committee on Energy and Natural Resources which produced this bill.

Recognizing that we agreed to defer some controversial issues to the floor, it is important that the Senate recognize the bill before it is the product of several years of work by the Energy Committee. It is very much, in that context, a bipartisan measure.

Earlier this year, I instructed the staff of the committee to circulate a staff draft of legislation that would incorporate the provisions and ideas that had been considered by the Senate and the conference held last year on H.R. 4. We then worked with our minority and all members of the committee to refine that text. Members on both sides of the aisle had constructive comments and recommendations. While we could not always agree, I do not think there is any Member of the body who can say that I and the committee staff were not open to suggestions or willing to work to clear potential amendments that might have been appropriate for this committee.

The end result of the process I have just described was a series of chairman's marks on the various titles of the legislation before us. While the media only comments on the matters where we could not reach agreement, I think it is accurate to say that every member of the committee had provisions that are very important to them included in the chairman's mark and cleared on a bipartisan basis. An enormous amount of work and careful perfecting of language was done on a bipartisan basis before the chairman's mark was circulated.

I also think my colleagues will agree that we followed an open process. While we moved things along at a rapid pace, I insisted that the chairman's mark of each title be circulated at least 48 hours in advance. That was followed, to the best of my knowledge, uniformly.

The most contentious issue clearly was electricity, and in that case I circulated a chairman's mark a full week in advance. Achieving a consensus on that title proved more than elusive. In the end, Republican members of the committee reached an agreement on an electricity title that is included in the legislation before the Senate. I sincerely hope this important legislation does not become wrapped up in partisan delaying tactics.

I know there has been speculation in the media that some want to deny President Bush his energy bill. This is not President Bush's energy bill. This is not PETE DOMENICI'S energy bill. At the moment, what you have before you is a recommendation of your Committee on Energy and Natural Resources, and I am proud to bring it before you. Yes, many of the provisions and suggestions come from the President's task force, which took many days and many weeks to put together their recommendations. Yes, many of the suggestions come from past energy bills put together by this committee when it was controlled by the other side of the aisle.

This bill contains numerous provisions that had bipartisan support. Many were initiatives offered by my colleagues on the other side of the aisle that I was happy to support. Senator AKAKA, for example, made major contributions to the hydrogen title, as did Senator DORGAN and others. While the President has provided important support for the hydrogen section, for which I congratulate him, I want to make it clear that the Senate has before it a comprehensive hydrogen title crafted over many weeks on a bipartisan basis by your committee.

The same can be said for all of the titles. Not one title is the same as the original staff discussion draft. In every case, I included amendments in the chairman's mark that were suggested by my colleagues, both Democrat and Republican. The extent of that bipartisan consensus was not evident in our business meetings where attention obviously was on provisions where we could not come together. But, in fact, this legislation is bipartisan in its substance. I expect to fully support other amendments here in the Chamber that will have bipartisan support, such as a carbon sequestration provision that Senators WYDEN and CRAIG have been working on for a long time.

Let me summarize the 12 titles of this bill.

The oil and gas title: This permanently reauthorizes the Strategic Petroleum Reserve and provides production incentives for marginal wells so that those sources will continue to be produced. It provides royalty relief for production in extremely deep waters of the Gulf of Mexico and for natural gas production in those areas of the gulf that are beyond 15,000 feet deep.

It creates a pilot program in five regional Bureau of Land Management offices to coordinate all the Federal permitting necessary to produce oil or gas on Federal lands.

It authorizes the construction of the Alaskan natural gas pipeline. This will bring gas to the United States in large quantities—not next week or next month, but without this provision it may never come to this part of the United States from Alaska. With the provisions in this bill, which essentially are indemnification provisions for those who will construct this pipeline, which is extremely fragile—fragile both in construction nature and fragile as to financing, we have provided underpinning for it to become a reality.

The coal title is a major part of this bill because coal is a major resource of the United States as we look to our future with reference to energy. The coal title authorizes approximately $2 billion for clean coal technology. The program is a major one. It is not the result of any one Senator's thinking. A number of Senators on the committee and a number of Senators not on the committee with general interest in the subject of coal and coal development are interested in this section. My thanks go out to all of them.

There isn't any separate section on Indian energy. The Indian people of the United States are the proprietors of large amounts of property. On this property and in this property lie various assets and resources. This section authorizes the Indian tribes of this country to enter into agreements with the Secretary of the Interior to develop their energy resources. Once agreements between the Indian people and the Secretary of the Interior are entered into, the tribe can then enter into leases or production on their tribal lands with the same rights as if they were private landowners. This last section of the Indian lands title will be the subject matter of significant debate, and I welcome and look forward to that debate.

In the end, however, the purpose of this bill will be to say to our Indian people, if you want to develop resources in the field of energy that lie within your lands, we are giving you the authority to do so and hopefully in a streamlined manner so that it will not be forever bogged down in the redtape and bureaucracy of Indian lands being subject to the Federal Government's fiduciary relationships.

There is a title on nuclear energy. We call it the nuclear energy title. This permanently reauthorizes the Price-Anderson law of the land. Price-Anderson has taken on a name and a meaning all of its own. It stands for the proposition that a law adopted by Representative Price and Senator Anderson which makes it possible for nuclear power to exist will remain the law of the land indefinitely.

Second, we authorize funds for an advanced fuel cycle initiative to develop ways to reduce the volume and the toxicity of spent nuclear fuel. It authorizes the Secretary of Energy, subject to appropriations, to enter into loan guarantees to assist in the construction of 8,400 megawatts of new nuclear power if the Secretary determines that the plants are necessary for energy diversity, security, or clean air attainment.

Last, it directs that an advanced reactor will be built in Idaho to demonstrate new safety, efficiency, and proliferation resistance to produce hydrogen and prove to the world that a new generation of nuclear powerplants substantially different—if not completely different—from the plants we have today can be built.

This entire nuclear section is of great concern for some. For others, it is an exciting challenge for a new future for the United States and the world, and indeed for more energy for more people with less air pollution.

The next title is called renewable energy. This mandates that the Federal Government purchase 7 1/5 percent of its energy requirements from renewable resources by 2011, thus saying that the U.S. Government has a weighted portion—that 7 1/5 percent of the energy that it needs will be from renewable resource acquisition. It will become the market, so to speak, the driving force for the purchase of renewable energy.

Under renewable energy, a second provision will authorize renewable energy production incentives. These will be discussed in more detail, and obviously from this Senator's standpoint they are exciting and necessary. Perhaps for others, they are insufficient and unnecessary. We will see which view prevails.

We streamline the licensing of hydroelectric facilities. This issue is long overdue. Hydroelectric facilities clearly must be relicensed. It is contended that currently the process is far too difficult, cumbersome, onerous, and in many respects unnecessary. We have streamlined it. That will be debated, and one way or another we will streamline the processes for hydroelectric facility licensing.

We encourage the exploration and development of geothermal resources, and we provide grants for turning forest materials from the areas of high-risk fire or disease into biomass energy—something that is long overdue and something that may, indeed, accomplish at least two goals at one time. It may, indeed, produce energy which will be clean, and at the same time it may clean up our forests, which many of us from the West have been anxiously wondering and waiting patiently to see happen.

In addition, there is an energy efficiency title in this bill. It requires a 20-percent improvement in the Federal Government's efficiency over the next 10 years. It authorizes grants for energy efficiency projects in low-income and rural areas. It sets several new standards for items such as transformers, compact fluorescent lamps, ceiling fans, and commercial refrigerators and freezers.

The transportation title is another section of this bill which stands out. It encourages the use of alternative fuel vehicles, and it requires Federal agencies to increase the fuel efficiency of their fleets by 3 miles per gallon by 2005. It improves the efficiency of locomotives and expands the authority of the National Highway Transportation Safety Administration to set fuel economy standards for cars and light trucks, taking into account passenger safety and the impact on U.S. employment.

Incidentally, that provision is similar to a provision adopted in the Senate last year by a bipartisan vote of two Senators who said that is the way they want it, to direct further modification of CAFE standards for the United States.

We then have a new and exciting title, driven, to some extent, by a rather late pronouncement of our President regarding hydrogen and the American automobile engine. This hydrogen title authorizes $1.8 billion for the President's hydrogen fuel cell initiative to develop clean, renewable hydrogen cars.

It reauthorizes and increases funding for existing hydrogen research programs. It amends the Energy Policy Act of 1992 to require agencies to purchase 5 percent of new vehicles as hydrogen-powered vehicles in 2005 and 2007, increasing to 20 percent in subsequent years.

The research and development title addresses research and development needs to energy efficiency, distributed energy and electric energy systems, renewable energy, nuclear energy, fossil energy, science and energy and environment and management.

There is funding for research in many areas, such as nanotechnology, high-temperature superconductivity, and Genomes to Life.

A new Under Secretary position for energy and science is provided. Two new Assistant Secretary positions—one for science and one for nuclear energy—are provided.

The personnel and training title contains a number of programs to ensure that we have an adequate energy workforce in the decades to come.

Then we have, last but not least, a very difficult title, the electricity title. This title remands proposed rulemaking on Standard Marketing Design, SMD, and prohibits FERC from issuing a final order until July 1, 2005.

Second, it provides a sense of the Congress that membership in regional transmission organizations is voluntary. It amends the Federal Power Act to protect access to transmission lines, repeals PURPA's mandatory purchase requirement, repeals the Public Utility Holding Company Act, makes the electricity market more transparent and resistant to manipulation, and increases the penalty for violations of the Federal Power Act and the Natural Gas Act.

Mr. President, I understand there is an agreement that no amendments will be offered until Thursday. On Thursday, I expect an ethanol amendment to be offered, and I understand there are discussions underway as to who will offer that amendment and when.

For my part, I support the agreement reached last year on ethanol that was reported out of the Environment and Public Works Committee last month. The reason I raise this subject is, this is another provision that is really not within the jurisdiction of this committee, as are three or four others that will become contentious and will be very deliberate and take much time. But there is no question, we cannot leave the floor without the subject matter of ethanol being considered, debated, and voted upon. That is why I have just stated what I believe the protocol will be.

Again, for my part, I do not do this in an effort to usurp the jurisdiction of the Public Works Committee but to face up to the reality and to urge that they consider this and offer to work with them in an effort to get what they have passed incorporated in this bill or at least put before the Senate as their effort with an opportunity for it to be passed and then, if necessary, amended.

I know there are some who oppose that proposal, and there will be amendments offered. Clearly, if history is revealing, there will be such occurring once that amendment is before the Senate.

I look forward to the debate and encourage my colleagues who support the ethanol proposal to offer their amendments as early as possible on Thursday.

My staff and Senator BINGAMAN's staff is on the floor and available, as I gather, now to begin the process of reviewing and clearing amendments where possible. I hope Members will take advantage of that and bring their amendments to the floor as soon as possible.

The leader has indicated he will give us sufficient time, with some intervening work obviously, to complete this bill as soon as the Senate deems practicable.

I yield the floor for my colleague, Senator BINGAMAN.

The PRESIDING OFFICER (Mr. ENZI). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague for his statement and for yielding the floor.

Mr. President, today we are beginning a second attempt on the Senate floor—in the last Congress and this Congress—to craft a comprehensive national energy policy. Last year, as colleagues will remember, we passed an energy bill with an 81-to-11 vote. It was bipartisan. It was, in my view, a balanced approach to energy supply, energy efficiency, and many other important issues centrally related to energy, such as climate change.

This year, I first begin by congratulating Senator DOMENICI on the process he has followed and his success in getting an energy bill to the floor. We have had disagreements, and continue to have disagreements, on particular issues dealt with in the bill, but I appreciate very much the courtesy he has afforded to me and to my staff in the process he has followed in developing the bill.

In spite of the process that has been followed, I fear we are beginning with a bill that does not, at this point at least, command the same broad level of support perhaps that we were able to finally arrive at last year.

I voted against the bill as it came out of committee because I did not think it was a sufficiently balanced and comprehensive package. I hope by the time we are finished with floor consideration of the bill, the reservations that I and nearly every other Democratic member of the committee had can be addressed and that we can support the final product.

There can be no doubt that America needs a comprehensive and balanced energy policy for the 21st century. President Bush, when he ran for office in 2000, spoke of the need for such a comprehensive energy policy. Within 3 weeks of taking office in 2001, he had commissioned Vice President CHENEY to lead a task force to develop and improve national energy policy.

The President was right in stating the need for such a policy. During the 1990s, energy prices had remained relatively stable due to at least three factors.

First, there was increased productivity which we benefited from substantially in the 1990s. Second, there was lower energy use per dollar of gross domestic product. Third, there was the introduction of market competition in sectors such as electricity.

All of these factors acted to hold down prices in spite of the very robust economic growth and increased demand for energy we saw in the 1990s.

Before the introduction of competition into energy markets in the 1980s and 1990s, we had national policies that required large excess capacity margins. Consumers paid a great deal for this excess capacity, but they also benefited from the buffer that capacity provided. It kept the system functioning as markets restructured. As the economic growth of the past decade has used up that excess capacity in the fuels and the power and the natural gas sectors, the frictions and imperfections in those markets became more apparent.

One obvious illustration of that development was the California electricity crisis. When electricity was in plentiful supply in the West, the flaws in the design of the California electricity system—specifically the discouragement of long-term contracts and the near total reliance on the spot market to set electricity prices—were not so apparent. But when electricity suddenly became more scarce in 2000, due to unusually dry weather and increased demand in other Western States, those market flaws came to the fore. The result was very high prices for electricity and extraordinary financial stress on both California's regulated utilities and their consumers.

These market flaws were exacerbated by the unscrupulous behavior of a number of energy marketers and the inadequate initial responses by regulators. Even so, we should not lose sight of the overall lesson to be derived from that California electricity crisis. That is, the loss of our energy infrastructure cushion means future events will more easily highlight whatever energy market or regulatory flaws do exist. That makes it more important than ever for us to have a comprehensive national energy policy that proactively deals with market flaws before they result in a crisis.

In the energy policy plan issued by President Bush in May of 2001, his administration laid out a series of goals and objectives that generally made sense in terms of a proactive energy policy. Some of the themes he had were very similar to conclusions reached by a number of individual States that have formulated and adopted their own energy policies over the past several years. The President's proposal, though, came to Congress in a very generic fashion, without any legislative specifics. At no time during the last Congress or during this Congress so far have we ever received an actual legislative proposal on energy from the administration.

The task of taking the President's general statements and fashioning them into specifics has fallen to both the House of Representatives and the Senate. Of course, the two bodies of the Congress have interpreted those general principles in some very different ways. That proved to be a decisive factor in our inability to come to closure on energy legislation last Congress.

The approach I pursued in crafting an energy bill in the last Congress, and which was supported in the end by a substantial majority of Senators, was based on a number of basic principles. I believe these basic principles are crucial to any energy legislation we might consider, and the bill now before us deals with those principles only in part. Let me elaborate what those are.

First, and perhaps most important, we need an energy policy and an energy bill that strike a balance between measures to increase energy supplies and measures to encourage additional energy efficiency. To say we only need to increase energy production or we only need to increase conservation is to propose a fairly false choice. The reality is the country needs both kinds of measures.

On the supply side, perhaps one of the most important national goals is to meet our ever-growing demand for natural gas. Natural gas is the fuel of choice for most electric generation that is now being planned. It will play an important role in any new distributed generation that is planned in the future. It is favored by alternative fueled vehicle programs in both the Government and in the private sector. It is the most likely feedstock to produce hydrogen when and if we come to use hydrogen as a major fuel source. And apart from its energy uses, natural gas is also a critical feedstock in the petrochemical industry and in the fertilizer industry.

Because natural gas consumption is outstripping the amounts produced in the lower 48 States, we are in the early stages, as a Nation, of developing a national dependence on imported natural gas, particularly liquefied natural gas from countries with unstable politics. So just as we have for several decades now become more and more dependent upon imported oil to meet our energy needs, we now face the prospect of perhaps a growing dependence on imported natural gas as well.

At the same time this dependence on imported natural gas is growing, we have at least 33 trillion cubic feet of natural gas that is stranded on the North Slope of Alaska at Prudhoe Bay. That gas has been produced, along with the oil we are now producing from that location. But the gas is currently being pumped back into the ground because there is no way to transport it to the lower 48 States where it is needed. We need to provide effective incentives to the private sector to build a pipeline that can bring this gas to the lower 48 States. Such a project would be a boon not only to our national energy security but also to our domestic steel and construction industries.

On this topic, the bill now before us does a fairly good job. It has retained from last year's bill many of the regulatory streamlining measures on which I worked with Senator Frank Murkowski and that were included in last year's bill. There is a critical part of the problem we have not yet solved. That is to provide effective fiscal incentives for the pipeline to accompany what is now in the bill on the regulatory side. I hope we can add those effective fiscal incentives as we consider this bill in the Senate.

Along with providing more robust domestic supplies of natural gas, we obviously need to look for ways to diversify our energy generation away from such a strong reliance on gas in the coming years. Here I fear we have been less successful in the bill.

One important arena in which we can diversify our energy generation away from overreliance on gas is in electricity generation. Part of what must be done is to find new technology for existing sources of electricity supply. This means research and development on ultra clean ways to burn coal and research and development on new generation from safe nuclear powerplants. This bill, similar to last year's bill, does have very strong R&D programs on both topics, and Chairman DOMENICI deserves credit for those provisions.

Another key piece of the solution would be to tap into opportunities for distributed generation such as combined heat and power at industrial facilities. Here the bill begins to fall short, as it does not really address the barriers that have been erected to uniform interconnection of distributed generation to the grid.

It is not enough to have the technology. We need to rid ourselves of the redtape that is keeping this technology from being used, and this bill does not do that.

Along with these steps, though, we need to make a greater push to introduce renewable energy technologies for electricity generation. Some of these technologies—wind power in particular—are already cost competitive. But in order to see widespread exploitation of these opportunities, both financial and regulatory incentives will be needed. That means both a meaningful production tax credit for renewable energy, which I hope will be added as part of the package of tax provisions coming out of the Finance Committee, and also a flexible renewable portfolio standard for electric utilities. Both measures are essential, in my view, in order to give enough certainty to the fledgling market to allow economies of scale to drive down costs and improve the manufacturing capacity for renewable energy equipment in the United States.

The lack of an effective renewable portfolio as this bill comes to the floor is a major flaw. There are those who may argue that we should leave everything to the hypothetical free market. My problem with that is that electricity markets are not free markets, and renewable energy will not get a fair shake unless there is some pressure from us for that to happen. If the Senate does nothing in this bill to push forward on increasing the use of renewables in our electric system, then we will be making a choice in favor of the existing trends toward an overreliance on natural gas for future electricity generation. That choice will leave our citizens with future natural gas and electricity bills that are more volatile, resulting in more frequent price spikes.

Renewable energy technologies can help with another energy supply issue that we face, and that relates to transportation fuels. We already use renewable fuels, such as ethanol, to some extent as oxygenates in the winter formula for gasoline. But ethanol can make a greater contribution than this. A phased introduction of up to 5 billion gallons per year into our gasoline supply by 2012 is not, in my view, unreasonable. What we need to do, though, as we attempt such a transition, is to ensure that we do not wind up with a highly balkanized and inflexible system of fuel specifications around the country.

We already have a problem with so-called boutique fuel specifications in several parts of the country. These mandates for boutique fuels cause local price spikes to consumers when the specific formula for a specific area suddenly is in short supply. That can easily happen, for example, due to unexpected demand or shutdown problems at a refinery or at a pipeline.

Our national energy policy should be to use the transition to greater use of renewable fuels as a means of making sure we have a more rational national fuels system. This issue was not dealt with during the consideration of the bill in the Energy Committee and, as the chairman has indicated, we expect to be dealing with that on the floor perhaps as early as this week.

Even with the greater use of renewable fuels in cars, we will still be very dependent upon oil in the transportation sector. It is in our national interest to support the domestic production of oil. Many of our oil resources are not as economical to produce as those in the Middle East and elsewhere. This is largely because the U.S. has been producing oil longer than other places around the world. We have exhausted the easiest geologic formations.

When oil prices fall, our domestic producers lose their shirts faster than do their overseas competitors. Accordingly, our producers, in many cases, are forced to stop production. When prices start back up, though, their wells are not able to be restarted as easily as foreign wells.

An important policy to put in place, at both the Federal and State levels, would be to reduce taxes on oil production during times of low world prices, and restore those taxes when prices rebound. That sort of a countercyclical measure would help us to retain a significant amount of our domestic production that otherwise would be at risk.

In the Finance Committee, such incentives are part of the bipartisan package of tax provisions that we adopted which I expect will be added to this bill later in the Senate's consideration of the overall bill.

We also need to look to increase oil production in areas where it is generally agreed to move ahead. There are places, such as the Alaska National Wildlife Refuge, that are seen as having special environmental values that make oil production very controversial. Last year and this year, a solid bipartisan majority voted against opening the Arctic Refuge to oil development. I hope we do not spend a great deal of time on the Senate floor debating and reopening this issue. We spent a tremendous amount of time on it in the bill last year.

The proposal to open the Arctic Refuge is a dead end precisely because there are many areas with significant amounts of oil and gas that are not considered environmentally exceptional. We need to look to those areas.

For example, Alaska is also home to a Federal Reserve called the National Petroleum Reserve Alaska, NPRA. No less an environmentalist than Bruce Babbitt, a former Secretary of the Interior, strongly pushed for leasing of the NPRA for oil production when he was the Secretary of the Interior. He found strong industry interest, and there have been significant finds in that region. We should continue to support further leasing of NPRA as part of our national energy policy.

As another example, energy resources on Indian land in the U.S. have not been as extensively developed as they might be. According to the Bureau of Indian Affairs, over 90 Indian reservations have significant untapped energy resource potential. That includes oil and gas, coal, coalbed methane, wind, and geothermal resources. In last year's energy bill, I worked to see that we assisted these tribes in developing those resources.

Early this year I reintroduced many of those same provisions in a new bill, parts of which are incorporated into the bill that is now on the Senate floor. Unfortunately, in my view, the provisions have been marred by a proposal to make energy leasing on Indian lands both exempt from environmental analysis under NEPA, and exempt from the normal trust protections afforded Indian tribes. I fear this is a substantial flaw that needs to be addressed if the bill is to keep its balance among energy, environment, and the public interest.

Even with strong efforts to support domestic oil production, we are in a losing race with rising domestic oil consumption. We have gone from less than 25-percent dependence upon foreign oil at the time of the Arab oil embargo to over 50 percent today, with projections of well over 60-percent dependence a decade from now.

That brings us to the other important part of a national energy policy, and that is energy efficiency. If we are serious about reducing our dependence upon foreign oil, we have to address our ever-increasing national consumption of oil in the transportation sector. Greater vehicle fuel efficiency is clearly in the national interest.

According to a study Congress commissioned from the National Academy of Sciences, we now have the technology to realize significant gains in fuel efficiency without sacrificing either safety or passenger comfort. All we lack is the national will to make this a priority. That will was not on display in the last Congress when the Senate and House took only minimal steps to set higher standards for fuel efficiency. Similarly, it has not been on display in the bill that has now come before us. In fact, this bill contains a provision that will increase gasoline demand over current law by 11 billion gallons by 2020. I don't know how we can justify passing a bill that takes us in the wrong direction relative to what our national energy security requires.

Greater fuel efficiency is an answer to another energy problem that is

brewing. We are pretty close to the capacity limits of our present system of refineries and gasoline pipelines.

Refineries and pipelines are notoriously hard to site. We have not built a new petroleum refinery in this country in decades, and there are real limits to how much further we can add to the existing refineries. Unless we want to greatly add to the siting pressures we already have related to energy infrastructure, or unless we want to start importing much more refined gasoline than we now import, we need to push for more efficient use of the gasoline we already consume.

Energy efficiency is also a key element in maintaining a reliable and affordable system of electricity generation and transmission. New electricity infrastructure is also very difficult to site. President Bush's call for Federal eminent domain authority for new electricity transmission has not found many supporters in Congress.

We can reduce the pressure on our electric power grid and natural gas infrastructure by taking commonsense steps to improve the efficiency of end use of energy in buildings and appliances, and industry. Energy-efficient lighting, energy-efficient appliances, and energy-efficient buildings also generate benefits in terms of emission reductions and human health improvements, making them even more attractive as part of a comprehensive energy policy.

One of the unheralded success stories of last year's energy bill was a set of new standards and programs for energy efficiency that was developed cooperatively with the affected industries. These provisions survived intact. They have been expanded somewhat in this bill, and they have been reported as part of the bill now before us.

Last year's energy bill also reauthorized important Federal grant programs that helped low-income families pay their energy bills and reduce their energy costs, including LIHEAP, the Low-Income Home Energy Assistance Program, and State weatherization grants. Those programs continue to be a high priority in any new energy legislation. I hope we can add an effective measure along these lines early in our deliberations on this bill.

Our national commitment to increasing energy supply and increasing energy efficiency must involve a long-term commitment to the development of new energy technologies. Last year's energy bill established a framework for a comprehensive research and development program that would have addressed a variety of challenges on both the supply and demand sides of the energy equation. A robust commitment to a coordinated, comprehensive research and development program is essential if we are to meet the challenges that lie before us.

One of the biggest disappointments of the Bush administration to date is its lack of attention to the importance of science and technology in general and of energy research and development in particular. With the exception of the President's recent enthusiasm for hydrogen and fuel cells, an enthusiasm on which I certainly compliment him, the Bush administration has consistently proposed underfunding Department of Energy energy technology programs relative to their importance to our national security.

Federal energy technology R&D today is equivalent, in constant dollars, to what it was in 1966. Yet our economy is three times larger today than it was in 1966. It is hard to see how we can build a 21st century energy system on 1960s level-of-effort research and development budgets.

Fortunately, Congress has seen things somewhat differently than the administration. Last year and this year, energy bills in both the House and the Senate have attempted to rebuild energy R&D budgets in a rational way to levels that, by 2007 or 2008, would give us a robust energy R&D effort to support our national energy policy.

A final imperative for national energy policy and legislation has been to recognize the ways in which energy use and energy policy are intertwined with the topic of climate change.

Climate change is so closely related to energy policy because the two most prominent greenhouse gases—that is, carbon dioxide and methane—are largely released due to energy production and use. In the United States, 98 percent of the CO2 emissions are energy related. Every study of how to mitigate the possibility of global change, climate change comes up with a list of policy measures that relies heavily on increased energy efficiency and new energy production technologies with lower greenhouse gas emissions.

Because of this intimate connection between energy and climate change, much of energy policy and much of climate change policy have to be discussed together. To do one, by implication, is to do the other; to ignore one while doing the other is to risk unfortunate and unintended consequences.

For this reason, last year the Senate was able to pass a bill with numerous provisions to ensure we integrate climate change strategy with energy policy, that we develop better climate change science, that we focus on breakthrough technologies with better environmental performance, and that the United States take the lead in exporting the clean energy technologies we develop.

These provisions were not propounded by fringe elements in the Senate. The bulk of them came from a bill that was introduced by Senator BYRD of West Virginia and Senator STEVENS of Alaska. That bill was reported unanimously by the Senate Governmental Affairs Committee. Unfortunately, these provisions were resisted by the administration and were opposed by the Republican leadership in the House, which did not propose to address climate change in any way in the House energy bill. These provisions were also opposed in the Energy Committee by certain of the Senators. I regret that their views carried the day and that we were not able to move ahead at that time. But the opportunity still is ahead of us. I think leaving climate change out of an energy bill by the time we complete action on an energy bill would be a very shortsighted approach, both in terms of energy policy and in terms of our overall relations with others in the world.

Climate change proposals that I plan to propose and advance on the Senate floor will focus on programs which will protect the environment while being highly beneficial to U.S. industry. We need to make sure that our energy choices do not lead to inefficient or wasted energy investments that have to be written off prematurely because we did not consider their climate consequences. Industry needs to have certainty about rules of the road linking energy and climate.

In terms of our long-term economic prosperity, there are jobs to be created, worldwide markets to be captured in climate-friendly energy technologies of the future. So far, the energy bill we are considering does not measure up in this regard. I believe many in this body will share my view that addressing global warming is a major element required for any balanced energy policy.

Before I close, let me discuss what the chairman referred to as the most difficult and contentious issue we tried to deal with and have dealt with as we have worked on this bill; that is, the problem of how to regulate electricity markets in the future.

Our system for generating and transmitting electricity has been undergoing a profound transformation over the last decade as electricity markets become increasingly regional. That increases the degree to which consumers are affected by interstate commerce in electricity and, thereby, by factors that may be beyond the effective reach of State regulatory utility commissions.

During the California electricity crisis, we saw how decisions made in or for California affected consumers across the entire West. Well-functioning and well-regulated markets are in everyone's interests, although the way to get there was a matter of intense debate during consideration of the energy bill and is being strongly debated now in the context of FERC's so-called standard market design rulemaking, or SMD.

During last year's energy bill, I favored attempts to update the statutes governing electricity markets, including the repeal of the Public Utility Holding Company Act, PUHCA. I did so only if those provisions were accompanied by provisions to ensure that any resulting mergers or acquisitions would be overseen to be sure they were in the public interest and that the ability of State public utility commissions

to protect consumers against cross-subsidization and other abuses would be ensured.

There were others in the debate who wanted to remove all fetters from the merger and acquisition process, particularly any oversight that might be exercised by FERC or State commissions. That latter view of untrammeled mergers is what is now in the bill before us. I think that is a bad deal for consumers in the future, and I hope we can address that as we consider the bill on the Senate floor.

The bill also overreaches, in my view, in its response to the Standard Market Design rulemaking. There are a lot of important issues that need to be examined carefully before that rulemaking moves forward, and like many of my colleagues in the Senate, I am carefully examining the extent to which FERC is responding to the many comments and criticisms leveled at its proposed rule.

But amid the furor over SMD, I think it is important not to be distracted from the big picture of whether consumers are going to be adequately protected in the electricity markets of the future. How the grid is operated, how new transmission is paid for and by whom, how we will ensure that there is a reasonable mix of short-term spot markets and long-term contracts; all these factors require careful consideration and regulatory clarity, if consumers are to be protected and if utilities and other entities are to make sound decisions that can be sustained over the long term.

It is unfortunate, in my view, that the electricity provision in the bill we considered and adopted in the committee had not been adequately reviewed by all Senators. I do not think that was a good way of proceeding on a topic as important, controversial, and complex as this one. As a result, the electricity title contains numerous flaws that I think will result in increased divisions in the Senate, instead of pointing the way toward bringing us together.

Energy does not need to be a partisan issue. As was demonstrated by the strong bipartisan vote we had on the Senate energy bill in the last Congress, it is clear that Democrats and Republicans can agree on the broad aspects of an energy policy and move ahead.

I do not believe we have reached that point of bipartisan agreement yet in this bill. We will have an opportunity to do better now that the bill is on the floor. I look forward to the amendment process to see if some of the flaws in this bill can be remedied. I hope that the result will be a strong and balanced package for the Nation that I and other Members of my caucus can support.

There will be many other opportunities for us to talk about particular provisions of the bill as amendments are proposed, but for an opening statement I will stop with that.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank my distinguished colleague for his remarks and do hope some of the matters he has raised wherein we disagree can be worked out. As to others, we will remain in a state of disagreement and hopefully the Senate will be the referee and we will see where we end up.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to a period for morning business.

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

COMMENDING JOHN W. KLUGE FOR HIS DEDICATION TO THE LIBRARY OF CONGRESS

Mr. DOMENICI. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to immediate consideration of S. Res. 132, which was submitted earlier today by Senator STEVENS.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 132) commending John W. Kluge for his dedication and commitment to the Library of Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 132) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 132

Whereas John W. Kluge is the greatest individual benefactor in the history of the Library of Congress (the ''Library'') and is known in the international corporate community as one of the Library's staunchest supporters;

Whereas John W. Kluge, by the example of his wise counsel and leadership as the founding chairman of the James Madison Council, the Library's private sector philanthropic organization, has inspired many others to join in support of Library programs and initiatives;

Whereas John W. Kluge has faithfully served on the Library's Trust Fund Board since 1993;

Whereas John W. Kluge's visionary support for Library programs which reach across America and around the world has transformed the Library into an unparalleled electronic educational resource;

Whereas John W. Kluge has established in the Library an endowed scholarly program of chairs and fellows in areas of study not covered by the Nobel prizes;

Whereas John W. Kluge has enabled the American people, through the Library, to recognize lifetime scholarly achievement in the intellectual arts with a $1,000,000 prize award which will be given for the first time in November 2003;

Whereas the Librarian of Congress, James H. Billington, considers John W. Kluge ''one of the Library's greatest friends'';

Whereas all Americans have greatly benefited from the generosity of John W. Kluge; and

Whereas John W. Kluge has inspired Americans by his example of support for programs which educate and equip individuals to be responsible and productive citizens: Now, therefore, be it

Resolved, That the Senate—

(1) commends John W. Kluge for his dedication and commitment to the Library of Congress;

(2) expresses its sincere gratitude and appreciation for his example of philanthropy and public service to the American people; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to John W. Kluge.

MEASURES PLACED ON THE CALENDAR—H.R. 6 AND H.R. 1298

Mr. DOMENICI. Mr. President, I understand there are two bills at the desk which are due for a second reading.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I ask that it be in order to read the titles of the bills en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

A bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

Mr. DOMENICI. I would object to further proceedings en bloc.

The PRESIDING OFFICER. The objection is heard. The bills will be placed on the calendar.

ENERGY POLICY ACT OF 2003—Continued

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now resume consideration of S. 14, the energy bill.

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

Mr. DOMENICI. I yield the floor.

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

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. GREGG. Mr. President, as in executive session, I ask unanimous consent that at 2:15 p.m. today the Senate proceed to executive session for consideration of Calendar No. 128, Cecilia Altonaga be United States District Judge for the Southern District of Florida. I further ask consent that there be 15 minutes equally divided between the chairman and ranking member or their designee; provided further that following that debate time the Senate proceed to a vote on confirmation of the nomination with no intervening action or debate. I finally ask unanimous consent that following that vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

Mr. REID. Reserving the right to object, and I will not object, we are happy to cooperate. I think this will be the 122nd judge we will have approved during this administration. We also hope today by voice vote to be able to maybe approve the 123rd judge.

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

Mr. GREGG. 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, during our spring recess, I had the opportunity to travel throughout my home State and visit with South Dakotans.

These are proud days for South Dakota. Citizens are eager to welcome home hundreds of their sons and daughters, husbands and wives, who served so magnificently in Iraq.

South Dakota boasts one of the highest proportions of service men and women in the country. We are proud of the job South Dakotans are doing to bring freedom to Iraq and security and stability to the Persian Gulf.

But these are anxious days for South Dakota, as well. Jobs are hard to come by. The State's budget is under pressure.

Meanwhile, the planting season has begun and farmers and the communities depending upon the land are hoping for some relief to the 5-year drought that continues to cause devastation.

But amid all the concerns on the minds of South Dakota families, the most common and deeply felt, is the financial strain of skyrocketing health care costs and the fear that they may one day lose their health coverage altogether.

Day after day, people know that they are one layoff, one bad crop, one accident, or one illness away from being totally unprotected.

I met with veterans who are picking up a greater share of their health care costs, because cuts to their health benefits are causing longer waits and worse care.

I met with self-employed people, small business owners and farmers, who buy their own insurance and as a result face premium costs as high as $20,000.

I met with the families of National Guard members who just a few weeks ago were afraid that their loved ones might get hurt in the line of duty in Iraq. Today, they are worried that their husbands or wives will lose their health coverage when they return home.

This is not a new problem. Health care costs were soaring during our last recession 10 years ago. But new financing structures and a good economy helped bring costs under control. People were working, business was booming, and employers were adding new and better benefits as they competed for the best workers.

Today, the economy continues to struggle, jobs are scarce, and profits even scarcer. Businesses are trimming back benefits for their employees and pensioners. And each month brings a fresh round of layoffs, and with them, thousands more Americans without dependable health insurance.

We have about 75,000 South Dakotans who are uninsured today. Of the uninsured South Dakotans, 60 percent have been uninsured for 2 years. Twenty-seven percent have been uninsured for 10 years or more.

Some work for businesses that don't offer benefits. Some are self-employed family farmers who can't afford health insurance premiums even though they work in one of the most physically demanding and dangerous jobs there is.

Health care is the most private of issues. But individuals' lack of coverage has broad and several public consequences.

Because the uninsured are less likely to get preventative coverage, they are more likely to fall victim to more serious and more costly illnesses down the road. Communities lose good neighbors and productive workers. Sometime, the cost of care drives families into bankruptcy. And the cost of their coverage then gets passed on to the rest of us.

This crisis is driving millions of Americans into poverty and poor health. And ever-higher numbers of uninsured people are driving the health care costs of every American higher and higher. This is a vicious cycle, destined to put good health care out of reach of everyone but the wealthy, and we need to stop it.

I recently heard from Eugene and Karen Berg, who farm 500 acres of corn and soybeans in Emery, SD.

Even though the Bergs pay more than $7,000 per year for health insurance, that only buys them catastrophic coverage—nothing for ordinary health expenses. They have a $10,000 deductible and they are responsible for one-fifth of all costs above that. Their insurance doesn't cover prescription drugs, and so the Bergs pay another $5,000 per year to cover the cost of medicine. They don't have dental insurance, and they cannot afford to visit the dentist.

Eugene's doctor just told Eugene that an operation could fix his hearing. But because he cannot afford the cost and his insurance won't help him, he's resigned to living with only half his hearing.

The Bergs decided to look for better, less expensive health coverage. They found a plan that looked promising, but when they applied, Eugene was rejected because he has diabetes and high blood pressure.

The insurance company said it would accept his wife, but it wouldn't provide any coverage for her thyroid problem. Insurance companies, they learned, don't make money by covering the sick.

Eugene is trying to appeal the insurance company's decision, but he is not hopeful. One way or the other, Eugene is thinking about dropping his current coverage because he can no longer afford the premiums.

I recently heard from another family, Roger and Carrie Fischer, who are musicians living in Custer, SD.

Their insurance company recently raised their premiums from $6,000 to $9,000 per year. They let their insurance lapse because they couldn't afford it.

They, too, tried to find a different plan, but because Carrie had her leg amputated, no company would even give them a quote.

Carrie's amputation requires a prosthesis to be fitted to her leg so she can walk, but she was told that a new one would cost $30,000. So she is making do with her old one as long as she can.

Roger recently wrote me a letter. He said:

> If we were able, we'd surely like to be insured, but it's a choice between having light and heat and being insured. . . . Let's change things now. I cannot afford to wait any longer.

Millions of Americans face the same challenges. They work hard, they take care of themselves, and they contribute to their communities. They try to put money aside for bad times. But they can't control when illness strikes. Nor can they control the finances of the insurers, who too often pass on the cost of their own financial mistakes to their customers.

Last year, health insurance premiums increased by an average of 13 percent, three times faster than wages. The year before, premiums increased by 11 percent.

Businesses trying to keep afloat during tough economic times are forcing their employees to shoulder more of the costs. But at this pace, the costs will double every 7 years.

As the price of insurance increases, and as people lose their jobs in the current economy, more and more families are thrown onto the rolls of the insured. Over the past two years, 75 million Americans, nearly one in three,

spent at least some time without insurance. Forty-one million lacked coverage for the entire year. Among them are 8.5 million children who are indeed being left behind.

We can do better.

This is a national problem and it demands national leadership to fix it. Medical research is producing miracles. And yet, Washington's neglect has allowed a crisis to emerge.

Doctors and nurses are dedicating their lives to the care of their patients. And yet Washington cannot seem to dedicate any of its attention or its resources to helping Americans who are suffering.

This is a critical moment in our Nation's history. As our attention turns back toward the troubles of our economy and the Americans who are struggling to work and raise families, I intend to do everything I can to keep the Senate's attention focused on the crisis in health care.

Our citizens are asking for our leadership, and we have an obligation to answer their call.

I yield the floor.

Mr. REID. Mr. President, before the Democratic leader leaves the floor—if I could just engage in a colloquy with him—the leader is so on point. We need to do something about health care. In my office today was a 13-year-old girl from Reno, NV. Her best friend's mother has lupus. This little girl didn't know what to do. As you know, we are way behind the ball on trying to determine what causes lupus and how to cure it. It is a very serious disease, and mostly a disease of women. This little girl on her own painted little lady bugs and sold them for $2 each and made $2,000 for research into lupus. She got a national award.

With all that has been going on—Iraq and Afghanistan are terribly important issues—and as we focus on this tax cut, which is a very important issue, I hope this Congress can devote some time to the 44 or 45 million Americans who have no health insurance and the millions of others who are underinsured. The State of Nevada, I am not proud to say, leads the Nation in uninsured. It has created tremendous problems for the State of Nevada because those people who are uninsured drive up health care costs for everybody. Indigent care and hospital and doctor bills have increased. And, of course, insurance costs more for those people who are fortunate to have it.

I hope the country has heard the message delivered by the Democratic leader—that we need to do something about health care.

This little girl is so desperate in helping her best friend's mother that she painted lady bugs. Her heart is bigger than her body, I am sure. But we need to make sure the National Institutes of Health has all the money they need to do all they can.

In addition, people should have basic health insurance. All the research in the world is important, but it is not the answer for people to have the ability to go to the doctor when they need it.

Mr. DASCHLE. Mr. President, I thank the assistant Democratic leader for his excellent comments. He is absolutely right. Of all the priorities our country faces—as we look to the well-being of our youth, and as we look to the extraordinary challenges we face to remain competitive—our country cannot remain competitive if our youth do not have good health and access to health care in rural areas as well as in the inner cities. We can't stay competitive with businesses that have to expand costs by double or triple every 2 or 3 years. We have a financial crisis in health care today. It is a crisis that is being felt by thousands and thousands of people who were not affected the last time we addressed this issue. They had health insurance. But we can no longer afford to ignore it. We can no longer afford to postpone it. We can no longer afford to minimize the extraordinary impact this problem is having on society and our economy today.

I appreciate very much the Senator's comments. I know he feels as deeply as I do and as our caucus does about the importance of putting this high on the priority list as we consider the legislative agenda for the remainder of this Congress.

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

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Texas, I ask unanimous consent that the order for the quorum call be dispensed with.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

EXECUTIVE SESSION

NOMINATION OF CECILIA M. ALTONAGA, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination of Cecilia M. Altonaga, of Florida, to be United States District Court Judge, which the clerk will report.

The assistant legislative clerk read the nomination of Cecilia M. Altonaga, of Florida, to be United States District Judge for the Southern District of Florida.

The PRESIDING OFFICER. Under the previous order, there will now be 15 minutes evenly divided for debate on the nomination.

Mr. HATCH. Mr. President, I rise in support of the nomination of Cecilia Altonaga to the U.S. District Court for the Southern District of Florida. Judge Altonaga has enjoyed a stellar legal career on both sides of the bench.

Upon graduating from Yale Law School, Judge Altonaga clerked for the Honorable Edward B. Davis of the United States District Court for the Southern District of Florida—the very court she will join upon her confirmation.

Judge Altonage then spent 10 years as an assistance county attorney for the Miami-Dade County Attorney's Office. During her tenure, she specialized in construction litigation, reviewing and drafting construction contracts, and advising the Couty Commission in the awarding of government contracts, including bid disputes handled in administrative quasi-judicial hearings. She also handled tort suits, defending the County ordinances and actions taken by County Commissioners in State and Federal courts.

From 1996 to 1999, Judge Altonaga served as a County Court Judge of the Eleventh Judicial Circuit of the State of Florida. While on the County Court, Judge Altonaga served in the Domestic Violence, Civil, and Criminal Divisions. Since 1999, she has served as a Judge for the Circuit Court of the Eleventh Judicial Circuit of the State of Florida, where she has been assigned to the Court's Juvenile, Criminal, and Appellate Divisions.

Notably, Judge Altonaga will be the first Cuban-American woman to serve as a Federal judge. I have every confidence that she will serve with distinction, and I am pleased to join with my colleagues from Florida in supporting her nomination.

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

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

Mr. LEAHY. Mr. President, we will soon be voting on the nomination of Judge Cecilia Altonaga to be United States District Judge for the Southern District of Florida. I believe that Judge Altonaga will be the first Cuban-American woman to sit on the Federal bench.

Judge Altonaga comes to us with bipartisan support after being unanimously approved by Florida's bipartisan Judicial Advisory Committee. I commend Senators GRAHAM and NELSON for insisting that a bipartisan selection commission be implemented in Florida. This shows how well it works.

We are moving down judicial vacancies. As we can see, starting in 1994, judicial vacancies increased actually

under Republican control of the Senate. It went from 63 up to 110. When Democrats took control and I became chairman, we cut that almost immediately from 110 to 60, with nominees of President Bush, notwithstanding all of President Clinton's nominees who had been blocked.

Circuit court nominees went from 16 vacancies under Republican Senate leadership up to 33. When I became chairman, we cut it immediately to 25. I note that because we did move to cut those vacancies—even though, in this case, it is Cuban-American women—there were many Hispanics and women nominated by President Clinton who were blocked or delayed by the Republican majority. We were told that unless every single Republican agreed, even if one disagreed, they would not get a hearing or a vote.

We had nominees such as Christine Arguello, Jorge Rangel, Enrique Moreno, and Ricardo Morado who were never given hearings, including Judge Richard Paez, Judge Sonia Sotomayor, and Judge Hilda Tagle who were stalled for no good reason. Even though President Clinton's nominees had been blocked, we, the Democrats, when we took over, moved President Bush's nominees for the same spots.

I urge the White House to work with more Senators in forming selection commissions to ensure that we have nominees who are supported in their communities and come to the Senate with true, bipartisan support. Under this administration, we have seen the recommendations of such bipartisan panels rejected or stalled. Instead, the recommendations of these important bipartisan commissions should be honored and encouraged by expedited consideration before the committee and on the floor of the Senate.

Judge Altonaga is active in her community. She is a member of the Florida International University Law School Advisory Board, and belongs to the Dade County Bar Association, the Cuban American Bar Association, and the Florida Association of Women Lawyers. She has served as a member of the National Advisory Committee for Cultural Considerations in Domestic Violence Cases, the Select Task Force on Election Procedures, Standards and Technology, and the First Family Law American Inns of Court.

During the 17 months I was chairman of the Judiciary Committee, I worked hard to ensure that women and minorities were considered for the federal bench, and I am proud of that record. Many Hispanics and women nominated by President Clinton were blocked or delayed by the Republican majority, and I did not want to see that repeated. Fine nominees such as Christine Arguello, Jorge Rangel, Enrique Moreno and Ricardo Morado were never given hearings. Others, including Judge Richard Paez, Judge Sonia Sotomayor, and Judge Hilda Tagle, were stalled for no good reason. I am proud that did not happen on my watch. I am glad to say that we quickly considered and confirmed nominees such as Christina Armijo to the District Court in New Mexico, Philip Martinez, to the District Court in Texas, Jose Martinez to the District Court in Florida, Alia Ludlum to the District Court in Texas, and Jose Linares to the District Court in New Jersey.

Also during the 17 months I was chairman of the Judiciary Committee, three judicial nominees were confirmed to the District Courts of Florida. Timothy J. Corrigan was confirmed to the Middle District of Florida, and Jose E. Martinez and Kenneth A. Marra, were both confirmed to the Southern District of Florida.

I congratulate Judge Altonaga and her family on her confirmation.

Today the Senate is reducing the number of Federal judicial vacancies to the lowest level it has been in 13 years. The 110 vacancies I inherited in the summer of 2001 have been more than cut in half. In the 17 months I chaired the Judiciary Committee we not only kept up with attrition but reduced those 110 vacancies to 60 with Judge Altonaga's confirmation and that of Patricia Minaldi we will have 47 vacancies for the entire federal judiciary. I thank all Senators for working with us. I thank the Democratic leadership for pressing for this vote on Judge Altonaga. I have spoken about her and urged this vote since she was reported by the Judiciary Committee almost 1 month ago.

Since July 2001 a number of Senators have worked very hard to repair the damage done during the years 1995 through the early part of 2001. We made significant progress. Unfortunately, our efforts have received little acknowledgement and the current administration continues down the strident path of confrontation and court packing rather than working with Senators of both parties to identify and nominate consensus, mainstream nominees.

While the Nation's unemployment rate rose last month to 6 percent, the vacancy rate on the federal judiciary has been lowered to 5.6 percent. While the number of private sector jobs lost since the beginning of the Bush administration is 2.7 million, almost 9 million Americans are now out of work, and unemployment has risen by more than 45 percent, Democrats in the Senate have cooperated in moving forward to confirm 123 of this President's judicial nominees, reduce judicial vacancies to the lowest level in years, and reduce federal judicial vacancies by almost 60 percent. Yet the Republican-led Senate remains obsessed with seeking to force through the most divisive of this President's controversial, ideologically-chosen nominees.

In just the last 2 years, 123 of the President's judicial nominees will have been confirmed. One hundred of those confirmations came during the 17 months of Democratic leadership of the Senate. No fair-minded observer could term that obstructionism. By contrast, during the six and one-half years during which Republicans controlled the Senate and President Clinton's nominations were being considered, they averaged only 38 confirmations a year. During the last two years of the Clinton administration, the Senate confirmed only 73 Federal judges. Combining the 1996 and 1997 sessions, Republicans in the Senate allowed only 53 judges to be confirmed in two years, including only seven new judges to the circuit courts. One entire congressional session, the Republican-led Senate confirmed only 17 judges all year and none at all to the circuit courts. The Senate confirmed 72 judges nominated by President Bush last year alone under Democratic leadership.

The fact is that when Democrats became the Senate majority in the summer of 2001, we inherited 110 judicial vacancies. These are the facts. Over the next 17 months, despite constant criticism from the administration, the Senate proceeded to confirm 100 of President Bush's nominees, including several who were divisive an controversial, several who had mixed peer review ratings from the ABA and at least one who had been rated not qualified. Despite the additional 40 vacancies that arose, we reduced judicial vacancies to 60, a level below that termed ''full employment'' on the federal judiciary by Senator HATCH.

Since the beginning of this year, in spite of the fixation of the Republican majority on the President's most controversial nominations, we have worked hard to reduce judicial vacancies even further. As of today, the number of judicial vacancies is at 47. That is the lowest it has been in several years. That is lower than it ever was allowed to go at any time during the entire eight years of the Clinton administration. We have already reduced judicial vacancies from 110 to 47, in less than two years. We have reduced the vacancy rate from 12.8 percent to 5.6 percent, the lowest it has been since 1990. With some cooperation from the administration think of the additional progress we could be making.

The President promised to be a uniter not a divider, but he has continued to send us judicial nominees that divide our Nation and, in the case of Miguel Estrada, he has even managed to divide Hispanics across the country. The nomination and confirmation process begins with the President, and I urge him to work with us to find a way forward to unite, instead of divide, the Nation on these issues.

Republican talking points will likely focus on the impasse on two of the most extreme of the President's nominations rather than 123 confirmations and the lowest judicial vacancy rate in 13 years. They will ignore their own recent filibusters against President Clinton's executive and judicial nominees in so doing.

What is unprecedented about the Estrada matter is that the administration and Republican leadership have

shown no willingness to be reasonable and accommodate Democratic Senators' request for information traditionally shared with the Senate by past administrations. That we have endured numerous cloture votes is an indictment of Republican intransigence on this matter, nothing more. What is unprecedented is that there has been no effort on the Republican side to work this matter out, as these matters have always been worked out in the past. What is unprecedented is that the Republican insistence to schedule cloture vote after cloture vote without first resolving the underlying problem caused by the administration's inflexibility.

What is unprecedented about the Owen nomination is that it was made at all. Judge Owen had a fair hearing and was given fair consideration for the Judicial Committee last year. We proceeded is spite of the fact that the Republican majority had refused to proceed with any of President Clinton's Fifth Circuit nominees during his last 4-year term. Never before in our history has a President renominated for the same vacancy someone voted down by the Judiciary Committee.

From 1995 through the summer of 2001, the Republican majority averaged only 38 confirmations a year with only seven to the Courts of Appeals. That explains why Federal judicial vacancies rose from 63 to 110 on the Republican watch and circuit vacancies more than doubled from 16 to 33. Of course, during those years there were no Republican-led hearings calling for prompt action or fair consideration of President Clinton's moderate judicial nominees. To the contrary, Senator Ashcroft held hearings designed to justify the slowdown. Senator Ashcroft and others perfected the practice of using anonymous holds both in committee and on the floor so that judicial nominees were stalled for months and years without consideration. Scores of nominees never received hearings, at least 10 who received hearings never received committee consideration and those who were ultimately considered often were delayed months and years.

Beginning in July 2001, Democrats started bringing accountability and openness to the process. In the 17 months of the Democratic Senate majority we held more hearings on more judicial nominees, held more Committee votes and more Senate votes than before. We were able virtually to double the pace and productivity of the process. We did away with the secrecy of the ''blue slip'' and the anonymous hold. We considered President Bush's nominees fairly, responsibly and in those 17 months confirmed 100 of this President's nominees. We reversed the destructive trends with respect to the number of vacancies and length of time that nominees had to wait to be considered. While we could not consider all nominations simultaneously, we considered more, more quickly than in the preceding years. The Democratic majority inherited 110 judicial vacancies including a record 33 to the circuit courts. By December 2002, we were able through hard work to outpace the 40 additional vacancies that had arisen and reduce the remaining vacancies to 60, including 25 to the circuit courts. We have continued to cooperate and today the remaining vacancies number 47, including 20 on the circuit courts. This is the lowest vacancy number and lowest vacancy rate in 13 years.

Senator HATCH used to say, when President Clinton was nominating moderates to more than 100 vacancies, that there was no vacancies crisis. He used to say that he considered 67 vacancies to be ''full employment'' on the Federal judiciary. Today we are well short of 100 vacancies and well beyond what he used to term ''full employment'' with 47 vacancies. Today I expect the Senate to consider and confirm both Judge Cecilia Altonaga, who will be the first Cuban-American woman to serve on the Federal judiciary, and Patricia Minaldi, and thereby bring the remaining vacancies down to 47. The Committee continues to report nominations to fill additional vacancies, as well as, with another hearing scheduled for tomorrow.

This is not to say that our work is done. Last week, with the help and hard work of the Senate Leadership we were able to make additional progress. Last Wednesday, Majority Leader FRIST used that word ''progress'' to describe how we have been able to resolve complications caused by the manner in which these nominations were forced through the Judiciary Committee. Last Thursday, I thanked the majority leader and the Democratic leader and others for their efforts in this regard and for working with us to bring the nomination of Judge Edward Prado to a vote without further, unnecessary delay.

Yesterday, the Senate debated and voted on the nomination of Deborah Cook to the Sixth Circuit. She is the fourth nominee of President Bush to be confirmed to the Sixth Circuit in less than 2 years. During the entire second term of President Clinton, the Republican majority would not hold hearings or consider a single one of President Clinton's nominees to the Sixth Circuit—not Judge Helene White, not Kathleen McCree Lewis, not Professor Kent Markus. Nonetheless, while I was chair of the Judiciary Committee we proceeded to consider and confirm two conservative nominees of President Bush to the Sixth Circuit and this year the Senate has proceeded to confirm two more.

The work of the Senate would be more productive if this administration were more interested in filling vacancies with qualified, consensus nominees rather than packing the federal courts with activist judges. The nominations and confirmation process begins with the President. Far from being someone who has sought consensus and to unite us on judicial nominees, this President has used judicial nominees as a partisan weapon and sought sharply to tilt the courts ideologically. That is unfortunate. Some of us have urged another course, a course of cooperation and conciliation, but that is not the path this administration has chosen. Yet, in spite of the historically low level of cooperation from the White House, the Senate has already confirmed 123 of President Bush's judicial nominees, including some of the most divisive and controversial sent by any President.

Last week, the Senate proceeded to a vote on the nomination of Jeffrey Sutton to the Sixth Circuit. He received the fewest number of favorable votes of any nominee in almost 20 years with 52. He is the third controversial judicial nominee of this President against whom more than 40 negative votes were cast, yet those three nominees were not stalled and not subjected to a filibuster.

Our Senate leadership, both Republican and Democratic, have worked to correct some of the problems that arose from some of the earlier hearings and actions of this committee. Last week, we were able to hold a hearing on the nomination of John Roberts to the District of Columbia Circuit. We are all working hard to complete committee consideration of that nomination at the earliest opportunity. Thus, a number of additional, controversial nominations are in the process of being considered and will be considered by the Senate in due course.

My point is to underscore that we have made and are making real progress from the thoroughgoing obstruction from 1996 until 2001. While ''the glass is not full,'' it is more full than empty and more has been achieved than some want to acknowledge. One hundred and twenty-three lifetime confirmations in less than 2 years is better than any 2-year period from 1995 through 2000. We have reduced judicial vacancies to 47, which is the lowest number and lowest vacancy percentage in 13 years. During the entire eight-year term of President Clinton it was never allowed by Republicans to get that low. We have made tremendous progress. These achievements have not been easy.

The administration has chosen confrontation with the Congress, with the Senate and with this Committee. We are now proceeding at three to four times the pace Republicans maintained in reviewing President Clinton's judicial nominees. We have reached the point where this Committee and the Senate are often moving too fast on some nominations and we risk becoming a racing conveyor belt that rubber stamps rather than examines these lifetime appointments. Democrats have worked hard to repair the damage to the confirmation process and achieved significant results. Republicans seem merely results oriented and interested in ideological domination of the federal courts.

As Republicans turn their guns on the propriety of the filibuster in connection with judicial nominations, I

trust the Republican majority will not overlook the precedent on this question. Republicans not only joined in the filibuster of Abe Fortas to be Chief Justice of the United States Supreme Court, they joined in the filibuster of Stephen Breyer to the First Circuit, Judge Rosemary Barkett to the Eleventh Circuit, Judge H. Lee Sarokin to the Third Circuit, and Judge Richard Paez and Judge Marsha Berzon to the Ninth Circuit. The truth is that filibusters on nominations and legislative matters and extended debate on judicial nominations, including circuit court nominations, have become more and more common on the initiative of Republicans working against Democratic nominees. Now that a Republican President, intent on packing the courts with ideologues, has seen two nominees delayed by filibusters, and even though the other 123 judges he nominated have been confirmed, partisans want to change the rules to make it easier for this President to get his way.

Of course, when they are in the majority Republicans have more successfully defeated nominees by refusing to proceed on them and have not publicly explained their actions, preferring to act in secret under the cloak of anonymity. From 1995 through 2001, when Republicans previously controlled the Senate majority, Republican efforts to defeat President Clinton's judicial nominees most often took place through inaction and anonymous holds for which no Republican Senator could be held accountable. Republicans held up almost 80 judicial nominees who were not acted upon during the Congress in which President Clinton first nominated them and eventually defeated more than 50 judicial nominees without a recorded Senate vote of any kind, just by refusing to proceed with hearings and Committee votes. These are just the sorts of stealth tactics Democrats have rejected.

Beyond judicial nominees, Republicans also filibustered the nomination of Executive Branch nominees. They successfully filibustered the nomination of Dr. Henry Foster to become Surgeon General of the United States in spite of two cloture votes in 1995. Dr. David Satcher's subsequent nomination to be Surgeon General also required cloture, but he was successfully confirmed.

Other Executive Branch nominees who were filibustered by Republicans included Walter Dellinger's nomination to be Assistant Attorney General. Two cloture petitions were required to be filed on that nomination and both were rejected by Republicans. We were able finally to obtain a confirmation vote for Professor Walter Dellinger after significant efforts and he was confirmed to be Assistant Attorney General with 34 votes against him. He was never confirmed to his position as Solicitor General because Republicans had made clear their opposition to him. In addition, in 1993, Republicans objected to a number of State Department nominations and even the nomination of Janet Napolitano to serve as the U.S. Attorney for Arizona, resulting in more cloture petitions. In 1994, Republicans successfully filibustered the nomination of Sam Brown to be an Ambassador. After three cloture motions were filed, his nomination was returned to President Clinton without Senate action. Also in 1994, two cloture motions were required to get a vote on the nomination of Derek Shearer to be an ambassador. And it likewise took two cloture motions to get a vote on the nomination of Ricki Tigert to chair the FDIC. So when Republican Senators now talk about the Senate Executive Calendar and Presidential nominees, they must be reminded that they recently filibustered many, many qualified nominees.

Filibusters should be and are rare. That there are two this year is a direct result of the strategy of confrontation sought by the White House and Senate Republicans. The administration holds the key to ending the Estrada impasse, as it has for the last year. It should cooperate with the Senate and provide access to his work papers, following the example set by all previous Republican and Democratic administrations. The renomination of Judge Owen was most ill-advised and unprecedented. Her nomination had already been rejected after fair hearings and thorough debate and a Committee vote last year. Some apparently want to rewrite the rules so that this President can have every nominee confirmed, no matter how divisive and controversial, by the Republican Senate majority.

Recently, I heard a respected Republican and senior advisor to the majority leader describe cloture as ''the fulcrum on which you balance the rights of the individual and the rights of the institution.'' He explained how important the rights of the minority party are in the Senate and how Senate rules are deliberately constructed to reflect that and protect the minority. That Republicans are now intent on rewriting longstanding Senate rules shows just how partisan and ends-oriented they have become.

The President promised to be a uniter not a divider, but he has continued to send us judicial nominees that divide our Nation. He has even managed to divide Hispanics across the country with the nomination of Mr. Estrada. He has managed to outrage disabled individuals by his nomination of Jeffery Sutton. The nomination and confirmation process begins with the President. I, again, urge him to work with us to identify and nominate qualified, consensus, mainstream nominees who all Americans can be confident will be fair and impartial and to abandon his ideological court-packing scheme.

Mr. President, am I correct that at 2:30 p.m. the vote is to take place?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Shall the Senate advise and consent to the nomination of Cecilia M. Altonaga, of Florida, to be United States District Judge for the Southern District of Florida?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Alaska (Ms. MURKOWSKI) are necessarily absent.

Mr. REID. I announce that the Senator from Washington (Ms. CANTWELL), the Senator from Minnesota (Mr. DAYTON), 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 Washington (Mrs. MURRAY) are necessarily absent.

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

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

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 141 Ex.]

YEAS—91

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

NOT VOTING—9

Alexander	Graham (FL)	Miller
Cantwell	Kerry	Murkowski
Dayton	Lieberman	Murray

The nomination was confirmed.

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

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

VOTE EXPLANATION

• Ms. CANTWELL. Mr. President, I have the great honor of being in Washington State today in order to welcome home the USS *Lincoln*. After a 10-month deployment, including valuable service in the recent war against Iraq, the men and women of the USS *Lincoln* finally reach Everett and Washington today. Unfortunately in order to be present for this important homecoming in my State it was necessary for me to miss the vote on the confirmation of Cecilia Altonaga to the Federal District Court for the Southern District of Florida. If I had been present, I would have voted ''yea'' to confirm Cecilia Altonaga.•

LEGISLATIVE SESSION

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

ENERGY POLICY ACT OF 2003—Continued

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, are we back on the energy bill? Is that the order of business?

The PRESIDING OFFICER. We are.

Mr. DORGAN. Mr. President, I know my colleagues have made presentations on the energy bill. The chairman of the Energy and Natural Resources Committee, Senator DOMENICI, and the ranking Member, Senator BINGAMAN, have made presentations on the energy bill. I wanted to come to the floor to speak about this piece of legislation.

There are some provisions in this legislation that I think are particularly worthy and some that are not. There are some provisions that should be in the bill and, as of yet, are not in the bill. My hope is that as we debate and discuss the energy issue on the floor of the Senate, we will be able to construct a bipartisan energy bill that advances this country's energy interests. That ought to be our goal.

It is a fact that our country, for well over a century, has been wedded to the use of oil, particularly for the purpose of moving our transportation fleet. Because we are so chained to the use of oil—and especially now chained to the use of foreign oil, with 55 percent of what we use coming from places outside of our country—most believe that our economy is at risk.

What do I mean by ''at risk''? I mean that if, God forbid, some morning we wake up and discover that the supply of oil coming from areas of the world that are deeply troubled is somehow shut off, our economy will be flat on its back. I do not think there is any dispute about that.

The 55 percent of oil that now comes from outside of our borders is expected to increase to nearly 65, 66 percent in the coming years. Is that advancing this country's economic and energy security? No, not at all. In fact, it injures our country's opportunities in both the intermediate and long term.

So the question for us with respect to energy policy is, How do we become less dependent on energy that comes from outside of our country? How do we produce more, over which we have control? How do we conserve more? After all, conservation is another form of producing. How do we increase the efficiency of appliances and other items that we use energy for in our daily lives? And how do we increase the role of limitless and renewable supplies of energy? Those are the key questions for all of us, it seems to me, in trying to write a better energy bill.

As we see more and more States begin to experiment with restructuring and deregulation, we also need to address in this bill the question, ''How do we prevent from happening once again what happened on the west coast, particularly in California, where there was grand theft committed by some companies now under criminal investigation?''

Enron, of course, was one company that was subject to these allegations. The Federal Energy Regulatory Commission is now taking action against a number of companies. But there is no question about what happened with respect to electricity restructuring in California: that some companies engaged in basic criminal wrongdoing, and that the consumers on the west coast were bilked to the tune of not millions or hundreds of millions of dollars but billions of dollars. That is why I call it grand theft.

How do we prevent that from happening in the future? I will talk about that in just a couple moments.

But let me put up a chart that shows from where we have received the imports of crude oil, by country of origin, in a recent year. No. 1 was Saudi Arabia, 588 million barrels of crude oil in 2001 from Saudi Arabia; and then you have Mexico, Canada, Venezuela, Nigeria, and Iraq as No. 6.

You can see, if you look at this list, we are importing oil from very troubled parts of the world. The future opportunity of growth and economic opportunity in this country is to be able to continue this supply. Our economy depends on it. So should we become less dependent on that? The answer is yes. Will we in this bill? I hope the answer will be yes.

One of the points I have made is about our dependence on foreign oil. We import 55 percent of that which we consume. Fifty-five percent comes from off of our shores. That is expected to go to 66, 68 percent by the year 2025.

Nearly all of our cars and trucks in the United States run on gasoline. They are the main reason America imports so much oil. Two-thirds of the 20 million barrels of oil that we use each day is used for transportation, and it is the fastest growing part of our energy consumption.

I have mentioned many times on the floor—and I will not bore you with the whole story—that my first car, when I was a young teenager, was a 1924 Model T Ford that I restored. It took me a couple years to restore this old Model T. When I did, I finally sold it. But the fact is, you put gasoline in a 1924 Model T Ford the same way you put it in a 2003 Ford. Nothing has changed. You pull up to the pumps, and you just pump gas in the tank. That is the way it is; that is the way it has been; it is the way it is going to be, unless we change.

So can we, after three-quarters of a century, or a century, decide to take a look at what is consumed in transportation, especially for our vehicle fleet, and decide that we do not have to run gasoline through our carburetors in order to propel our vehicles? Can we do that? I hope the answer is yes.

Someone who trains elephants once told me a story about why elephants stand with a cuff on their leg that has a small chain attached to a little stake in the ground. I saw it first when a small circus came to our town. It was a really small circus because my town had a population of only 350, 400 people, so they only had 1 elephant.

But they put a cuff around the elephant's back leg, with a small chain attached to a little stake that was stuck in the ground, and the elephant never moved. I always wondered, how could they have an elephant stand there, when clearly that little stake in the ground was not going to hold the elephant, but the elephant never tried to pull it.

Well, that is because when they capture elephants in Thailand, what they do is put a cuff around the elephant's leg attached to a big chain, and they tie it to a banyan tree. And for a week, week and a half, 2 weeks, the elephant does nothing but pull and tug and, with all of his might, try to pull away from that banyan tree. But it is not to be. That elephant is chained to that banyan tree, and pretty soon the elephant stops because the elephant understands it cannot get loose. So it never again tries. They take the chain off the banyan tree and put a little stake in the ground, and the elephant never moves; it just stays there, understanding it cannot move from that stake.

That is kind of the way we are. We are kind of like the elephant and the banyan tree with respect to our dependence on foreign oil. We never think that what we can do is pole-vault over this to new technologies.

At the end of this debate, if what the Senate will have exhibited to the American people is that our debate is really only about two things—the Arctic National Wildlife Refuge and CAFE standards—shame on us, because that is the same old debate we have every 10, 15, and 25 years when we talk about energy. Are both of these issues important? Sure, they are. But it is more important to evaluate how, in 5, 10, 15, 25, and 50 years from now, our children and grandchildren will be driving vehicles that are not running gasoline through the carburetors.

How we can move to a hydrogen economy using fuel cells? The President said: Let's do that. Good for him. He put his administration on the side of moving in the right direction. His proposal was timid and did not propose much new money, but proposed to use funds from other important accounts on renewables and conservation in order to finance it. The fact is, even though it was a timid, not bold, proposal, the direction was an important direction for our country.

If this country decides that, in the next 10 and 25 years, we are going to set timetables and goals to develop fuel cells for our vehicles, then we can become much less dependent on foreign oil.

That does not mean we shall not and will not always need fossil fuels. We will use oil, natural gas, and coal. There is no question about that. And we have incentives in this bill to find more and use more. For coal, for example, we have clean coal technology in this bill, which I support. We are always going to do that.

But if our policy is only to dig and drill—if that is our energy policy—then it is a ''yesterday forever'' policy. To be forward looking is to understand there are actions we can take that are revolutionary, that can give us a different kind of energy future—one that provides more economic and energy security for our country. That is why moving towards a hydrogen economy by developing fuel cells makes such good sense. Fuel cells are twice as efficient as the internal combustion engine.

The supply of hydrogen is inexhaustible. Hydrogen is in water. You can take the energy from the wind, and use the electricity in the process of electrolysis, separate the hydrogen from the oxygen, and store the hydrogen and use it in vehicles. The fact is, hydrogen is ubiquitous. It is everywhere. What do we do to get there? We have to decide as a country that is where we want to go. That is what Europe is doing. That is what Japan is doing. We do have to solve some issues: the production, storage, and transportation of hydrogen, as well as the continued development of fuel cell vehicles.

I have ridden in a fuel cell vehicle. We have had fuel cells propel a vehicle from Los Angeles to New York. It is not as if they don't exist. The question is, ''Does this country want to move forward with that type of future?'' The President says yes. I say yes. It makes sense to do that.

First and foremost, we should talk seriously about the range of issues dealing with fossil fuels. I agree with all of that—incentives for the production of coal, oil, natural gas. I will not support drilling in ANWR. There are a few areas that are precious and unusual. We ought to put them aside. I do support the construction of a natural gas pipeline to access the 32 trillion cubic feet of natural gas from Alaska. I support drilling in the Gulf of Mexico where there are important and exciting areas for oil and natural gas development. I believe that with clean coal technology, we can make substantial use of our coal resources. That makes sense to me. With respect to fossil fuels, yes, we can produce more. We have incentives in the bill to do that.

With respect to conservation, it is very important for us to understand that conserving a barrel of oil is similar to producing a barrel of oil. Conservation provides some of our least expensive opportunities. We don't conserve nearly enough. Incentives for conservation make sense, as well.

We have had many debates about the efficiency of the appliances, from light bulbs to refrigerators, that we use every single day. Many of these appliances that we use have become much more efficient. We had a debate about the SEER standard for air-conditioners. We can, should, and will make appliances much more efficient, both by pushing those who produce them and those who purchase them.

In addition, let me talk about limitless sources of energy and renewable sources of energy. Senators TALENT, DASCHLE, JOHNSON, and others, including myself, will offer an amendment dealing with the Renewable Fuels Standard to nearly double the current production of ethanol to 5 billion gallons by 2012. We will ban MTBE across the country. MTBE is a gasoline additive that can find its way into water supplies. It is harmful to human health. As MTBE is phased out of gasoline, there is going to be a significant, demonstrable, new market for ethanol and renewable fuels—ethanol, biodiesel, and others.

Especially with respect to ethanol, it makes sense to take a kernel of corn, extract the alcohol content, and still have protein feedstock left. What you have done is produce a new market for America's family farmers, extended America's energy supply, and you still have the protein feedstock left for cattle and livestock. We are going to nearly double, with this Renewable Fuels Standard, the amount of ethanol that will be produced and used.

We will also offer a Renewable Portfolio Standard that would help increase the use of renewable energy, such as wind energy and other sources of renewable and limitless energy, as part of the energy mix for electricity. I believe both the Renewable Fuel Standard and the Renewable Portfolio Standard will become part of this bill.

Going back to the hydrogen fuel cell issue, this bill certainly improves on the President's proposal, but it is still short of what can and should be done. We ought to establish timetables and set goals. I offered that amendment in the Energy Committee and lost by two votes. I intend to offer it on the floor once again. It is the right direction. The President thinks it is the right direction. But we ought to try to stimulate timetables and goals in order to strive to reach something we establish.

Finally, let me talk about the electricity title for a moment. We do need to address issues such as transmission. We have serious transmission problems. In my home State of North Dakota, we have the capability of producing more energy, but we have a transmission problem, because we don't have the transmission capacity to move the energy that we can produce.

We have to try to find a way to solve this transmission problem. FERC is working on it. There are various plans, such as Standard Market Design and so on. We need to do that in a constructive way. There is a lot of disagreement about how you price the transmission and the movement of electricity along various lines, as well as disagreement about the establishment of Regional Transmission Organizations. All of this is part of what is being discussed both in the executive branch, the FERC, and also here in Congress with respect to this bill.

This point is important. I chaired a series of hearings a year and a half ago with respect to the behavior of Enron in California. It was not just Enron, but Enron is the only company I will name at this point. The FERC has since done an evaluation on the west coast—California and other States.

What happened there was, in my judgment and the judgment of the FERC, criminal. There is a criminal investigation ongoing. Companies have been and will be charged. What they did was manipulate the supply and price of energy. In fact, they took plants offline. We now have testimony that this is what happened. They did it deliberately to manipulate the load. What was the result? Cheating the consumer—wholesale cheating. This isn't petty thievery; this is grand theft to the tune of billions of dollars.

We happen to know what their strategies were because we dug them out. Get Shorty; does anybody know what that is? How about Fat Boy? Death Star? Yes, Get Shorty, Fat Boy, and Death Star are the names of strategies by which a company decided to steal from consumers. Yes, I used the word ''steal.'' They did, a massive quantity of money.

The question is, How much is going to be paid back? That is the question. The question for us in the energy bill is, How do we prevent this from happening again? How do we make sure this never happens again? This bill has the prohibition on round trip trading and a series of issues such as that, but the bill does not have enough protection in it for the consumers, so that in a marketplace where some have the opportunity to cheat, we have the protections to prevent that from happening.

There is a purpose for regulators. I know a lot of people don't like government, but there is a purpose for regulators. Regulators are the referees because there are some—a minority—who will cheat. Most businesses are wonderful, run by great people; they want to

do the right thing. But there are some who are willing to cheat. We saw that on the west coast in the electricity markets. I don't want to see that again. I want this bill and the electricity title to have sufficient safeguards so we are not ever again talking about Fat Boy, Get Shorty, or Death Star.

We have a lot to talk about with respect to energy. There is not much more in the policy area that is as important as energy. But we will talk about fiscal policy and, I believe starting next week, the President's tax cut proposal and other issues. Our economy, our country cannot proceed without energy. Every single day when we awaken and we begin to open the doors to our factories and to produce, we drive to work, do all that we do during the day as Americans, we do that because we have ample supplies of energy. When we have an economy that is now dependent, to the tune of 55 percent, on oil that comes from other parts of the world, our economic security and our other security is threatened.

Can we ever become truly independent? Maybe not. But should we have over one-half of our oil coming from outside the country? The answer is no.

Yes, we ought to do some digging and drilling, produce more fossil fuels—natural gas, oil, and coal. But if that is our only strategy, that is a yesterday forever strategy, not a strategy that advances this country's interests. Let's be bolder and do more. Let's move toward a hydrogen economy. Let's produce hydrogen and fuel cells. Let's decide to become less dependent on oil from other parts of the world.

Let's do it in a bold way. Yes, let's produce additional energy from renewable and limitless sources of energy. Let's take the energy from the wind, with the new, efficient turbines. Let's do all of these things. Let's produce ethanol and let's have an energy bill that does all of that which should be done to make this country more energy independent and make this country understand that it has the energy to provide long-term economic growth without being held hostage by others outside of our borders.

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

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. 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. CRAIG. Mr. President, I thank my colleague from West Virginia, who is currently on the floor, for being willing to yield for a few moments while I discuss the bill that is currently before the Senate. I thank him for that.

This morning Senator DOMENICI, chairman of our Energy and Natural Resources Committee, introduced S. 14. You can tell by the size of this legislation that it is, in fact, no ordinary bill. Since the spring of 2001 when the President issued his plan for a national energy policy, I and a good number of my colleagues, including the Presiding Officer at this moment, began to work on legislation to implement the recommendations of our President's energy policy. But as important as that is, we tried to bring together in a bipartisan way all of the issues that we have been looking at for a good number of years that reflect the absence of a comprehensive national energy policy for our country.

Democrats and Republicans alike had begun to recognize—as the numbers moved to greater dependency on foreign oil, as our economy began to grow and our overall surpluses that were built into our electrical system in the decades of the sixties and the seventies were being used up—that something had to be done.

While conservation was important, while new technologies were important, we simply were not producing more energy, but we were consuming large amounts of energy.

Along comes the high-tech revolution. That was to be a revolution in which less energy would be used, and quite the opposite happened. The large computer farms that fed the networks of the new electronic revolution, telecommunications, and artificial intelligence used a lot of energy, used high-quality energy.

Do I have to enumerate what happened in California a few years ago, the painful problems it went through with brownouts and blackouts, not because somebody was gaming the system, but because there was simply no way to produce the energy necessary to feed the demand system of that supply?

Major California utilities were moving toward bankruptcy under a new deregulated energy policy, and our western energy markets that the Presiding Officer and I are in, such as the State of Idaho and the greater Pacific Northwest, recognized that California was draining us of energy, our energy costs were beginning to move up at an unprecedented rate, and the supply within the greater system simply was not there, or the system did not have the capacity to handle it if, in fact, the supply was there.

The anxiety of choking the rest of our Nation off from energy caused shock waves and panic across the country in a way we had not seen before. I recall Senators who normally shun even the thought of price caps in a market system coming to the floor and advocating such misguided measures. We saw the Governor of California, Gray Davis, in somewhat of a panic entering into long-term contracts for power at rates that he was proud of at the time, only to now come begging the federal government to break those contracts as unfair when the market changed.

A truer description of those contracts might suggest that it was unwise to enter into them, but it was not unfair at that moment. That was the market. The market was reacting to the demand, or the lack thereof. This was just a little bit over 2 years ago, not 30 years ago, not a decade ago, just a little over 2 years ago.

It was not just a fluke. Yes, the Enron episode saw the potential of people gaming a system that was badly broken, that was not feeding the market in a way the market wanted to be fed and taking an opportunity that existed. But to suggest it was a manufactured energy crisis is absolute nonsense. The marketplace being what it is, if the market is starved for the resource it demands, then the price moves up until someone cannot afford to buy and only those who can afford to buy will buy. That is the nature of the marketplace.

All of those facts were true, and then along came September 11, and our country went through another shock, and we began to look at ourselves and our abilities as a country.

Today we have before us a comprehensive piece of legislation that has been literally a year or two in the making and several iterations and with several debates on the floor, but it is a bill that was written in the traditional way that good public policy is crafted, not in the back room of the office of the majority leader of the day when he denied the committee its ability to function a year or two ago, but it was crafted in the open light of day, in a full markup session of an authorizing committee with Democrats and Republicans agreeing and disagreeing in the structuring of this legislation.

What we have before us is what I believe to be a comprehensive bill to address a crisis that is real and true in our country, and we are only getting a slight reprieve in a recessionary economy because demand for the resource is down, and we are all hoping we can return to the growth years of the mid-nineties. If we do, there is the distinct possibility that the brownouts, the blackouts, and the high prices will return.

Even in their absence, we are already beginning to see shock waves in the marketplace because we have denied the market the right to produce at a time when we are demanding even more.

Energy Secretary Abraham stated a year and a half ago that America faced a major energy supply crisis. What he said is a reflection of the market. I say that because natural gas prices, interestingly enough, that reached almost $100 per million cubic feet during the period of the California crisis eventually dropped to more acceptable levels only to start creeping up again to the price of $19 per million cubic feet in February of this year.

We have seen phenomenal fluctuation in the market, but yet we are seeing peaks now in that gas market because of a limited supply. The Clinton

Administration encouraged everybody to burn gas; not only to use it for space heating but also to use it for electrical generation, even when the experts in the market said that ought not to be done. Really, a poor use for natural gas is to put it in a turbine to create new energy when it ought to be used exclusively for space heat and other forms of heat creation. But because we had denied other forms of energy the ability to generate, that was the one available and everybody rushed to it, and we saw these phenomenal peaks in the market.

While we were doing that, we were denying the right to explore and develop gas reserves. In so doing, we created the ups and downs in that market. The natural gas market is volatile and will continue to be into the future. That is the reality of not only bad policy but bad direction of a use of a natural resource and denying the marketplace the right to adjust accordingly.

I will now talk about gas and electric transmission and infrastructure. If we were to meet the gas demand to produce electricity through gas turbine generation, we would have to construct over 38,000 miles of gas transmission pipeline to get the gas to market. This bill recognizes the need for that and the need to incentivize that kind of major construction across our country; not only that, but be able to gain access to the lands on which the pipes must be laid. Of course, that has remained an issue, as we have seen government policy deny the right to do that.

Alaska's Prudhoe Bay, for example, produces about 8 billion cubic feet of natural gas a day, and that is approximately 13 percent of America's daily consumption demand. But that gas is not even available in the market today. Why? Well, it is up in Alaska. There is no easy economic way to deliver it down to the lower 48 so it is simply pumped back into the ground. This bill recognizes it. This bill incentivizes the building of a major gas line across Alaska down through Canada to pick up the Canadian supply and to bring it into the lower 48, to meet the reality of demand, to meet the reality of the potential of a new hydrogen market for transportation that this President and others are talking about, but most importantly to recognize this Nation has phenomenal capacity to produce and to supply if we will simply provide the right incentives, instead of deny and restrict, for whatever reason, as we have over the last several decades access to the land for the purpose of production or access to the land for the purpose of laying the necessary pipelines to supply.

Over the next 20 years, the Department of Energy estimates electrical demand in the United States will increase 45 percent, based on current growth projections. One of the ways to meet that demand is to bring the gas from Canada to fuel the gas turbines to generate the electricity in a clean and appropriate way, even though I have argued that may be one of the least effective ways to use natural gas for the purposes it was intended.

Consumers are already feeling the impact of a transmission system that is being stressed by demand. Transmission bottlenecks contributed greatly to the blackouts in California, to price spikes in New York, in which the cost to consumers was estimated to be $100 million, simply because somebody denied the right to build a transmission line to access the appropriate systems.

The Department of Energy has estimated it will need to construct over the next several years an additional 255,000 miles of distribution line at an estimated cost of $120 billion to $150 billion to ensure our electrical system remains the most reliable in the world. It is a huge investment, but the marketplace is ready to do it. All we have to do is guide it and direct it, and the marketplace will adjust. The consumer is willing to pay and the provider is willing to produce, supply, and build the necessary lines. What we have done is say, no, it cannot be done here, and it will not be done there, and it should not be done over there.

We are putting at risk the most reliable electrical system in the world. How many of us have traveled to Third World countries where you can stay in a beautiful hotel and you think you are in a four-star hotel, but the power goes out consistently, or the lights dim consistently, or there is no e-mail or there is no Internet, tools we have come to depend and rely on. When we walk to the wall today and flip the switch, the light comes on, and it consistently comes on. That is not always true in Third World nations, and the reason is they do not have the transmission or the generation system to ensure reliability.

They are striving to build them today and they know they have to have them if they are going to compete as an economy in this world and be competitive with us. The supply and availability of energy to our economy and to our working men and women has made us the great Nation we are, and it will continue to allow us to be if we will not deny the marketplace the right to produce and the consumer the right of access. This legislation understands that and this legislation is working to resolve that.

The State of my colleague, West Virginia, is a great producer of coal. Coal has historically been America's number one source of affordable electricity. It currently powers half of America's generators, and at today's recovery rates our Nation has enough coal to keep those plants running for 250 years. With rising demand, tight gas and oil supply, and an aging power infrastructure, it would be foolish to abandon our abundant coal resources.

So what do we need to meet our clean air standards? We need cleaner burning efficiencies from our coal. We need the technology that assures the clean bed of the coal-fired facility so we can use this abundant resource and supply the system that is already there and assure that as we grow other areas for producing electricity, that coal can grow right along with it.

The men and women who work in the coal fields and who live in the States that make their economy from coal production continue to recognize that. This bill recognizes it.

We do not have coal in Idaho, but we have something else that is just as valuable to the electric grid, and that is hydropower. It is one of Idaho's greatest energy resources. It is one of the Pacific Northwest's greatest energy resources. It makes up about 10 percent of the total supply of electricity in this country. Yet, over the last decade we have made it nearly impossible to relicense a hydro facility on a river. For all of the environmental reasons that almost anyone can imagine, the argument is that particular impoundment should not have been put there in the first place, or it ought to be dramatically modified to fit the environmental desires and needs of today, even at the cost of bringing its production capability down.

I recognize there are very real environmental needs and that we are working hard to return our rivers to a more natural state. At the same time, we can't just walk away from an abundant, clean form of energy that is renewable. No, we cannot. Nor should we.

The relicensing process we are dealing with needs to be fixed. Certainly, the hydro energy of today is clean. It is emission free. It is renewable. It meets all of those standards and, as a result of that, I and others have worked hard over the last 5 years to make sense out of a process that has become irrational. It can take as much as 2, 3 and 5 years' worth of bureaucratic red tape and tens of millions of dollars just to relicense, let alone retrofit and change the character of the generating facility for the purpose of making it more environmentally benign.

During the next 15 years, over half of all of the non-Federal hydro capacity, over 30,000 megawatts of power, enough to serve 15 million homes, must undergo the relicensing process. That includes about 296 dams in over 39 States. It is not just an Idaho or Oregon or Washington or California or Montana problem. It is an issue for the country. It is an issue for the Greater Colorado River system. It is an issue for the country. These great facilities ought to be relicensed and, where necessary, retrofitting them to make them more environmentally benign.

But the process ought to be flexible. Clearly the operation of these facilities ought to be flexible to allow optimum power production and to bring that into conformity with the necessary environmental needs of that particular ecosystem and that particular river.

We have grown to enjoy our water impoundments in the arid West. While we may call them reservoirs, some

view them as high-quality recreation areas and high-quality fisheries, most assuredly, abundant power producing facilities.

As was true over 80 years ago when Congress passed Part 1 of the Federal Power Act, what we are striving for in this bill is to create the balance necessary to assure that all of those 296 projects, where necessary, and where they fit, can continue to operate and operate in a productive fashion for the sake of our country.

Let me talk about a couple of other items that are important. One is nuclear. For 20 years someone has said to this country that electrical generation by nuclear energy or nuclear fission was wrong, that it was dangerous. Yet the nuclear facilities we have, have gone on operating uninterruptedly. They have been retrofitted and modernized. They have continued to produce. They make up nearly 20 percent of the total electrical base of our country.

During the last period of high electrical prices, they became the least cost economic producers. They were the base load that fueled the country, that assured that we would have the high-quality power we have. All of a sudden there is a new respect for electrical energy produced by nuclear power facilities.

We had a problem with the waste stream, the fuel rods that came out of the reactors, how they got handled, how they were stored, and did they get reused. We debated for nearly a decade and we assessed, by a tax, the ratepayers of those utilities that were producing with nuclear, a tax to fund a waste system, a waste management system.

Just a year ago, in the Senate we finally confirmed part of the process of licensing a facility out in Nevada known as Yucca Mountain for the storage of high-level waste. The Daschle-Bingaman bill we debated this last year was a bill that called for much investment in research and development in our Nation's energy solutions but dealt very little in this area. So much of the research done over the last several years to get us to a point where we could begin to consider as a nation bringing more nuclear energy back into production has been at work, and it has been at work in a laboratory in Idaho, the Idaho National Engineering and Environmental Laboratory.

In this bill, for the first time, we speak about a new generation of nuclear generation—we call it generation 4—passive reactor systems, much safer, even than those that have been extraordinarily safe through the decades. And at a time when we agree, and I hope collectively as a nation, that we are handling the waste stream and managing it in the appropriate fashion, if we really want abundant clean air in the growth rate of that, 45 percent over decades to come, an ever increasing portion of our electrical production needs to come from nuclear generation.

We think it is now time for this country to explore the new research and development, the new reactor designs that are safer, cleaner, in the sense of their engineering, in the sense of their capacity to deal with problems that might occur, although our history with nuclear reactors in this country has been one of safeness, but one of expert management. Why? Because this Government, this Senate, years ago, created a Nuclear Regulatory Commission and managed it in a comprehensive and sensible way.

There are a good many other issues about which I can talk. My colleague from West Virginia and I teamed up some years ago, along with our colleague from Nebraska, to say that if there was going to be climate change legislation that dealt with the emission of greenhouse gases, that we and the rest of the world must come together to do it. Our country should not penalize its economy or its industries by attempting to march down that road alone. We could accomplish it and not destroy our economy if we would work innovatively to bring on the new technologies to the marketplace of power in a way that made sense.

That is what this bill, S. 14, is all about. It is all about new technologies. It is all about producing an abundance of energy for our Nation that is clean and ever increasingly cleaner than the past. It is about clean air. It is about a recognition that if there is a change in our climate, that is a product of ever-increasing greenhouse gases in the world, we want to do our part. But we are not going to deny ourselves and our economy and our workforce the ability to produce by simply shutting down; that we are smart enough through our technology and utilization of other forms of resources that we can generate an abundance of power and still be pragmatic and work through our problems with climate change.

Our country needs a national energy policy. It needs to get back into the business of producing energy. It needs to fill the market basket of energy, full of all types of energy. Wind? Yes. In this bill and its companion tax bill we incentivize wind farmers and the use of the new turbines in the production of electrical power through wind. What about photovoltaics or the sun? We incentivize that.

We have not, through this legislation, denied any element of the marketplace or any area of technology access to the production of electrical energy or the supply of energy for our country. Our country and our economy runs on energy. Every moment of the day we use more energy on a per capita basis than any other nation in the world. It is not by accident that we are the richest nation in the world. I say that with great pride. We have worked hard over the years. We have relied on the free market system. We have relied on a government that has been reasonable and moderate in its regulations and balanced in how it applies those regulations to all forms of the producing entities of our economy. And we have always based that on an adequate and abundant and a relatively inexpensive supply of energy.

When the gas prices go up 10 or 12 cents a gallon at the pump, that is several dollars, for every time the car is filled up, that is spent on energy and denied to the breakfast table of the family or to the disposable income of the family or to the college trust fund of the family or any of the things for which the American family wants to use their collective resources.

We ought to work constantly as a government and as a Senate to make sure those kinds of spikes or run-ups in price do not happen, whether it is at the pump or at the electrical meter or anywhere else in our society. We can do that with the passage of this legislation by the recognition that government can play a role in the assistance of the production of an abundant supply of energy to our country. S. 14 just has not happened. S. 14 is a demand of the marketplace of our country saying: Supply us with an abundant supply of energy, and we will produce for you and for generations to come untold wealth and the American dream.

I am proud of that. I am proud of our history. I trust this Senate, over the course of the next several weeks in debating this legislation, will in the end have one important goal in mind: That is to pass a national energy policy for our country that recognizes now and in the future that the basis of this great country's strength and its wealth is the ability to consume clean, high-quality energy at reasonable prices.

That is what S. 14 is all about. That is why we have worked as hard as we have, and I applaud Senator DOMENICI for his effort in the production of this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

A TROUBLING SPEECH

Mr. BYRD. Mr. President, in my 50 years as a Member of Congress, I have had the privilege to witness the defining rhetorical moments of a number of American Presidents. I have listened spellbound to the soaring oratory of John Kennedy and Ronald Reagan. I have listened grimly to the painful soul-searching of Lyndon Johnson and Richard Nixon.

Presidential speeches are an important marker of any President's legacy. These are the tangible moments that history seizes upon and records for posterity. For this reason, I was deeply troubled by both the content and the context of President Bush's remarks to the American people last week marking the end of the combat phase of the war in Iraq. As I watched the President's fighter jet swoop down onto the deck of the aircraft carrier *Abraham Lincoln*, I could not help but contrast the reported simple dignity of President Lincoln at Gettysburg with the

flamboyant showmanship of President Bush aboard the USS *Abraham Lincoln*.

President Bush's address to the American people announcing combat victory in Iraq deserved to be marked with solemnity, not extravagance; with gratitude to God, not self-congratulatory gestures. American blood has been shed on foreign soil in defense of the President's policies. This is not some made-for-TV backdrop for a campaign commercial. This is real life, and real lives have been lost. To me, it is an affront to the Americans killed or injured in Iraq for the President to exploit the trappings of war for the momentary spectacle of a speech. I do not begrudge his salute to America's warriors aboard the carrier *Lincoln*, for they have performed bravely and skillfully, as have their countrymen still in Iraq, but I do question the motives of a deskbound President who assumes the garb of a warrior for the purposes of a speech.

As I watched the President's speech before the great banner proclaiming ''Mission Accomplished,'' I could not help but be reminded of the tobacco barns of my youth, which served as country road advertising backdrops for the slogans of chewing tobacco purveyors. I am loath to think of an aircraft carrier being used as an advertising backdrop for a Presidential political slogan, and yet that is what I saw.

What I heard the President say also disturbed me. It may make for grand theater to describe Saddam Hussein as an ally of al-Qaida or to characterize the fall of Baghdad as a victory in the war on terror, but stirring rhetoric does not necessarily reflect sobering reality. Not one of the 19 September 11th hijackers was an Iraqi. In fact, there is not a shred of evidence to link the September 11 attack—at least as of this date—on the United States to Iraq. There is no doubt in my mind that Saddam Hussein was an evil despot who brought great suffering to the Iraqi people, and there is no doubt in my mind that he encouraged and rewarded acts of terrorism against Israel. But his crimes are not those of Osama bin Laden, and bringing Saddam Hussein to justice will not bring justice to the victims of 9/11. The United States has made great progress in its efforts to disrupt and destroy the al-Qaida terror network. We can take solace and satisfaction in that fact. We should not risk tarnishing those very real accomplishments by trumpeting victory in Iraq as a victory over Osama bin Laden.

We are reminded in the gospel of Saint Luke, ''For unto whomsoever much is given, of him shall be much required.'' Surely the same can be said of any American President. We expect—nay, demand—that our leaders be scrupulous in the truth and faithful to the facts. We do not seek theatrics or hyperbole. We do not require the stage management of our victories. The men and women of the United States military are to be saluted for their valor and sacrifice in Iraq. Their heroics and quiet resolve speak for themselves. The prowess and professionalism of America's military forces do not need to be embellished by the gaudy excesses of a political campaign.

War is not theater, and victory is not a campaign slogan. I join with the President and all Americans in expressing heartfelt thanks and gratitude to our men and women in uniform for their service to our country, and for the sacrifices that they have made on our behalf. But on this point I differ with the President: I believe that our military forces deserve to be treated with respect and dignity, and not used as stage props to embellish a Presidential speech.

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

The PRESIDING OFFICER (Mr. CHAFEE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

ENERGY POLICY ACT OF 2003—Continued

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

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

The Senator from Louisiana is recognized.

Ms. LANDRIEU. Today the Senate continues a process that began almost 2 years ago. At that time, the Senate Energy Committee held and completed the first of several planned mark-up dates with the goal of putting together a comprehensive energy bill. After a number of postponements due to circumstances beyond our control, we engaged in 2 months of debate on the Senate floor last spring and produced a bill by a vote of 88 to 11.

Unfortunately, the House and Senate were unable to resolve their differences in a conference so we find ourselves once again tasked with the formidable challenge of developing an energy policy for the Nation.

I am pleased to report that after 2 weeks of mark-ups under the leadership of Chairman DOMENICI and the ranking member, Senator BINGAMAN, the Senate Energy and Natural Resources Committee has lived up to its duty by reporting a comprehensive energy bill to the Senate for consideration.

So, the challenge of completing a comprehensive energy bill is once again before the Senate. There are likely to be additional obstacles before us along the way. The question is can we overcome them to complete our duty? It was Woodrow Wilson who once said:

> The only use of an obstacle is to be overcome. All that an obstacle does with brave men is, not to frighten them, but to challenge them.

So the challenge is now before us.

This legislation does an excellent job of utilizing the variety of energy options available to the country particularly from a production standpoint. It is up to the full Senate to balance this with some meaningful conservation measures.

We had a number of hearings in the Energy Committee earlier this year to address the volatility we face in the price and supply of both oil and gas. Since we import 60 percent of the oil we consume, the price of oil is often at the mercy of world events such as the political turmoil in other countries—Venezuela and Nigeria—that we rely on for imports. We can and should produce more at home but must simply acknowledge that reducing the amount of oil we consume has to be part of the equation.

On the other hand, the natural gas market is quite a different picture.

Our country currently produces 84 percent of the natural gas we consume. However, there is a gap looming on the horizon. The energy information forecasts that the demand for natural gas will increase by 30 percent in the United States over the next 15 years, with supplies available to meet 70 percent of this need.

The facts are clear: our natural gas market is in a state of transition. Industries across the country that rely on natural gas as feedstock such as the chemical and fertilizer industries are confronted with high pries which is translating into the loss of jobs. We need to act now.

Most of the natural gas supply sources that have been offered as solutions, such as the natural gas pipeline from Alaska, are medium to long term options. However, in the bill before us today there is a provision which is one of the few, if only, short term options, we really have to affect the market. This provision builds on a recent rule proposed by the department of Interior providing incentives for deep gas production from wells in shallow water areas that have already been leased. Given the projections for potential supply in these areas, the opportunity to deliver significant new natural gas production to the market in order to stabilize prices is simply too good an opportunity to pass up.

Another significant program authorized in the oil and gas title of this bill would take the step of recognizing, for the first time, the impacts to oil-and gas-producing states such as Alaska, Texas, Louisiana, Mississippi and Alabama, from the development that takes place on the outer continental shelf off of their respective coastlines.

With less and less areas available for production, and the deepwaters of the gulf of Mexico still a hotspot for the foreseeable future, it is time for Congress and the Federal Government to recognize the importance of the development that has been occurring and continues to take place off the shores of Louisiana and Texas and compensate those States for their role in providing the Nation's energy supply.

If our policy in this country is going to continue to defer to a State's wishes

as to whether oil and gas development takes place off its coast, then the least we should do is compensate those few States—Alaska, Texas, Louisiana, Mississippi and Alabama—for the duty they preform in supplying this Nation with a significant amount of the oil and gas it needs to function. After all, the OCS is now the largest producing area in the United States as more than 25 percent of both the Nation's oil and natural gas is expected to be produced from the OCS in 2003. In fact, the OCS is the largest single source of oil for the entire U.S., surpassing even Saudi Arabia.

Nuclear energy now provides approximately one-fifth of all electric power used in this country, but does so without compromising our air quality. It is the largest clear air source of electricity in the Nation today, generating two-thirds of all emission-free electricity. Nuclear power is perhaps unique among our supply options, as there is a large potential for expansion in the relative near term with little downside in terms of environmental quality or increased reliance on foreign fuel sources.

For future generations of Americans whose reliance on electricity will increase—and who rightfully want a cleaner environment—nuclear energy is an essential partner in our energy and environmental policy. The provisions contained in this title of the bill—renewal of Price-Anderson, incentives for the construction of new baseload nuclear plants, and the emphasis on encouraging hydrogen co-generation from nuclear power—recognize that nuclear energy is a vital component of our energy portfolio.

One of the most contentious debates we will engage in over the next several weeks involves the issue of electricity. We are confronting an industry that is facing difficult times from the dysfunction of California's market to a loss of market capitalization.

Amid this turmoil, the Federal Energy Regulatory Commission has proposed sweeping, untested changes to the business of providing basic and essential electric service to our constituents. Instead, we need to legislate with a caution not reflected by FERC's standard market design, SMD. While the bill before us took the important step of delaying any further action on SMD until January of 2005, there are a number of areas where I believe the electricity provisions before us come up short in addressing the shortcomings of SMD.

First, the State-Federal jurisdictional divide, which has worked exceedingly well in Louisiana to provide low-cost and reliable electric service, is jeopardized by the SMD proposal.

Second, I am concerned about the potential for increased rates for my retail customers as a result of the costs of accommodating the ''merchant generation'' that, over the past several years, has been seeking to connect to the electric grid in the southeast. While it has added to the competition, it is also straining the grid, and under FERC policy may end up straining the pocketbooks of regular homeowners who would be forced to subsidize the interconnection and transmission costs.

Lastly, I remain concerned that we need more investment in transmission facilities, but do not have sufficient policies to encourage it. Transmission is critical to sustaining wholesale markets. I had hoped that the electricity title of this bill would have been reported out of committee with much-needed participant funding language in order to significantly increase transmission investment.

When we turn to electricity during this debate, I intend to offer several amendments to address these concerns.

We now realize that perhaps the best alternative to oil and gas production in this country is conservation. As our economy continues to grow so does our demand for energy. While we have made some noteworthy strides on the conversation front there are miles to go. When we talk about our dependence on oil in this country we have to acknowledge that there is no alternative that matches oil for cheapness and convenience. While we should continue to produce oil in this country where we can that alone cannot be the answer. With over 60 percent of our daily oil consumption coming from the transportation sector, we have to start there. The challenge to this body is how to strike a sensible balance by establishing a reasonable increase in fuel economy standards that will not compromise vehicle safety, unduly increase cost and significantly limit consumer's choices.

I think every member probably realizes the importance of ultimately changing the ''coinage'' of energy in the transportation sector from oil to something else.

This bill addresses that something else by authorizing about $3.6 billion for an increase in hydrogen fuel research and development, demonstration projects, federal purchase requirements, and specific goals to move hydrogen vehicles out of laboratories and onto the nation's roads. A hydrogen economy that lessens our dependence on foreign oil is within our grasp.

During markup before the committee, I supported what amounts to a reasonable renewable portfolio standard. I continue to believe that it is a commonsense approach to ensure that renewable sources of energy—wind and solar—be a part of our electricity supply. Renewable energy is homegrown and does not need to be bought from foreign markets. The advantages of our ability to domestically produce renewables are obvious: protection for consumers from the prospect of supply interruptions outside the region or country which we cannot control.

It frustrates me to hear people talk about climate change as something that we can simply adapt to—no big deal. I can assure everyone here, changing climate is a big deal for Louisiana. My state continues to lose its coastline and critical wetlands every year. We already feel the human impact and economic loss from hurricanes every year. There are some that think these storms could get worse with global warming, although the scientific jury is still out. We owe it to our constituents and to our colleagues in the Senate to give our best efforts, in this bill, to come up with a commonsense and effective policies to deal with this threat.

For conclusion, the challenge before us now is to acknowledge how much we depend on these traditional fossil fuels—our Nation still relies on oil and gas for 65 percent of the energy it consumes. That is not going to change overnight. At the same time, we must continue to make significant strides toward using the impressive diversity of energy sources we have at our disposal including nuclear and renewable energy. Also, if we continue to ignore the importance of conservation we do so at our own peril.

With a little balance and common sense, we can make the diversity of supply available in this country go a long way. All of the supply options available to our country have a substantial role to play in our future energy mix. However, none by themselves is the answer.

I yield back the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). 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.

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Calendar No. 21, the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

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

The legislative clerk read the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 21, the nomination of Miguel A. Estrada to be United States Circuit Judge for the District of Columbia Circuit.

Bill Frist, Orrin Hatch, Judd Gregg, Norm Coleman, John E. Sununu, John Cornyn, Larry E. Craig, Saxby Chambliss, Lisa Murkowski, Jim Talent, Olympia Snowe, Mike DeWine, Michael B. Enzi, Lindsey Graham, Jeff Sessions, Wayne Allard, Mike Crapo.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the live quorum provided for in rule XXII be waived.

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

NOMINATION OF PRISCILLA RICHMAN OWEN, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 86, the nomination of Priscilla Owen to be United States Circuit Judge for the Fifth Circuit.

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

The assistant legislative clerk read the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 86, the nomination of Priscilla R. Owen of Texas to be United States Circuit Judge for the Fifth Circuit.

Bill Frist, Orrin Hatch, John Cornyn, Michael B. Enzi, Jim Talent, Judd Gregg, Jeff Sessions, Wayne Allard, Mike Crapo, Thad Cochran, Mitch McConnell, Susan Collins, Don Nickles, George Allen, Kay Bailey Hutchison, Gordon H. Smith, John Warner.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the live quorum provided for under rule XXII be waived.

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

Mr. MCCONNELL. Mr. President, the cloture motions I just filed will ripen on Thursday. This will be the sixth cloture vote on the Estrada nomination and the second on the Owen nomination. I am compelled to file these motions because we have been unable to reach a time certain for an up-or-down vote on these two highly qualified nominees.

The record will reflect the many times we have asked unanimous consent for a debate limit on the Estrada and Owen nominations, only to have an objection from the other side of the aisle.

As has been said previously, we will not give up hope that the Senate will be able to work its will on these judicial nominees. Senators can vote for them, Senators can vote against them, but these people deserve a vote.

Stalling and not allowing an up-or-down vote is an indication that the system is broken. I commend Senator CORNYN and others in their efforts to begin a dialog regarding the ramifications for the Senate of these judicial filibusters.

I will notify all Members as to the exact timing of the cloture votes on Thursday.

LEGISLATIVE SESSION

MORNING BUSINESS

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

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

NATIONAL TEACHER DAY

Mr. KENNEDY. Mr. President, in 1953, Congress first proclaimed May 6 as National Teacher Day. Our Nation has changed in many ways over the past 50 years; however some things have remained the same. Teachers have always been mentors and role models to students and have made lasting contributions to so many students' lives.

Today teachers face greater demands and more diverse student bodies. Too often, they also face inadequate pay and unacceptable teaching environments. In a time of fiscal uncertainty, when budgets are shrinking and teachers have to rely on fewer resources, they still do the best they can to help their students succeed.

Little relief is in sight. Communities across the country will need to hire an additional two million teachers over the next 10 years to deal with rising student enrollments and teacher retirements. Congress must do more to help communities recruit promising teacher candidates. We can provide new teachers with trained mentors who will help them not only to survive but to thrive in the classroom. We can do more to see that all teachers and principals have the on-going training they need in order to keep up with modern technology and modern research.

In addition, we must find better ways to increase their pay and improve their working environments. It is imperative that we treat all teachers with the respect that they deserve. Teachers have one of the most important jobs of all, and we must support them every step of the way.

On this special day, we thank the 3 million public school teachers across the country who work so hard each and every day to do their job. They truly are our community heroes and our national heroes. They have one of the most difficult jobs of all educating the young men and woman who are our Nation's future.

HONORING OUR ARMED FORCES

Mr. LUGAR. Mr. President, now that President Bush has declared an end to combat operations in Iraq, it is important that we take a moment to pay tribute to those who made the ultimate sacrifice for their country. As we celebrate the swift and stunning victory in Iraq achieved by our men and women in uniform, we must be careful not to forget the pain and loss of those families whose loved ones fell on the field of battle.

In my home State of Indiana, seven families have suffered the devastating loss of a loved one during this relatively brief military campaign. Seven truly fine young men will not be coming home to victory parades and joyful reunions. This Nation takes rightful pride in the extraordinary accomplishments of our Armed Forces, and we rejoice that the war has come to such a quick end. But we must always temper these feelings with the knowledge that this victory did not come cheaply.

Today, I would like to pay tribute to those from Indiana who made the ultimate sacrifice in this war.

Indiana National Guard Specialist Brian Clemens of Kokomo, was the State's first casualty of this war. Specialist Clemens, who was 19, died in Kuwait on February 6—six weeks before the ground attack into Kuwait got under way. He was riding in a Humvee which overturned. He was serving with the 1st Battalion, 293d Infantry, one of two Indiana National Guard units mobilized to provide a robust force protection presence in the Persian Gulf. The units' 1,320 soldiers are guarding U.S. military installations and supply lines in Iraq, Kuwait and Qatar.

Specialist Clemens was an Eagle Scout and a graduate of Maconaquah High School, where he was a dedicated member of the wrestling team. Before being called to active duty, he was working at Wal-Mart and saving money to enroll in college. He is survived by his mother and stepfather, Cathy and Terry McCreay of Kokomo, and his father, Robert Clemens of Dayton, OH. Many of Brian's friends are still in the Persian Gulf region, and they have memorialized his death by wearing black wristbands.

Brian Clemens will be missed.

Marine Lance Corporal David Fribley, who grew up in Warsaw, IN, was killed on March 23. He was riding in an armored vehicle that encountered

a group of Iraqi soldiers waiving a white flag. The Iraqis moved close and then suddenly opened fire. A rocket-propelled grenade exploded against his vehicle and he was killed. Eight other Marines in his unit were also killed in that encounter.

Lance Corporal Fribley was 26 years old when he died. He had been a Marine for not quite a year. The middle child of Gary and Linda Fribley, he decided to enlist after 9/11 because he wanted to do something for his country. He didn't have to go. His decision came just months after he graduated from Indiana State University, and he had a good job as a recreation director in a retirement home complex.

But Lance Corporal Fribley felt he had a duty to serve his country. In high school, he had lettered in football and track all four years. One of his football coaches describes him as the poster boy for Marine Corps commercials—tall, strong and unrelenting in his work ethic.

Warsaw, IN, is a small and tightly-knit community of tree-lined streets and well-kept homes. Lance Corporal Fribley's funeral was held in the high school gym because a large crowd was expected. Every seat was filled. Many of the town's military veterans put on their old uniforms and medals and lined the streets to render a salute to David's flag-draped coffin as it passed by.

David Fribley will be missed.

Army Specialist Gregory Sanders, of Hobart, IN, was killed by a sniper's bullet on March 24. He was a tank crewman assigned to the Third Infantry Division. Greg was 19 when he died. Specialist Sanders joined the Army shortly after graduating from Hobart High School, where he had been captain of the cross-country team. He had always wanted to be in the military, just like his dad, Richard, who died of a heart attack when Specialist Sanders was 15.

His mother, Leslie Sanders, told the local newspaper her earliest memory of her son was watching him play in a backyard sandbox with plastic toy soldiers. Dig a little and you can still find some of his soldiers. It was only 12 years ago. When residents of the town of Hobart learned of his death, they conducted a special candlelight service in his memory in front of the Doughboy Statue in the center of town. They laid flowers, candles, ribbons and wreaths all around the statue, creating an impromptu monument to the town's fallen soldier.

Specialist Sanders leaves behind a wife, Ruthann, and a 14-month-old daughter, Gwendolyn. He was buried in Calumet Park Cemetery near Merrillville next to his father.

Greg Sanders will be missed.

Specialist William A. Jeffries of the Indiana National Guard died March 31 after falling ill in Kuwait, where his unit was guarding U.S. military bases. He was 39 years old. Doctors told his family he died in a Navy hospital in Spain of a pulmonary embolism and acute pancreatitis.

Specialist Jeffries lived in Evansville, IN, with his wife, B.J. Unusually tall at 6-foot-5, he was known for his gentle nature. He had graduated from Reitz High School in 1982 and then served 10 years on active duty in the Air Force. Many of Indiana's National Guard members have prior service. Not only do they continue serving their country in uniform, but they find a camaraderie that just does not exist in civilian life.

Indiana is very proud of the contribution its National Guard units are making to Operation Iraqi Freedom. Specialist Jeffries' unit was one of two Indiana National Guard infantry battalions mobilized to provide a robust force protection presence in the Persian Gulf. The units' 1,320 soldiers are guarding U.S. military installations and supply lines in Iraq, Kuwait and Qatar.

Just before his battalion departed for Kuwait, Specialist Jeffries was given emergency leave to attend the funeral of his father, Kenneth. Although it was a sad occasion, it brought him together with his mother, Marie, and five older brothers for the first time in many years.

William Jeffries will be missed.

Marine Sergeant Duane Rios of Griffith, IN, was killed on April 4 during a firefight on the outskirts of Baghdad. He was 25 years old and the leader of a squad of combat engineers trained to do such things as build roads and bridges, clear minefields and handle explosives.

Sergeant Rios joined the Marines after graduating from Griffith High School in 1996, and he thrived on the experience. He and his wife, Erica, who had been his high school sweetheart, were making a good life together in San Clemente, CA, close to Camp Pendleton where he was stationed.

During his high school years in Griffith, Sergeant Rios lived with his late grandmother. He was a popular student remembered by his teachers as having an infectious smile. He last spoke to Erica by telephone the day after Valentine's Day. He told her he loved her and missed her and that the only other thing he needed was a hot shower.

On the day of his funeral in Griffith, some 500 mourners gathered at St. Mary Roman Catholic Church. Many had to stand outside. The Griffith and Highland fire departments unfurled a giant American Flag across Broad Street, and police from departments all across northwest Indiana took part in the funeral procession.

Duane Rios will be missed.

Army Private First Class Jason M. Meyer, whose father, Loren Meyer, lives in South Bend, died on April 8 from wounds suffered during the fighting at Baghdad International Airport. Army investigators believe he was struck by an errant round fired from an Abrams tank. The round struck a building and ricocheted into his vehicle.

PFC Meyer, 23, died one week after he and his wife, Melissa, had marked their first wedding anniversary. He was a combat engineer with Bravo Company, 11th Engineers, 3rd Infantry Division, and drove an armored personnel carrier during the division's now famous lightning drive from Kuwait to Baghdad.

In 1999, PFC Meyer graduated from high school in Howell, MI, where he lived with his mother, Kathleen Worthington, and joined the Army two years later. He met his wife at a Halloween corn maze three years ago. She told a local newspaper that she will remember her husband for his ever-present sense of humor, which always kept her laughing. The last time she talked to him was by telephone was in late February while his unit was in Kuwait. He reported that he and his buddies had adopted a three-foot lizard as their pet, and that they were feeding it Meals Ready to Eat.

Jason was buried at Arlington National Cemetery with full military honors. During the ceremony Melissa was presented with her husband's Purple Heart and Bronze Star medals.

Jason Meyer will be missed.

Army Reserve Specialist Roy Buckley of Portage died on April 22 from injuries suffered in a motor vehicle accident in Baghdad. A fuel truck driver, he was less than a month away from his 25th birthday when he died.

He was a member of the 685th Transportation Company of Hobart, IN, whose 170 members, mostly heavy truck drivers, were mobilized to provide support for the 3rd Infantry Division. In civilian life, he worked at Midwest Steel, and his goal was to become a police officer.

Specialist Buckley was engaged to another member of his Army Reserve unit, Jenina Bellina, and they planned to marry soon after they returned from the Persian Gulf.

He had called his mother, Janie Espinoza, on Easter Sunday and speculated that he might even be home to see her by Mother's Day. In addition to his mother, he is survived by two brothers, a sister and a 6-year-old daughter.

Roy Buckley will be missed.

Our hearts go out to all of these families. We shall all mourn for the loss of these seven fine young men. It is my hope that these families will take comfort in knowing that their young men gave their lives to a noble and worthy cause—freeing the Iraqi people from a brutal dictator and making the world a safer place for all Americans.

Mr. THOMAS. Mr. President, I rise today to express our nation's thanks and gratitude to a young man and his family from Rock Springs, WY. On April 14, Private First Class Joseph Mayek was killed while serving in Iraq. PFC Mayek was critically wounded by an armor piercing round that appears to have been discharged from an M2 Bradley fighting vehicle. While the circumstances of this incident are still

under investigation, I hope the final report will provide information that can help us understand how this happened.

PFC Mayek was a vibrant young man who loved being outdoors and enjoyed sports. During his senior year at Rock Springs High School, Joseph played split end and cornerback for high school football team. Soon after graduating in 2001, he joined the United States Army. Upon completion of basic training he was assigned to C Company, 2nd Battalion, 6th Infantry Regiment in Germany.

President Bush recently addressed the Nation to declare victory in the Battle for Iraq. This was a monumental task accomplished by the dedicated people and their families who serve in our Armed Forces. America's men and women who answer the call of service and wear our Nation's uniform deserve respect and recognition for the load that they alone must bear. Our people put everything on the line everyday, and because of these folks, our nation is more secure and remains strong in the face of danger.

We say goodbye to a son, a soldier and an American. Our Nation pays its deepest respect to Private First Class Mayek for his courage, his love of country and his sacrifice, so that we may remain free.

HUMAN RIGHTS VIOLATIONS IN BURMA

Mr. KOHL. Mr. President, I rise today to call attention to the gross violations of human and religious rights in Burma. Dr. Salai Tun Than, a University of Wisconsin alumni, who was released over the weekend in Burma, initiated a hunger strike protesting the human and religious rights violations at the prison where he was held. Dr. Tun Than had been serving a 7-year prison sentence in Burma for handing out copies of a petition demanding political reforms.

Dr. Tun Than, 75, has severe health problems that required medical treatment, which he was not granted. The conditions that he and other prisoners endured were violations of international human rights laws. Restrictions on communications between prisoners, unsanitary prison conditions and forced ''hooding'' as prisoners were transported outside are examples of the violations. As a Christian, Dr. Tun Than also was protesting violations in religious freedom which included not being allowed a Bible or to receive Communion.

During my Senate career I have been an advocate for human rights and religious freedoms for every individual across the globe. I am saddened by the conditions in which Dr. Tun Than and other prisoners in Burma have had to live. It is my hope that the Burmese Government will recognize religious and human rights, not only to their prisoners, but to their general populace as well.

LOCAL LAW ENFORCEMENT ACT OF 2001

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

I would like to describe a terrible crime that occurred October 27, 1992, in Sasebo, Japan. Terry M. Helvey, an airman apprentice in the U.S. Navy, and Amn Charles E. Vins beat PO Allen Schindler to death in a public restroom. After spotting Schindler, who was known to be gay, outside a bar, Helvey and Vins followed him into a public restroom so that they could ''beat him up,'' according to Vins. The two brutally kicked and punched Schindler to death on the restroom floor. Helvey and Vins beat Schindler so badly that a Navy pathologist described his injuries as ''more consistent with a high-speed automobile accident or low-speed airplane crash.''

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.

DEVELOPMENTS IN BURUNDI

Mr. FEINGOLD. Mr. President, I rise today to call my colleagues' attention to the situation in the Central African country of Burundi, where a remarkable step has been taken to end that country's brutal civil war. Last week, President Pierre Buyoya voluntarily ceded power to Domitien Ndayizeye, who will now lead the country through the second half of a 3-year transitional power-sharing government. This orderly transfer of power, conducted in compliance with the Arusha Accords signed in 2000, is an important symbol of ethnic reconciliation, as a Tutsi President with a Hutu Vice President gives way to a Hutu head of state with a Tutsi Vice President. An African Union force is slated to help provide stability during this transitional period. This is a development to be celebrated, and the United Nations Security Council was right to praise this milestone achievement.

But much more needs to be done. Rather than being satisfied with President Ndayizeye's inauguration, the people of Burundi and the international community should seize on this moment as a catalyst for more energetic and focused efforts to bring Burundi out of crisis. A comprehensive cease-fire among all parties to the conflict is still not in place. Little progress has been made to date toward comprehensively reforming the security services to reflect a multiethnic society. Burundi's future will also depend upon increasing respect for basic human rights, ending the climate of impunity in which these rights have been violated, and establishing viable mechanisms for holding those responsible for abuses accountable for their actions. The international community must maintain an engaged policy that both supports these reforms and pressures those who resist them.

Most importantly, the international community and the Burundian leadership must take this opportunity to establish a firm relationship between positive developments in the political sphere and the conditions of the Burundian people, who languish, sometimes in grave and consistent insecurity, and often in desperate humanitarian crisis. Abject poverty, a dramatic decline in primary school enrollment, soaring infant mortality rates, and displacement on a massive scale characterize the situation of Burundian society. If we allow paper agreements and political milestones to remain disconnected from concrete improvements for the people of Burundi, we are only empowering the spoilers in this process, and only encouraging the kind of hideous violence that has become all too common in Central Africa.

Nine years ago Burundi's neighbor erupted in genocide. Ongoing conflict in the Democratic Republic of the Congo has cost the lives of millions. Crises spill across borders, poisoning the prospects for progress throughout the region, and creating lucrative opportunities for international criminals. Burundi may be small, but its suffering is great, and its capacity to help or hinder efforts to stabilize a vast swathe of Africa should not be underestimated. We know what the consequences of indifference are; we have seen them in the millions dead, displaced, mourning and grieving. For a brief moment, Burundi has captured global attention. We should not look away again; the stakes are too high.

I yield the floor.

PROTECT ACT

Mr. KENNEDY. Mr. President, this child-abduction legislation is important and needed. According to the Justice Department, 2,200 children are reported missing each day. There are approximately 114,600 attempted abductions by strangers every year, and between 3,000 and 5,000 of these attempts are successful.

Each child abduction is a tragedy. Last year, I met with two of my constituents, John and Magi Bish. On June 27, 2000, their daughter Molly Ann Bish, a 16-year-old lifeguard, disappeared from her life-guarding post at Comins Pond in Walden, MA. Molly's family and friends continue to search for her. The Bish family is also working to raise awareness about this important issue. They started the first Missing Children's Day in Massachusetts. They

also established the Molly Bish Foundation to provide services to children and families across our State and the New England area. John and Magi Bish have shown extraordinary courage and perseverance in the face of an overwhelming loss.

The legislation addresses the problem of child abductions in several ways, and I supported it. It establishes a national AMBER Alert system to help locate abducted children, and it gives prosecutors major new tools to address these terrifying crimes.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, 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 PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 1298. An act to provide assistance to foreign countries to combat HIV/AIDs, tuberculosis, and malaria, and for other purposes.

H.R. 6. An act to enhance conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2121. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, the Fiscal Year 2002 Defense Environmental Restoration Program report, received on April 28, 2003; to the Committee on Armed Services.

EC–2122. A communication from the Under Secretary of Defense, Personnel and Readiness, transmitting, pursuant to law, the report of a review of the existing statutory active and reserve general and flag officer authorizations; to the Committee on Armed Services.

EC–2123. A communication from the Comptroller of the Currency, Administrator of National Banks, Legislative and Regulatory Activities Division, transmitting, pursuant to law, the report rule entitled ''Electronic Filings (12 CFR Part 5)'' received on April 28, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2124. A communication from the Director, Division of Scientific Planning and Policy Analysis, Public Health Service, Department of Health and Human Services, transmitting, pursuant to law, the report Fiscal Year 2001 National Institutes of Health (NIH) Annual Report on Health Disparities Research; to the Committee on Health, Education, Labor, and Pensions.

EC–2125. A communcation from the Secretary of Veterans Affairs, transmitting, pursuant to law, the report of a draft bill entitled ''Veterans Programs Improvement Act of 2003'' received on April 28, 2003; to the Committee on Veterans' Affairs.

EC–2126. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Old-Age, Survivors and Disability Insurance; Repeal of Facility-of-Payment Provision (RIN 0960–AE02)'' received on April 16, 2003; to the Committee on Finance.

EC–2127. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the report of a proposed bill entitled ''Department of Justice Appropriations Authorization Act for Fiscal Years 2004 and 2005'' received on April 11, 2003; to the Committee on the Judiciary.

EC–2128. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''VISAS: Documentation of Nonimmigrants under the Immigration and Nationality Act, as amended: Student and Exchange Visitor Information Systems (SEVIS) (22 CFR Part 41)'' received on April 25, 2003; to the Committee on the Judiciary.

EC–2129. A communication from the Assistant Attorney General, Administration, Justice Management Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Final Rule exempting five Privacy Act systems of records of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) from certain subsections of the Privacy Act: Criminal Investigation Report System (ATF–003); Internal Security Record System (ATF–006); Personnel Record System (ATF–007); Regulatory Enforcement Record System (ATF–008); and Scientific Services Record System (ATF–009)''; to the Committee on the Judiciary.

EC–2130. A communication from the Chairman, UNICOR, Federal Prison Industries, Department of Justice, transmitting, pursuant to law, the report entitled ''Federal Prison Industries, INC. (FPI) FY 2002 Annual Report'' received on April 11, 2003; to the Committee on the Judiciary.

EC–2131. A communication from the Acting Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Clarification of Listing of 'Tetrahydrocannabinols' in Schedule 1 (RIN 1117–AA55)''; to the Committee on the Judiciary.

EC–2132. A communication from the Chief, Legal Counselor, Bureau of Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Electronic Signature on Applications and Petitions for Immigration and Naturalizations Benefits (1615–AA83)'' received on April 28, 2003; to the Committee on the Judiciary.

EC–2133. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a bill to reauthorize the Office of National Drug Control Policy, received on April 16, 2003; to the Committee on the Judiciary.

EC–2134. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Administrator, Research and Special Administration, received on April 22, 2003; to the Committee on the Judiciary.

EC–2135. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, the report relative to the feasibility of Accelerating the Integrated Deepwater System, received on April 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2136. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Part 90 of the Commission's Rules and Policies for Applications and Licensing of Low Power Operations in the Private Land Mobile Radio 450–470 MHz Band (WT Doc. No. 01–146) (FCC 03–35)'' received on May 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2137. A communication from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hours of Service of Drivers; Driver Rest and Sleep for Safe Operations (2126–AA23)'' received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2138. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Office of Sustainable Fisheries, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Halibut Fisheries, Catch Sharing Plan; Temporary Final Rule; Annual Management Measures for Pacific Halibut Fisheries and Approval of Catch Sharing Plan and Final Plan; Changes to the Catch Sharing Plan (0648–AQ67)'' received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2139. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the report of a summary to the Energy Information Administration's report ''Voluntary Reporting of Greenhouse Gases 2001'' received on April 11, 2003; to the Committee on Energy and Natural Resources.

EC–2140. A communication from the General Counsel, Department of the Treasury, transmitting, pursuant to law, the report of a draft bill to reauthorize United States participation in and appropriations for the U.S. contribution to the seventh replenishment of the resources of the Asian Development Fund, received on April 11, 2003; to the Committee on Foreign Relations.

EC–2141. A communication from the General Counsel, Department of the Treasury, transmitting, pursuant to law, the report of a draft bill to reauthorize United States participation in and appropriations for the U.S. contribution to the ninth replenishment of the resources of the African Development Fund, received on April 11, 2003; to the Committee on Foreign Relations.

EC–2142. A communication from the General Counsel, Department of the Treasury, transmitting, pursuant to law, the report of a draft bill to reauthorize United States participation in and appropriations for the U.S. contribution to the thirteenth replenishment of the resources of the International Development Association (IDA), received on April 11, 2003; to the Committee on Foreign Relations.

EC–2143. A communication from the President of the United States, transmitting, pursuant to law, the 6-month periodic report on the emergency with respect to significant narcotics traffickers centered in Colombia; to the Committee on Foreign Relations.

EC–2144. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Kuwait; to the Committee on Foreign Relations.

EC–2145. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of proposed legislation to authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs for fiscal years 2004 and 2005; to the Committee on Foreign Relations.

EC–2146. A communication from the President of the United States, transmitting, pursuant to law, a report entitled ''Annual Report to the Congress on Foreign Economic Collection and Industrial Espionage''; to the Select Committee on Intelligence.

EC–2147. A communication from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a confirmation of a nomination for the position of Under Secretary of Defense for Intelligence, received on April 22, 2003; to the Select Committee on Intelligence.

EC–2148. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–63 ''Traffic Adjudication Appeal Fee Temporary Amendment Act 2003'' received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2149. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–62 ''Service Improvement and Fiscal Year 2000 Budget Support Temporary Amendment Act of 2003'' received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2150. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–60 ''Georgetown Project Temporary Amendment Act of 2003'' received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2151. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–59 ''Kivie Kaplan Way Designation Temporary Act of 2003'' received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2152. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–64 ''Health-Care Decisions Act of 2003'' received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2153. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–65 ''Presidential Primary Election Amendment Act of 2003'' received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2154. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–66 ''Health Services Planning and Development Temporary Amendment Act of 2003'' received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2155. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–79 ''Inspector General Qualifications Temporary Amendment Act of 2003'' received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2156. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–67 ''Commercial Vehicle Parking Fines Temporary Amendment Act of 2003'' received on April 30, 20036; to the Committee on Governmental Affairs.

EC–2157. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–70 ''Washington Convention Center Advisory Committee Continuity Temporary Amendment Act of 2003'' received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2158. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–57 ''Rosedale Conservancy Real Property Tax Exemption and Relief Act of 2003'' received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2159. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 15–58 ''Closing of a Public Alley in Square 377. S.O. 02–3683, Act of 2003'' received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2160. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the Fiscal Year 2002 Performance Report for the Federal Trade Commission, received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2161. A communication from the Director, Office of Government Ethics, transmitting, pursuant to law, the Office of Government Ethics' Annual Program Performance Report for FY 2002, received on April 30, 2003; to the Committee on Governmental Affairs.

EC–2162. A communication from the Directors, Commodity Futures Trading Commission, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Customer Identification Programs for Futures Commission Merchants and Introducing Brokers (1506–AA34)'' received on April 30, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2163. A communication from the Director, Regulatory Review and Foreign Investment Disclosure Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Acreage Reporting and Common Provisions (RIN 0560–AG79)'' received on April 30, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2164. A communication from the Director, Regulatory Review and Foreign Investment Disclosure Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''2002 Farm-Bill Regulations—General Credit Provisions (RIN 0560–AG78)'' received on April 30, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2165. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Capital Agency—ABS and MBS Investments (RIN 3052–AC14)'' received on April 30, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2166. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Capital Adequacy (3052–AC05)'' received on April 30, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2167. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pesticide Tolerance Processing Fees; Annual Adjustment (FRL 7302–7)'' received on May 1, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2168. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to State II Vapor Recovery at Gasoline Dispensing Facilities (FRL 7483–9)'' received on May 1, 2003; to the Committee on Environment and Public Works.

EC–2169. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Indiana (7481–1)'' received on May 1, 2003; to the Committee on Environment and Public Works.

EC–2170. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri (FRL 7494–6)'' received on May 1, 2003; to the Committee on Environment and Public Works.

EC–2171. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment of Ozone Standards, St. Louis Area; Approval and Promulgation of Implementation Plans, and Redesignation of Areas for Air Quality Planning Purposes, State of Missouri (FRL 7494–5)'' received on May 1, 2003; to the Committee on Environment and Public Works.

EC–2172. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Promulgation of Air Quality Implementation Plans; Maine; Total Reduced Sulfur from Kraft Paper Mills (FRL 7491–7)'' received on April 30, 2003; to the Committee on Environment and Public Works.

EC–2173. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Qulality Implementation Plans; Maryland; Revision to Regulation for Control of Fuel-Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations (FRL 7478–1)'' received on April 30, 2003; to the Committee on Environment and Public Works.

EC–2174. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans Florida: Martin Gas Sales, Inc. Variance (FRL 7491–5)'' received on April 30, 2003; to the Committee on Environment and Public Works.

EC–2175. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Louisiana; Revision of the Section 182 (F) and 183 (b) (1) Exemptions to the Nitrogen Oxides Control Requirements for the Baton Rouge Ozone Nonattainment Area (FRL 7429–9)'' received on April 30, 2003; to the Committee on Environment and Public Works.

EC–2176. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus Thuringgiensis Cry 1F Protein in Cotton; temporary Exemption from the Requirement of a Tolerance'' received on April 30, 2003; to the Committee on Environment and Public Works.

EC–2177. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Extension of Alternative Compliance Periods under the Anti-Dumping Program (FRL 7492–1)'' received on April 30, 2003; to the Committee on Environment and Public Works.

EC–2178. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Priorities List for Uncontrolled Hazardous Waste Sites (FRL 7490–3)'' received on April 30, 2003; to the Committee on Environment and Public Works.

EC–2179. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Texas: Final Authorization of State Hazardous Waste Management Program Revisions (FRL 7491–1)'' received on April 30, 2003; to the Committee on Environment and Public Works.

EC–2180. A communication from the Director, Office of Congressional Affairs, Office of Nuclear Reactor Regulations, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Releasing Part of a Power Reactor Site of Facility for Unrestricted Use Before NRC Approves the License Termination Plan (AG56)'' received on April 30, 2003; to the Committee on Environment and Public Works.

EC–2181. A communication from the Chief Counsel, St. Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Tariff of Tolls (2135–AA17)'' received on April 30, 2003; to the Committee on Environment and Public Works.

EC–2182. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the report of a lease prospectus for the Internal Revenue Service in Kansas City, MO, received on April 30, 2003; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 1005. An original bill to enhance the energy security of the United States, and for other purposes (Rept. No. 108–43).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. JOHNSON (for himself, Mr. CRAIG, Mr. LEAHY, and Ms. STABENOW):

S. 996. A bill to amend the Richard B. Russell National School Lunch Act to ensure an adequate level of commodity purchases under the school lunch program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOMENICI:

S. 997. A bill to authorize the Secretary of the Army to carry out critical restoration projects along the Middle Rio Grande; to the Committee on Environment and Public Works.

By Mr. BREAUX:

S. 998. A bill to amend section 376 of title 28, United States Code, to allow a period of open enrollment for certain individuals who are elevated to the position of chief judge of a district; to the Committee on the Judiciary.

By Mr. CORZINE (for himself, Mr. LAUTENBERG, Mr. SPECTER, Mr. SCHUMER, Mr. DODD, Mrs. CLINTON, and Mr. LIEBERMAN):

S. 999. A bill to establish the Highlands Stewardship Area in the States of Connecticut, New Jersey, New York, and Pennsylvania, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM of South Carolina (for himself, Mr. COLEMAN, Mr. ALLEN, Mr. MILLER, Mrs. CLINTON, and Ms. LANDRIEU):

S. 1000. A bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to provide TRICARE eligibility for members of the Selected Reserve of the Ready Reserve and their families; to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. MCCAIN, Mrs. FEINSTEIN, Mr. DODD, Mr. KERRY, Mrs. CLINTON, and Ms. MIKULSKI):

S. 1001. A bill to make the protection of women and children who are affected by a complex humanitarian emergency a priority of the United States Government, and for other purposes; to the Committee on Foreign Relations.

By Mr. MCCAIN (for himself, Mr. BROWNBACK, Mr. EDWARDS, and Mr. GRAHAM of South Carolina):

S. 1002. A bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing drugs by athletes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG:

S. 1003. A bill to clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Ms. COLLINS, and Mrs. CLINTON):

S. 1004. A bill to ensure that children at highest risk for asthma, vision, hearing, and other health problems are identified and treated; to the Committee on Finance.

By Mr. DOMENICI:

S. 1005. An original bill to enhance the energy security of the United States, and for other purposes; from the Committee on Energy and Natural Resources; placed on the calendar.

By Mr. BURNS (for himself, Mr. DOMENICI, and Mr. BAUCUS):

S. 1006. A bill to reduce temporarily the duty on certain articles of natural cork; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. LUGAR, Mr. BINGAMAN, Mr. DODD, and Mr. JEFFORDS):

S. 1007. A bill to amend the Child Nutrition Act of 1966 to promote better nutrition among school children participating in the school breakfast and lunch programs; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. STEVENS (for himself, Mr. FRIST, Mr. DASCHLE, Mr. WARNER, Mr. LOTT, and Mr. DODD):

S. Res. 132. A resolution commending John W. Kluge for his dedication and commitment to the Library of Congress; considered and agreed to.

By Mr. DURBIN (for himself, Mr. SUNUNU, and Mr. FEINGOLD):

S. Res. 133. A resolution condemning bigotry and violence against Arab Americans, Muslim, Americans, South-Asian Americans, and Sikh Americans; to the Committee on the Judiciary.

By Mr. BOND (for himself, Mr. LUGAR, Mr. HAGEL, Mr . TALENT, and Mr. SESSIONS):

S. Con. Res. 42. A concurrent resolution welcoming the Prime Minister of Singapore, His Excellency Goh Chok Tong, on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of Congress to the continued expansion of friendship and cooperation between the United States and Singapore ; considered and agreed to.

By Mr. BROWNBACK (for himself, Mr. REED, Mr. ALLARD, Ms. CANTWELL, Mr. CHAMBLISS, Mr. CONRAD, Mrs. DOLE, Ms. LANDRIEU, Mr. SANTORUM, and Ms. STABENOW):

S. Con. Res. 43. A concurrent resolution expressing the sense of Congress that Congress should participate in and support activities to provide decent homes for the people of the United States; to the Committee on Banking, Housing, and Urban Affairs.

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. DEWINE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 146, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 171

At the request of Mr. DAYTON, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 171, a bill to amend title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 189

At the request of Mr. WYDEN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 189, a bill to authorize appropriations for nanoscience, nanoengineering, and nanotechnology research, and for other purposes.

S. 375

At the request of Mr. DOMENICI, the name of the Senator from Nebraska

(Mr. HAGEL) was added as a cosponsor of S. 375, a bill to amend title XVIII of the Social Security Act to establish a minimum geographic cost-of-practice index value for physicians' services furnished under the medicare program of 1.

S. 384

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 384, a bill to amend the Internal Revenue Code of 1986 to prevent corporate expatriation to avoid United States income taxes.

S. 451

At the request of Ms. SNOWE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 451, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 470

At the request of Mr. SARBANES, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Arkansas (Mr. PRYOR), the Senator from Louisiana (Mr. BREAUX), the Senator from California (Mrs. BOXER), the Senator from Wisconsin (Mr. KOHL), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New York (Mr. SCHUMER), the Senator from North Dakota (Mr. DORGAN), the Senator from Connecticut (Mr. DODD), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Michigan (Ms. STABENOW), the Senator from Delaware (Mr. BIDEN), the Senator from Delaware (Mr. CARPER), the Senator from Oregon (Mr. WYDEN) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 470, a bill to extend the authority for the construction of a memorial to Martin Luther King, Jr.

S. 486

At the request of Mr. DOMENICI, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Louisiana (Mr. BREAUX) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 486, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 493

At the request of Mrs. LINCOLN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 493, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 560

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

S. 595

At the request of Mr. HATCH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 596

At the request of Mr. ENSIGN, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 596, a bill to amend the Internal Revenue Code of 1986 to encourage the investment of foreign earnings within the United States for productive business investments and job creation.

S. 600

At the request of Mr. CRAIG, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 600, a bill to authorize the Secretary of Energy to cooperate in the international magnetic fusion burning plasma experiment, or alternatively to develop a plan for a domestic burning plasma experiment, for the purpose of accelerating the scientific understanding and development of fusion as a long term energy source.

S. 626

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 626, a bill to reduce the amount of paperwork for special education teachers, to make mediation mandatory for all legal disputes related to individualized education programs, and for other purposes.

S. 667

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 667, a bill to amend the Food Security Act of 1985 to strengthen payment limitations for commodity payments and benefits.

S. 673

At the request of Mr. BOND, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 673, a bill to amend part D of title III of the Public Health Service Act to authorize grants and loan guarantees for health centers to enable the centers to fund capital needs projects, and for other purposes.

S. 696

At the request of Mrs. HUTCHISON, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 696, a bill to amend the Internal Revenue Code of 1986 to allow a tax credit for marginal domestic oil and natural gas well production and an election to expense geological and geophysical expenditures and delay rental payments.

S. 705

At the request of Mr. MCCAIN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 705, a bill to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized.

S. 736

At the request of Mr. ENSIGN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor 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. 759

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 759, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for individuals and businesses for the installation of certain wind energy property.

S. 780

At the request of Mr. LOTT, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 780, a bill to award a congressional gold medal to Chief Phillip Martin of the Mississippi Band of Choctaw Indians.

S. 796

At the request of Ms. COLLINS, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 796, a bill to provide for the appointment of a Director of State and Local Government Coordination within the Department of Homeland Security and to transfer the Office for Domestic Preparedness to the Office of the Secretary of Homeland Security.

S. 818

At the request of Ms. SNOWE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 818, a bill to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration.

S. 837

At the request of Mr. BROWNBACK, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 837, a bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes.

S. 838

At the request of Ms. COLLINS, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 838, a bill to waive the limitation on the use of funds appropriated for the Homeland Security Grant Program.

S. 847

At the request of Mr. SMITH, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 847, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low income individuals infected with HIV.

S. 869

At the request of Mr. HARKIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 869, a bill to amend title XVIII of the Social Security Act to provide for enhanced reimbursement under the medicare program for screening and diagnostic mammography services, and for other purposes.

S. 874

At the request of Mr. TALENT, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 875

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. JOHNSON) 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 community development, and for other purposes.

S. 877

At the request of Mr. BURNS, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 877, a bill to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

S. 888

At the request of Mr. GREGG, the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 888, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 919

At the request of Mr. BURNS, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 919, a bill to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates, and for other purposes.

S. 922

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 922, a bill to change the requirements for naturalization through service in the Armed Forces of the United States, to extend naturalization benefits to members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces, to extend posthumous benefits to surviving spouses, children, and parents, and for other purposes.

S. 929

At the request of Mr. MCCAIN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 929, a bill to direct the Secretary of Transportation to make grants for security improvements to over-the-road bus operations, and for other purposes.

S. 939

At the request of Mr. HAGEL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 939, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part, to provide an exception to the local maintenance of effort requirements, and for other purposes.

S. 946

At the request of Mr. LEAHY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 946, a bill to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs.

S. 950

At the request of Mr. ENZI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 950, a bill to allow travel between the United States and Cuba.

S. 982

At the request of Mrs. BOXER, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S.J. RES. 11

At the request of Mr. KENNEDY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S.J. Res. 11, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

S. CON. RES. 26

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Con. Res. 26, a concurrent resolution condemning the punishment of execution by stoning as a gross violation of human rights, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSON (for himself, Mr. CRAIG, Mr. LEAHY, and Ms. STABENOW):

S. 996. A bill to amend the Richard B. Russell National School Lunch Act to ensure an adequate level of commodity purchases under the school lunch program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. JOHNSON. Mr. President, I rise today with my colleagues, Senators CRAIG, STABENOW, and LEAHY, to introduce the ''Commodity Distribution Act of 2003.'' Senator CRAIG and I have introduced similar legislation in the past, and while it is unfortunate that this legislation is necessary, we are pleased to meet the need that currently exists.

In 1999, Congress enacted the Ticket to Work and Work Incentives Improvement Act, which amended the School Lunch Act to require the United States Department of Agriculture to count the value of bonus commodities when it determines the total amount of commodity assistance provided to schools. This change meant a $500 million budget cut to the school lunch program over a 9-year period.

Senator CRAIG and I have been successful since the passage of the Ticket to Work Act in preventing this cut from affecting the School Lunch Program for the past 4 years. However, a provision included in the 2002 Farm Bill will expire the end of this fiscal year, leaving the school lunch program vulnerable to cut of over $50 million per year over the next 5 years.

Our legislation, the Commodity Distribution Act of 2003, would prevent this devastating cut to the school lunch program. While not large in overall budget terms, $50 million in commodities for school lunch programs across the country means a great deal in delivering quality meals to our children every day. It also means a great deal to the agricultural producers who benefit from having these commodities taken out of the marketplace, and used for a valuable purpose.

Our Nation faces a unique situation when it comes to feeding our Nation's children. We live in a country where both hunger and obesity co-exist among the children served by our important nutrition programs. We can and must form policy that addresses both of these problems.

The legislation that Senators CRAIG, STABENOW, and LEAHY, and I are introducing today takes an important first step in addressing this unique situation by maintaining the level of commodity support our school districts receive to run their school lunch programs. There could be no worse time to take away these valuable assets to their programs.

The Commodity Distribution Act continues the dual purpose of our school lunch program—supporting American agriculture, while delivering nutritious food to our Nation's children.

Mr. President, I ask that this bill be printed in the RECORD.

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

S. 996

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Commodity Distribution Act of 2003''.

SEC. 2. COMMODITY PURCHASES UNDER SCHOOL LUNCH PROGRAM.

Section 6(e) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(e)) is amended—

(1) in paragraph (1)—

(A) by striking ''in the form of'' and all that follows through ''(A) commodity assistance'' and inserting ''in the form of commodity assistance'';

(B) by striking ''; or'' and inserting a period; and

(C) by striking subparagraph (B); and

(2) in paragraph (2)—

(A) by striking ''the Secretary shall, to the extent necessary,'' and inserting ''the Secretary—

''(A) shall, to the extent necessary,'';

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

(C) by adding at the end the following:

''(B) shall not use commodities provided under the authority of any other Act to meet the requirement for the school year.''.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on October 1, 2003.

Mr. CRAIG. Mr. President, I rise today to join my colleague Senator JOHNSON in introducing the Commodity Distribution Act of 2003.

Children are our future. I strongly believe each child deserves at least one warm, nutritious meal every day. I stand before you today with a new bill that will restore $500 million to the School Lunch Program. The positive impacts of this program are endless. Children should not have to pay the price of not having enough money for food.

Originally enacted in 1946, the school launch program set goals to improve children's nutrition, increase low-income children's access to nutritious meals, and to help support the agricultural industry. A family of four has to have an income at or below 130 percent of the Federal poverty level to qualify for a free lunch. The income for these families is tragically low. Congress has a role in providing these children with assistance their families cannot provide.

In 1999, Congress enacted the Ticket to Work and Work Incentives Improvement Act. This legislation amended the School Lunch Act to require the United States Department of Agriculture to count the value of bonus commodities when it determines the total amount of commodity assistance provided to schools. This change continues to provide a $500 million budget cut for the school lunch program over its 9-year projection.

In 2001, the school lunch program comprised over 90 percent of schools, with some 99,000 public and private schools enrolling approximately 50 million children. Today over 28 million children receive free or low-cost lunches every school day. Each State and millions of children are affected. This program provides a basic requirement of food for needy children.

The 2002 Farm Bill passed almost a full year ago included language that extended this authorization language until the end of this fiscal year. Without Congressional action, $50 million will be cut from the food budget for school districts. This legislation would further extend this support through 2007, when the Richard B. Russell National School Lunch act is scheduled for reauthorization.

It is my belief that no child should be without food. The Commodity Distribution Act of 2003 would ensure that schools receive the full value of entitlement commodity assistance, and allow the School Lunch Program to continue to meet its dual purpose of supporting American agriculture when it needs it most while providing nutritious food to schools across the country. I urge members to support this bill, support children, and support our future.

By Mr. DOMENICI:

S. 997. A bill to authorize the Secretary of the Army to carry out critical restoration projects along the Middle Rio Grande; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, those of us privileged to represent our fellow citizens on this hallowed floor get far too few opportunities to help usher in visionary projects that can potentially transform communities, both of man and of nature. I rise today to tell you about a project that has been discussed before on this floor; I bring it to your attention again because I believe it's a project worth doing and worth doing well. It concerns one of New Mexico's unique natural treasures: the Middle Rio Grande Bosque.

According to an old Chinese Proverb, ''if you are thinking 1 year ahead, sow seed. If you are thinking 10 years ahead, plant a tree. If you are thinking 100 years ahead, educate the people.'' The bill I am introducing today encompasses the wisdom of this proverb.

Two years ago, I joined the Middle Rio Grande Conservancy District and the Army Corps of Engineers in unveiling a vision for the Bosque that would rehabilitate and restore this long neglected treasure of the Southwest. I return here today to begin implementing that vision.

The Albuquerque metropolitan area is the largest concentration of people in New Mexico. It is also the home to the irreplaceable riparian forest which runs through the heart of the city and surrounding towns that is the Bosque. It is the largest continuous cottonwood forest in the Southwest, and one of the last of its kind in the world.

Unfortunately, mismanagement, neglect, and the effects of upstream development have severely degraded the Bosque. The list of its woes is long: it has been overrun by non-native vegetation; graffiti and trash mar locations along its length; the drought and build up of hazardous fuel have contributed to an increased susceptibility to fire. As a result, public access is problematical and crucial habitat for scores of species is threatened. And yet, it remains one of the most biologically diverse ecosystems in the Southwest. My goal is to restore the Bosque and create a space that is open and attractive to the public.

This is a grand undertaking to be sure; but I want to ensure that this extraordinary corridor of the Southwestern desert is preserved for generations to come: not only for generations of humans, but for the diverse plant and animal species that reside in it as well.

Situated in the heart of the State's largest city, its potential to be a special attraction for residents is exciting. Equally exciting are the potential benefits to the ecosystem as a whole. The rehabilitation of this ecosystem leads to greater protection for threatened and endangered species; it means more migratory birds, healthier habitat for fish, and greater numbers of towering cottonwood trees.

This project could be one of the far too rare opportunities to both increase the quality of life for a city while assuring the health and stability of an entire ecosystem. We would be increasing the attractiveness of Albuquerque to businesses while improving the home of the Silvery Minnow. Where trash is now strewn, walking paths and horse trails will run. Where jetty jacks and discarded rubble lie, cottonwood will grow. The dead trees and underbrush that threaten devastating fire will be replaced by healthy groves of trees. School children will be able to study and maybe catch sight of a bald eagle. The chance to help build a dynamic public space like this does not come around often, and I would like to see Congress embrace that chance.

Having grown up in along the Rio Grande in Albuquerque, the Bosque is something I treasure; and I lament the degradation that has occurred. Because of this, I have been involved in Bosque restoration since 1991 and I commend the efforts of groups like the Bosque Coalition for the work they have done, and will continue to do, along the river. I propose to build on that rehabilitation. The effort I put in front of you today is a logical complement to these previous efforts as well as towards Bosque revitalization, restoration, and recovery for the entire Rio Grande.

Already work is underway. Over the past two years, the Army Corps of Engineers has undertaken the task of conducting a study so that we might gain a better understanding of how best to rehabilitate and restore this beautiful Albuquerque greenbelt.

I remain grateful to each of the parties who have been involved with this

idea since its inception. Each one contributes a very critical component. The Middle Rio Grande Conservancy District owns this vital part of the Bosque which runs from the National Hispanic Cultural Center north to the Paseo Del Norte Bridge. The MRGCD has proven to be a valuable local partner in identifying areas for non-native species and other environmental restoration work. Additionally, MRGCD continues to work on the development and implementation of an educational campaign for local public schools on the importance of the Bosque. Finally, MRGCD has continually worked with all parties to provide options on how the Bosque can be preserved, protected and enjoyed by everyone.

The Army Corps of Engineers is developing a preliminary restoration plan for the Bosque along the Albuquerque corridor. The plan is well underway and is moving towards the development of a feasibility study.

Specifically, this bill authorizes $10 million dollars in fiscal year 2004 and such sums as are necessary for the following nine years to complete projects, activities, substantial ecosystem restoration, preservation, protection, and recreation facilities along the Middle Rio Grande. I urge my fellow members to help preserve this rare and diverse ecosystem and to aid the city of Albuquerque and the State of New Mexico in building a place to treasure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 997

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

SECTION 1. FINDINGS.

Congress finds that—

(1) the Middle Rio Grande bosque is—

(A) a unique riparian forest located in Albuquerque, New Mexico;

(B) the largest continuous cottonwood forest in the Southwest;

(C) 1 of the oldest continuously inhabited areas in the United States;

(D) home to portions of 6 pueblos; and

(E) a critical flyway and wintering ground for migratory birds;

(2) the portion of the Middle Rio Grande adjacent to the Middle Rio Grande bosque provides water to many people in the State of New Mexico;

(3) the Middle Rio Grande bosque should be maintained in a manner that protects endangered species and the flow of the Middle Rio Grande while making the Middle Rio Grande bosque more accessible to the public;

(4) environmental restoration is an important part of the mission of the Corps of Engineers; and

(5) the Corps of Engineers should reestablish, where feasible, the hydrologic connection between the Middle Rio Grande and the Middle Rio Grande bosque to ensure the permanent healthy growth of vegetation native to the Middle Rio Grande bosque.

SEC. 2. DEFINITIONS.

In this Act:

(1) CRITICAL RESTORATION PROJECT.—The term ''critical restoration project'' means a project carried out under this Act that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, recreation, and protection benefits.

(2) MIDDLE RIO GRANDE.—The term ''Middle Rio Grande'' means the portion of the Rio Grande from Cochiti Dam to the headwaters of Elephant Butte Dam, in the State of New Mexico.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Army.

SEC. 3. MIDDLE RIO GRANDE RESTORATION.

(a) CRITICAL RESTORATION PROJECTS.—The Secretary shall carry out critical restoration projects along the Middle Rio Grande.

(b) PROJECT SELECTION.—

(1) IN GENERAL.—The Secretary may select critical restoration projects in the Middle Rio Grande based on feasibility studies.

(2) USE OF EXISTING STUDIES AND PLANS.—In carrying out subsection (a), the Secretary shall use, to the maximum extent practicable, studies and plans in existence on the date of enactment of this Act to identify the needs and priorities for critical restoration projects.

(c) LOCAL PARTICIPATION.—In carrying out this Act, the Secretary shall consult with, and consider the priorities of, public and private entities that are active in ecosystem restoration in the Rio Grande watershed, including entities that carry out activities under—

(1) the Middle Rio Grande Endangered Species Act Collaborative Program; and

(2) the Bosque Improvement Group of the Middle Rio Grande Bosque Initiative.

(d) COST SHARING.—

(1) COST-SHARING AGREEMENT.—Before carrying out any critical restoration project under this Act, the Secretary shall enter into an agreement with the non-Federal interests that shall require the non-Federal interests—

(A) to pay 25 percent of the total costs of the critical restoration project;

(B) to provide land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project that are incurred after the date of enactment of this Act; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project (other than any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government).

(2) RECREATIONAL FEATURES.—

(A) IN GENERAL.—Any recreational features included as part of a critical restoration project shall comprise not more that 30 percent of the total project cost.

(B) NON-FEDERAL FUNDING.—The full cost of any recreational features included as part of a critical restoration project in excess of the amount described in subparagraph (A) shall be paid by the non-Federal interests.

(3) CREDIT.—The non-Federal interests shall receive credit toward the non-Federal share of the cost of design or construction activities carried out by the non-Federal interests before the execution of the project cooperation agreement if the Secretary determines that the work performed by the non-Federal interest is integral to the project.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $10,000,000 for fiscal year 2004; and

(2) such sums as are necessary for each of fiscal years 2005 through 2013.

By Mr. CORZINE (for himself, Mr. LAUTENBERG, Mr. SPECTER, Mr. SCHUMER, Mr. DODD, Mrs. CLINTON, and Mr. LIEBERMAN):

S. 999. A bill to establish the Highlands Stewardship Area in the States of Connecticut, New Jersey, New York, and Pennsylvania, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CORZINE. Mr. President, today along with Senators LAUTENBERG, SPECTER, SCHUMER, DODD, CLINTON and LIEBERMAN, I am introducing the Highlands Stewardship Act. I am proud to be joining Congressman RODNEY FRELINGHUYSEN and other colleagues from the New Jersey, New York, and Connecticut congressional delegations, who are introducing identical legislation in the House of Representatives.

This legislation would help to preserve one of the last open space treasures in this country, the Highlands forest region that stretches from northwestern Connecticut, across the lower Hudson River valley in New York, through my State of New Jersey and into east-central Pennsylvania. This region encompasses more than 2 million acres of forests, farms, streams, wetlands, lakes and reservoirs and historic sites. It includes the Green, Taconic and Notre Dame Mountains. It also includes such historic sites as Morristown National Historic Park and West Point.

The value of the ecological, recreational and scenic resources of the Highlands cannot be overstated. One hundred seventy million gallons are drawn from the Highlands aquifers daily, providing quality drinking water for over 11 million people. Two hundred forty seven threatened or endangered species live in the Highlands including the timber rattlesnake, wood turtle, red-shouldered hawk, barred owl, great blue heron and eastern wood rat. There also are many fishing, hiking and boating recreation opportunities in the Highlands that are used by many of the 1 in 12 Americans who live within 2 hours of travel of the Highlands.

Unfortunately, much of Highlands is quickly vanishing. According to the most recent study issued by the United States Department of Agriculture, we have lost over 3,000 acres of forest and 1,600 acres of farmland in New York and New Jersey sections of the Highlands annually to development between 1995 and 2000.

This legislation would designate a Stewardship Area amongst the four States in order to protect the most important Highlands projects. It would create a source of funding for conservation and preservation projects in the Highlands to preserve and protect the open space that remains. Two million dollars a year for 10 years would be provided for conservation assistance projects in the four Highlands States. This funding could be used for items such as smart growth initiatives and cultural preservation projects. Twenty-five million dollars a year over 10 years

also would be provided for open space preservation projects in the four Highlands states. The source of this funding would be the Land and Water Conservation Fund.

I am proud to introduce this legislation to ensure that we protect this resource, which is so critical to our quality of life, and I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 999

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Highlands Stewardship Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Highlands region is a geographic area that encompasses more than 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut;

(2) the Highlands region is an environmentally unique area that—

(A) provides clean drinking water to over 15,000,000 people in metropolitan areas in the States of Connecticut, New Jersey, New York, and Pennsylvania;

(B) provides critical wildlife habitat, including habitat for 247 threatened and endangered species;

(C) maintains an important historic connection to early Native American culture, colonial settlement, the American Revolution, and the Civil War;

(D) contains recreational resources for 14,000,000 visitors annually; and

(E) provides other significant ecological, natural, tourism, recreational, educational, and economic benefits;

(3) an estimated 1 in 12 citizens of the United States live within a 2-hour drive of the Highlands region;

(4) more than 1,400,000 residents live in the Highlands region;

(5) the Highlands region forms a greenbelt adjacent to the Philadelphia-New York City-Hartford urban corridor that offers the opportunity to preserve natural and agricultural resources, open spaces, recreational areas, and historic sites, while encouraging sustainable economic growth and development in a fiscally and environmentally sound manner;

(6) continued population growth and land use patterns in the Highlands region—

(A) reduce the availability and quality of water;

(B) reduce air quality;

(C) fragment the forests;

(D) destroy critical migration corridors and forest habitat; and

(E) result in the loss of recreational opportunities and scenic, historic, and cultural resources;

(7) the natural, agricultural, and cultural resources of the Highlands region, in combination with the proximity of the Highlands region to the largest metropolitan areas in the United States, make the Highlands region nationally significant;

(8) the national significance of the Highlands region has been documented in—

(A) the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990;

(B) the New York-New Jersey Highlands Regional Study: 2002 Update conducted by the Forest Service;

(C) the bi-State Skylands Greenway Task Force Report;

(D) the New Jersey State Development and Redevelopment Plan;

(E) the New York State Open Space Conservation Plan;

(F) the Connecticut Green Plan: Open Space Acquisition FY 2001–2006;

(G) the open space plans of the State of Pennsylvania; and

(H) other open space conservation plans for States in the Highlands region;

(9) the Highlands region includes or is adjacent to numerous parcels of land owned by the Federal Government or federally designated areas that protect, conserve, restore, promote, or interpret resources of the Highlands region, including—

(A) the Wallkill River National Wildlife Refuge;

(B) the Shawanagunk Grasslands Wildlife Refuge;

(C) the Morristown National Historical Park;

(D) the Delaware and Lehigh Canal Corridors;

(E) the Hudson River Valley National Heritage Area;

(F) the Delaware River Basin;

(G) the Delaware Water Gap National Recreation Area;

(H) the Upper Delaware Scenic and Recreational River;

(I) the Appalachian National Scenic Trail;

(J) the United States Military Academy at West Point, New York;

(K) the Highlands National Millennium Trail;

(L) the Picatinny Arsenal in the State of New Jersey;

(M) the Great Swamp National Wildlife Refuge;

(N) the proposed Crossroads of the Revolution National Heritage Area;

(O) the proposed Musconetcong National Scenic and Recreational River in the State of New Jersey; and

(P) the Farmington River Wild and Scenic Area in the State of Connecticut;

(10) it is in the interest of the United States to protect, conserve, restore, promote, and interpret the resources of the Highlands region for the residents of, and visitors to, the Highlands region;

(11) the States of Connecticut, New Jersey, New York, and Pennsylvania, regional entities, and units of local government in the Highlands region have the primary responsibility for protecting, conserving, preserving, and promoting the resources of the Highlands region; and

(12) because of the longstanding Federal practice of assisting States in creating, protecting, conserving, preserving, restoring, and interpreting areas of significant natural and cultural importance, and the national significance of the Highlands region, the Federal Government should, in partnership with the Highlands States and units of local government in the Highlands region, protect, restore, promote, preserve, and interpret the natural, agricultural, historical, and cultural resources of the Highlands region.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to recognize the importance of the natural resources and the heritage, history, and national significance of the Highlands region to the United States;

(2) to assist the Highlands States, units of local government, and private landowners in protecting, restoring, preserving, interpreting, and promoting the natural, agricultural, historical, cultural, and recreational resources of the Highlands region;

(3) to preserve and protect high priority conservation land in the Highlands region by authorizing the Secretary of the Interior to—

(A) work in partnership with the Secretary of Agriculture and the Highlands States; and

(B) provide financial and technical assistance to the Highlands States;

(4) to authorize the Secretary of Agriculture to provide financial and technical assistance for projects that will protect, restore, promote, and interpret the natural, agricultural, historical, cultural, or recreational resources of the Highlands region; and

(5) to coordinate with and assist the management entities of the Hudson River Valley National Heritage Area, the Wallkill National Refuge Area, the Morristown National Historic Area, and other federally designated areas in the region in carrying out any duties relating to protecting the natural resources of the Highlands region.

SEC. 4. DEFINITIONS.

In this Act:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means any Highlands State, unit of local government, public entity, private entity, or private landowner in the Stewardship Area.

(2) HIGHLANDS REGION.—The term ''Highlands region'' means the region that encompasses nearly 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut.

(3) HIGHLANDS STATE.—The term ''Highlands State'' means—

(A) the State of Connecticut;

(B) the State of New Jersey;

(C) the State of New York;

(D) the State of Pennsylvania; and

(E) any agency or department of a State specified in subparagraph (A), (B), (C), or (D) that is authorized to own and manage land for conservation purposes, including the Palisades Interstate Park Commission.

(4) LAND CONSERVATION PARTNERSHIP PROJECT.—The term ''land conservation partnership project'' means a project in which a Highlands State acquires from a willing seller land or an interest in land that is located in an area identified in the study or update as having a high conservation value for the purpose of protecting, conserving, or preserving the natural, forest, agricultural, recreational, historical, or cultural resources of the Stewardship Area.

(5) OFFICE.—The term ''Office'' means the Office of Highlands Stewardship established under section 6(a).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(7) STEWARDSHIP AREA.—The term ''Stewardship Area'' means the Highlands Stewardship Area established under section 5(a).

(8) STUDY.—The term ''study'' means the Highlands Regional Study conducted by the Forest Service in 1990.

(9) UPDATE.—The term ''update'' means the New York-New Jersey Highlands Regional Assessment Update conducted by the Forest Service in 2001.

(10) WORK GROUP.—The term ''Work Group'' means the Highlands Stewardship Area Work Group established under section 6(c).

SEC. 5. ESTABLISHMENT OF HIGHLANDS STEWARDSHIP AREA.

(a) ESTABLISHMENT.—The Secretary and the Secretary of the Interior shall establish the Highlands Stewardship Area in the Highlands region.

(b) CONSULTATION AND RESOURCE ANALYSES.—In establishing the Stewardship Area under subsection (a), the Secretary and the Secretary of the Interior shall—

(1) consult with appropriate officials of the Federal Government, the Governors and other appropriate officials of the Highlands States, and units of local government; and

(2) take into account the study, the update, and any relevant State resource analyses.

(c) MAP.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of the Interior shall prepare a map depicting the Stewardship Area.

(2) AVAILABILITY.—The map shall be on file and available for public inspection at the appropriate offices of the Secretary and the Secretary of the Interior.

SEC. 6. OFFICE OF HIGHLANDS STEWARDSHIP.

(a) ESTABLISHMENT.—The Secretary, in consultation with the Under Secretary of Agriculture for Natural Resources and Environment, the Chief of the Natural Resources Conservation Service, and the Chief of the Forest Service, shall establish within the Department of Agriculture the Office of Highlands Stewardship.

(b) DUTIES.—The Office shall—

(1) advise the Secretary, the Secretary of the Interior, and the Governors of the States specified in subparagraphs (A) through (D) of section 4(3) on priorities for—

(A) projects carried out with financial or technical assistance under this section;

(B) land conservation partnership projects carried out under section 7;

(C) research relating to the Highlands region; and

(D) policy and educational initiatives necessary to implement the findings of the study and update; and

(2) implement in the Stewardship Area—

(A) the strategies of the study and update; and

(B) in consultation with the Highlands States, other studies consistent with the purposes of this Act.

(c) HIGHLANDS STEWARDSHIP AREA WORK GROUP.—

(1) ESTABLISHMENT.—The Secretary shall establish an advisory committee to be known as the ''Highlands Stewardship Area Work Group'' to assist the Office in implementing the strategies of the studies and update referred to in subsection (b).

(2) MEMBERSHIP.—The Work Group shall be comprised of members that represent various public and private interests throughout the Stewardship Area, including private landowners and representatives of private land trusts, conservation groups, distributors of drinking water, academic institutions, and units of local government, to be appointed by the Secretary, in consultation with the Governors of the States specified in subparagraphs (A) through (D) of section 4(3).

(3) DUTIES.—The Work Group shall advise the Office, the Secretary, and the Secretary of the Interior on the priorities described in subsection (b)(1).

(d) FINANCIAL AND TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Office may provide financial and technical assistance to an eligible entity to carry out a project to protect, restore, preserve, promote, or interpret the natural, agricultural, historical, cultural, or recreational resources of the Stewardship Area.

(2) PRIORITY.—In determining the priority for financial and technical assistance under paragraph (1), the Office shall consider the recommendations of the study and update.

(3) CONDITIONS.—

(A) IN GENERAL.—The provision of financial assistance under this subsection shall be subject to the condition that the eligible entity enter into an agreement with the Office that provides that if the eligible entity converts, uses, or disposes of the project for a purpose inconsistent with the purpose for which the financial assistance was provided, as determined by the Office, the United States shall be entitled to reimbursement from the eligible entity in an amount that is, as determined at the time of conversion, use, or disposal, the greater of—

(i) the total amount of the financial assistance provided for the project by the Federal Government under this section; or

(ii) the amount by which the financial assistance has increased the value of the land on which the project is carried out.

(B) COST-SHARING REQUIREMENT.—The Federal share of the cost of carrying out a project under this subsection shall not exceed 50 percent of the total cost of the project.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $2,000,000 for each of fiscal years 2004 through 2013, to remain available until expended.

SEC. 7. LAND CONSERVATION PARTNERSHIP PROJECTS.

(a) IN GENERAL.—The Secretary of the Interior, in consultation with units of local government, the Office, the Work Group, and the public, shall, from among proposed land conservation partnership projects submitted to the Secretary of the Interior by the Governors of the States specified in subparagraphs (A) through (D) of section 4(3), annually designate land conservation partnership projects that are eligible to receive financial assistance under this section.

(b) CONDITIONS.—

(1) IN GENERAL.—To be eligible for financial assistance for a project under subsection (a), a Highlands State shall enter into an agreement with the Secretary of the Interior that—

(A) identifies—

(i) the Highlands State that will own or hold the land or interest in land that is the subject of the project; and

(ii) the source of funds to provide the non-Federal share under paragraph (2);

(B) provides that the Highlands State shall permanently protect any land acquired as part of a land conservation partnership project;

(C) describes management objectives for the land that will ensure the permanent protection and use of the land for the purpose for which the assistance was provided;

(D) provides that if the Highlands State converts, uses, or disposes of the project for a purpose inconsistent with the purpose for which the assistance was provided, as determined by the Secretary of the Interior, the United States—

(i) may file a civil action in an appropriate district court of the United States for specific performance of the conditions on financial assistance; and

(ii) shall be entitled to reimbursement from the Highlands State in an amount that is, as determined at the time of conversion, use, or disposal, the greater of—

(I) the total amount of the financial assistance provided for the project by the Federal Government under this section; or

(II) the amount by which the financial assistance increased the value of the land or interest in land that is the subject of the project; and

(E) provides that use of the financial assistance will be consistent with—

(i) the open space plan or greenway plan of the Highlands State in which the land conservation partnership project is being carried out; and

(ii) the findings and recommendations of the study and update.

(2) COST-SHARING REQUIREMENT.—The Federal share of the cost of carrying out a land conservation partnership project under this subsection shall not exceed 50 percent of the total cost of the land conservation partnership project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior from the general fund of the Treasury or the Land and Water Conservation Fund to carry out this section $25,000,000 for each of fiscal years 2004 through 2013, to remain available until expended.

SEC. 8. EFFECT.

Nothing in this Act—

(1) modifies, enlarges, or diminishes any authority of the Federal Government, or any State or local government, to regulate any use of land;

(2) grants powers of zoning or land use control to an entity established under this Act; or

(3) authorizes an entity established under this Act to interfere with—

(A) the right of any person with respect to private property; or

(B) any local zoning ordinance or land use plan of any local unit of government in the Stewardship Area.

By Mr. GRAHAM of South Carolina (for himself, Mr. COLEMAN, Mr. ALLEN, Mr. MILLER, Mrs. CLINTON, and Ms. LANDRIEU:

S. 1000. A bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to provide TRICARE eligibility for members of the Selected Reserve of the Ready Reserve and their families; to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes; to the Committee on Finance.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1000

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Guard and Reserves Reform Act for the 21st Century''.

SEC. 2. ELIGIBILITY FOR RETIRED PAY FOR NON-REGULAR SERVICE.

(a) AGE AND SERVICE REQUIREMENTS.—Subsection (a) of section 12731 of title 10, United States Code, is amended to read as follows:

''(a)(1) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—

''(A) satisfies one of the combinations of requirements for minimum age and minimum number of years of service (computed under section 12732 of this title) that are specified in the table in paragraph (2);

''(B) performed the last six years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve, except that in the case of a person who completed 20 years of

service computed under section 12732 of this title before October 5, 1994, the number of years of qualifying service under this subparagraph shall be eight; and

''(C) is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

''(2) The combinations of minimum age and minimum years of service required of a person under subparagraph (A) of paragraph (1) for entitlement to retired pay as provided in such paragraph are as follows:

''Age, in years, is at least:	The minimum years of service required for that age is:
53	34
54	32
55	30
56	28
57	26
58	24
59	22
60	20.''.

(b) 20-YEAR LETTER.—Subsection (d) of such section is amended by striking ''the years of service required for eligibility for retired pay under this chapter'' in the first sentence and inserting ''20 years of service computed under section 12732 of this title.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply with respect to retired pay payable for that month and subsequent months.

SEC. 2. EXPANDED ELIGIBILITY OF READY RESERVISTS FOR TRICARE.

(a) ELIGIBILITY.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1097b the following new section:

''§ 1097c. TRICARE program: Reserves not on active duty

''(a) ELIGIBILITY.—A member of the Selected Reserve of the Ready Reserve of the armed forces not otherwise eligible for enrollment in the TRICARE program under this chapter for the same benefits as a member of the armed forces eligible under section 1074(a) of this title may enroll for self or for self and family for the same benefits under this section.

''(b) PREMIUMS.—(1) An enlisted member of the armed forces enrolled in the TRICARE program under this section shall pay an annual premium of $330 for self only coverage and $560 for self and family coverage for which enrolled under this section.

''(2) An officer of the armed forces enrolled in the TRICARE program under this section shall pay an annual premium of $380 for self only coverage and $610 for self and family coverage for which enrolled under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1097b the following new item:

''1097c. Section 101 head.''.

SEC. 3. CREDIT FOR EMPLOYMENT OF RESERVE COMPONENT PERSONNEL.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

''SEC. 45G. RESERVE COMPONENT EMPLOYMENT CREDIT.

''(a) GENERAL RULE.—For purposes of section 38, the reserve component employment credit determined under this section is an amount equal to the sum of—

''(1) the employment credit with respect to all qualified employees of the taxpayer, plus

''(2) the self-employment credit of a qualified self-employed taxpayer.

''(b) EMPLOYMENT CREDIT.—For purposes of this section—

''(1) IN GENERAL.—The employment credit with respect to a qualified employee of the taxpayer for any taxable year is equal to the excess, if any, of—

''(A) the qualified employee's average daily qualified compensation for the taxable year, over

''(B) the average daily military pay and allowances received by the qualified employee during the taxable year,

while participating in qualified reserve component duty to the exclusion of the qualified employee's normal employment duties for the number of days the qualified employee participates in qualified reserve component duty during the taxable year, including time spent in a travel status. The employment credit, with respect to all qualified employees, is equal to the sum of the employment credits for each qualified employee under this subsection.

''(2) AVERAGE DAILY QUALIFIED COMPENSATION AND AVERAGE DAILY MILITARY PAY AND ALLOWANCES.—As used with respect to a qualified employee—

''(A) the term 'average daily qualified compensation' means the qualified compensation of the qualified employee for the taxable year divided by the difference between—

''(i) 365, and

''(ii) the number of days the qualified employee participates in qualified reserve component duty during the taxable year, including time spent in a travel status, and

''(B) the term 'average daily military pay and allowances' means—

''(i) the amount paid to the qualified employee during the taxable year as military pay and allowances on account of the qualified employee's participation in qualified reserve component duty, divided by

''(ii) the total number of days the qualified employee participates in qualified reserve component duty, including time spent in travel status.

''(3) QUALIFIED COMPENSATION.—When used with respect to the compensation paid or that would have been paid to a qualified employee for any period during which the qualified employee participates in qualified reserve component duty, the term 'qualified compensation' means—

''(A) compensation which is normally contingent on the qualified employee's presence for work and which would be deductible from the taxpayer's gross income under section 162(a)(1) if the qualified employee were present and receiving such compensation,

''(B) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and with respect to which the number of days the qualified employee participates in qualified reserve component duty does not result in any reduction in the amount of vacation time, sick leave, or other nonspecific leave previously credited to or earned by the qualified employee, and

''(C) group health plan costs (if any) with respect to the qualified employee.

''(4) QUALIFIED EMPLOYEE.—The term 'qualified employee' means a person who—

''(A) has been an employee of the taxpayer for the 21-day period immediately preceding the period during which the employee participates in qualified reserve component duty, and

''(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as defined in sections 10142 and 10101 of title 10, United States Code.

''(c) SELF-EMPLOYMENT CREDIT.—

''(1) IN GENERAL.—The self-employment credit of a qualified self-employed taxpayer for any taxable year is equal to the excess, if any, of—

''(A) the self-employed taxpayer's average daily self-employment income for the taxable year over

''(B) the average daily military pay and allowances received by the taxpayer during the taxable year, while participating in qualified reserve component duty to the exclusion of the taxpayer's normal self-employment duties for the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status.

''(2) AVERAGE DAILY SELF-EMPLOYMENT INCOME AND AVERAGE DAILY MILITARY PAY AND ALLOWANCES.—As used with respect to a self-employed taxpayer—

''(A) the term 'average daily self-employment income' means the self-employment income (as defined in section 1402) of the taxpayer for the taxable year plus the amount paid for insurance which constitutes medical care for the taxpayer for such year (within the meaning of section 162(l)) divided by the difference between—

''(i) 365, and

''(ii) the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status, and

''(B) the term 'average daily military pay and allowances' means—

''(i) the amount paid to the taxpayer during the taxable year as military pay and allowances on account of the taxpayer's participation in qualified reserve component duty, divided by

''(ii) the total number of days the taxpayer participates in qualified reserve component duty, including time spent in travel status.

''(3) QUALIFIED SELF-EMPLOYED TAXPAYER.—The term 'qualified self-employed taxpayer' means a taxpayer who—

''(A) has net earnings from self-employment (as defined in section 1402) for the taxable year, and

''(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States.

''(d) CREDIT IN ADDITION TO DEDUCTION.—The employment credit provided in this section is in addition to any deduction otherwise allowable with respect to compensation actually paid to a qualified employee during any period the qualified employee participates in qualified reserve component duty to the exclusion of normal employment duties.

''(e) LIMITATIONS.—

''(1) MAXIMUM CREDIT.—

''(A) IN GENERAL.—The credit allowed by subsection (a) for the taxable year shall not exceed $25,000 with respect to each qualified employee.

''(B) CONTROLLED GROUPS.—For purposes of applying the limitation in subparagraph (A)—

''(i) all members of a controlled group shall be treated as one taxpayer, and

''(ii) such limitations shall be allocated among the members of such group in such manner as the Secretary may prescribe.

For purposes of this subparagraph, all persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as members of a controlled group.

''(2) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

''(A) any taxable year in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323

of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

''(B) the 2 succeeding taxable years.

''(3) DISALLOWANCE WITH RESPECT TO PERSONS ORDERED TO ACTIVE DUTY FOR TRAINING.—No credit shall be allowed under subsection (a) to a taxpayer with respect to any period for which the person on whose behalf the credit would otherwise be allowable is called or ordered to active duty for any of the following types of duty:

''(A) active duty for training under any provision of title 10, United States Code,

''(B) training at encampments, maneuvers, outdoor target practice, or other exercises under chapter 5 of title 32, United States Code, or

''(C) full-time National Guard duty, as defined in section 101(d)(5) of title 10, United States Code.

''(f) GENERAL DEFINITIONS AND SPECIAL RULES.—

''(1) MILITARY PAY AND ALLOWANCES.—The term 'military pay' means pay as that term is defined in section 101(21) of title 37, United States Code, and the term 'allowances' means the allowances payable to a member of the Armed Forces of the United States under chapter 7 of that title.

''(2) QUALIFIED RESERVE COMPONENT DUTY.—The term 'qualified reserve component duty' includes only active duty performed, as designated in the reservist's military orders, in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code.

''(3) NORMAL EMPLOYMENT AND SELF-EMPLOYMENT DUTIES.—A person shall be deemed to be participating in qualified reserve component duty to the exclusion of normal employment or self-employment duties if the person does not engage in or undertake any substantial activity related to the person's normal employment or self-employment duties while participating in qualified reserve component duty unless in an authorized leave status or other authorized absence from military duties. If a person engages in or undertakes any substantial activity related to the person's normal employment or self-employment duties at any time while participating in a period of qualified reserve component duty, unless during a period of authorized leave or other authorized absence from military duties, the person shall be deemed to have engaged in or undertaken such activity for the entire period of qualified reserve component duty.

''(4) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply for purposes of this section.''.

(b) CONFORMING AMENDMENT.—Section 38(b) (relating to general business credit) is amended—

(1) by striking ''plus'' at the end of paragraph (14),

(2) by striking the period at the end of paragraph (15) and inserting '', plus'', and

(3) by adding at the end the following new paragraph:

''(16) the reserve component employment credit determined under section 45G(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 45F the following new item:

''Sec. 45G. Reserve component employment credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

By Mr. BIDEN (for himself, Mr. MCCAIN, Mrs. FEINSTEIN, Mr. DODD, Mr. KERRY, Mrs. CLINTON, and Ms. MIKULSKI):

S. 1001. A bill to make the protection of women and children who are affected by a complex humanitarian emergency a priority of the United States Government, and for other purposes; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, today I am introducing a bill, along with Senators MCCAIN, FEINSTEIN, DODD, and KERRY, to make women and children a priority of our assistance of programs, women and children who are suffering the ravages of war and natural disasters, suffering from food shortages and a lack of basic necessities, suffering from the degradation of complex humanitarian emergencies. War has been the major cause.

Over the past fifty years the nature of war has changed dramatically. Increasingly, sadly, women and children seem to bear the brunt of it. According to the United Nations Children's Fund, since 1990, more than 2 million children have been killed and 6 million maimed or injured as a result of war. Today, 90 percent of the casualities in any war are civilians. They are mostly women and children.

It is incomprehensible to me that rape has been used as a weapon of war all over the world from Burma to Bosnia to Sierra Leone. It is equally incomprehensible that forced displacement of civilians, rather than being one of the unfortunate results of war, has actually become a deliberate tactic.

Under these circumstances, what choice do people have but to leave their homes? They leave out of fear for their lives and their children's lives. Some find their way into camps where instead of safety, they suffer extraordinary violence and abuse. Allegations of sexual exploitation by camp residents and humanitarian workers in refugee camps in west Africa and Nepal are all-too-real examples of the sad fact that women and children remain vulnerable even in the very places they flee to find safety.

This bill seeks to do something about this. It seeks to enhance the U.S. Government's ability to ensure that women and children's protection needs are addressed before, during, and after a complex humanitarian emergency.

It does this in several ways. First, it directs the Secretary of State to designate a special coordinator for protection issues. That person will be changed with making sure that our embassies and consular posts are made aware of the earliest warning signs that a complex humanitarian emergency is imminent. The Coordinator is to compile a watch list of such countries and regions so that our aid missions can plan to meet potential need.

Second, the bill specifies basic measures that will improve our ability to help these women and children, help the refugees, help internally displaced people cope during an actual complex humanitarian crisis.

It requires that relief organizations funded by the United States Government review their procedures to ensure adequate measures have been taken to provide adequate physical security for refugees and internationally displaced people, especially the women and children.

The legislation prohibits U.S. funding for relief agencies that do not sign a code of conduct that prohibits improper relationships between humanitarian aid workers and aid recipients, and encourages the Secretary to pressure the U.N. refugee agency to implement a ''whistle-blower'' system under which aid workers, refugees and internally displaced persons can report instances of gender-based violence and exploitation.

Because women have unique health needs that are often unmet when they are forced to flee their homes, the bill includes a provision mandating health services for women within 30 days of the onset of a complex humanitarian emergency.

Additionally, the bill amends the Micro-Enterprise Development Act to expand the availability of micro-loans to refugees and internally displaced women. When women are given access to income generating activities, they are less vulnerable to coercion from those who would demand sexual favors in return for food or other basic necessities.

Finally, the bill deals with rehabilitation and recovery.

The bill requires the Secretary of State and the Administrator for the Agency for International Development to develop and implement economic development programs to assist female heads of households, to help women increase access to ownership of land and other productive assets, to ensure that education and training programs are integrated with economic development programs to encourage reintegration of women who were displaced during war, and programs to politically empower women.

It calls upon the United States Executive Director of the International Bank for Reconstruction and Development to work on ensuring that World Bank demobilization, disarmament and reintegration programs extend the same benefits that ex-combatants receive to women and children who were formally or informally associated with them.

As it now stands, women and children who were used as cooks, porters, and so called ''wives''—a euphemism for women who were kidnaped to serve as sexual slaves—are given nothing with which to rebuild their lives, despite the fact that they rarely served with armed groups by choice. And yet the very people who forced them into such conditions are assisted with no qualms or reservations.

Finally, the bill calls upon the Secretary of State to report to Congress all the programs that they are funding

that are aimed at improving the awareness of foreign law enforcement officials of women's human rights and the ability of foreign law enforcement officials to investigate and prosecute crimes of rape and sexual violence.

This bill is not a panacea. It does not cure all the ills that war and displacement create for women and children. It seeks to provide some relief for those who are entirely reliant—through no fault of their own—on the largess of the international community.

I believe this legislation will improve the way we respond to the needs facing women and children trying to survive in the most dire of circumstances, and I hope my colleagues will join me by supporting it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1001

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Women and Children in Conflict Protection Act of 2003''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) CHILDREN.—The term ''children'' means persons under the age of 18 years.

(3) COMPLEX HUMANITARIAN EMERGENCY.—The term ''complex humanitarian emergency'' means a situation that—

(A) occurs outside the United States and results in a significant number of—

(i) refugees;

(ii) internally displaced persons; or

(iii) other civilians requiring basic humanitarian assistance on an urgent basis; and

(B) is caused by one or more situations including—

(i) armed conflict;

(ii) natural disaster;

(iii) significant food shortage; or

(iv) state-sponsored harassment or persecution.

(4) COORDINATOR.—The term ''coordinator'' means an individual designated by the Secretary under section 104(a).

(5) EXPLOITATION OF CHILDREN.—The term ''exploitation of children'' means—

(A) adult sexual activity with children;

(B) kidnapping or forcibly separating children from their families;

(C) subjecting children to the worst forms of child labor;

(D) forcing children to commit or witness acts of violence, including compulsory recruitment into armed forces or as combatants; and

(E) withholding or obstructing access of children to food, shelter, medicine, and basic human services.

(6) FORMER COMBATANT.—The term ''former combatant'' means a woman or child who was a member of or affiliated with an armed group, including serving as a cook, a porter, or a messenger, or in a domestic or sexual capacity or in any other support role, whether or not the woman or child consented to such participation.

(7) GENDER-BASED VIOLENCE.—The term ''gender-based violence'' means causing harm to a person based on gender, including—

(A) rape;

(B) sexual assault or torture;

(C) sex trafficking and trafficking in persons;

(D) demands for sex in exchange for employment, goods, services, or protection;

(E) withholding or obstructing access to food, shelter, medicine, and basic human services; and

(F) other forms of violence based on gender.

(8) HIV.—The term ''HIV'' means the human immunodeficiency virus, the virus that causes the acquired immune deficiency syndrome (AIDS).

(9) INTER-AGENCY STANDING COMMITTEE.—The term ''Inter-Agency Standing Committee'' means the Inter-Agency Standing Committee established in response to United Nations General Assembly Resolution 46/182 of December 19, 1991.

(10) PROTECTION.—The term ''protection'', with respect to an individual, a family, a group, or a community, means all appropriate measures to promote the physical and psychological security of, provide equal access to basic services for, and safeguard the legal and human rights and dignity of, individuals, families, groups, and communities.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of State.

(12) SEX TRAFFICKING.—The term ''sex trafficking'' has the meaning given the term in section 103 of Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(13) TRAFFICKING IN PERSONS.—The term ''trafficking in persons'' has the meaning given the term ''severe forms of trafficking in persons'' in section 103 of Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(14) WORST FORMS OF CHILD LABOR.—The term ''worst forms of child labor'' has the meaning given the term in article 3 of Convention Number 182 of the International Labor Organization.

TITLE I—PROGRAM AND POLICY COORDINATION

SEC. 101. FINDINGS.

Congress makes the following findings:

(1) The nature of war has changed dramatically in recent decades, putting women and children at greater risk of death, disease, displacement, and exploitation.

(2) Civilians, particularly women and children, account for the vast majority of those adversely affected by complex humanitarian emergencies, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements for murder, abduction, forced military conscription, involuntary servitude, displacement, sexual abuse and slavery, mutilation, and loss of freedom.

(3) Traditionally, humanitarian response has focused on providing food, medical care, and shelter needs, while placing less emphasis on the safety and security of those affected by a complex humanitarian emergency.

(4) Few well-coordinated efforts exist to prevent and respond to violence against women and children when they are refugees or internally displaced persons.

(5) While the United Nations High Commissioner for Refugees and the Department of State are charged with protecting refugees, there is no United States Government agency or international body with a clear mandate to protect internally displaced persons and those at risk of displacement as a result of a complex humanitarian emergency.

(6) There is a substantial need for the protection of women and children to be given a high priority during all complex humanitarian emergencies.

SEC. 102. PURPOSES.

The purposes of this Act are—

(1) to ensure that the United States Government has adequate capabilities to support programs that provide for the protection of women and children who are affected by a complex humanitarian emergency;

(2) to build the capacities of United States Government agencies, multilateral institutions, international nongovernmental organizations, local nongovernmental organizations, and local communities to prevent and respond effectively to gender-based violence and exploitation of children that occur during a complex humanitarian emergency; and

(3) to provide increased funding for the protection of women and children affected by a complex humanitarian emergency.

SEC. 103. REQUIREMENT TO DEVELOP INTEGRATED STRATEGY.

(a) REQUIREMENT.—The Secretary shall, in consultation with the Administrator of the United States Agency for International Development, develop an integrated strategy for the protection of women and children who are internally displaced, made refugees, or otherwise affected by a complex humanitarian emergency.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report outlining the strategy described in subsection (a).

(c) CONTENT.—The report required by subsection (b) shall include—

(1) an assessment of the 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;

(2) a description of which agencies and offices of the United States Government are responsible for addressing each aspect of such needs and threats;

(3) an evaluation of the needs and threats that are being adequately addressed and funded, and those which require additional attention or resources;

(4) a set of guidelines and recommendations for improving United States and international systems for the protection of women and children during a complex humanitarian emergency; and

(5) a mechanism for coordinating and overseeing United States efforts to prevent and respond to gender-based violence and exploitation of children that occurs during a complex humanitarian emergency.

SEC. 104. DESIGNATION OF COORDINATOR.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall designate one or more senior-level officials of the Department of State or the United States Agency for International Development as a coordinator or coordinators, as the case may be, to be responsible for the oversight and coordination of United States Government efforts to provide protection to women and children who are affected by a complex humanitarian emergency.

(b) DUTIES.—A coordinator designated under subsection (a) shall—

(1) coordinate the actions taken to carry out the purposes of this Act, as described in section 102;

(2) be responsible for the oversight and coordination of United States Government efforts to protect women and children who are affected by a complex humanitarian emergency; and

(3) provide United States embassies and consular posts with mechanisms to warn relief agencies of an impending complex humanitarian emergency.

(c) NOTIFICATION.—Not later than 5 days after designating an official as a coordinator under subsection (a), the Secretary shall submit the name of such official to the appropriate congressional committees.

TITLE II—PREVENTION AND PREPAREDNESS

SEC. 201. FINDINGS.

Congress makes the following findings:

(1) The percentage of civilians killed and wounded as a result of hostilities has risen from 5 percent of all casualties at the turn of the 19th century to 65 percent during World War II and to 90 percent in more recent hostilities. Women and children comprise the majority of civilian deaths and the majority of all refugees from hostilities.

(2) In the last decade alone, more than 2,000,000 children have been killed during wars, while more than 4,000,000 have survived physical mutilation, and more than 1,000,000 have been orphaned or separated from their families as a result of war.

(3) In many armed conflicts, soldiers have destroyed food supplies and productive capacities, stolen donated food intended for women and children, and blocked the distribution of humanitarian aid.

(4) During 2003, an estimated 300,000 children have been compulsorily recruited into military operations around the world, including a large number of girls who have been forced to work as combatants, cooks, messengers, spies, or sexual slaves for soldiers.

(5) The use of rape, particularly against women and girls, is an increasingly common tactic in modern war.

(6) The international community has a responsibility pursuant to the Protocol Relating to the Status of Refugees done at New York October 4, 1967 (19 UST 6223), the Convention Relating to the Status of Refugees done at Geneva July 28, 1951, and the Convention Relative to the Protection of Civilian Persons in Time of War done at Geneva August 12, 1949 (6 UST 3516), to take preventive action that would improve preparedness and reduce the vulnerability of women and children to violence and exploitation.

SEC. 202. EARLY WARNING AND EARLY ACTION SYSTEMS.

(a) PREVENTIVE ACTIONS.—Each coordinator shall—

(1) maintain a data base of information related to occurrences of gender-based violence or exploitation of children during a complex humanitarian emergency;

(2) develop, based on the information contained in the database required by paragraph (1) and other research—

(A) a list of early warning signs that indicate there is a likelihood that gender-based violence or exploitation of children will occur during a complex humanitarian emergency; and

(B) a list, that is updated regularly, of countries or regions where there is an increased risk of gender-based violence or exploitation of children due to a complex humanitarian emergency to enhance the preparedness of the United States Government or organizations funded by the United States Government to respond to such an emergency;

(3) disseminate to United States embassies and consular posts the lists described in subparagraphs (A) and (B) of paragraph (2);

(4) assist embassies and consular posts in responding to an increased risk of gender-based violence or exploitation of children that may occur during a complex humanitarian emergency;

(5) develop a procedure for nongovernmental organizations to report evidence of gender-based violence and exploitation of children, during a complex humanitarian emergency to ensure appropriate response by United States officials; and

(6) establish a reporting and monitoring system for United States diplomatic missions and consular posts and missions of the United States Agency for International Development to collect and submit to the coordinator standardized data on evidence that women and children are being targeted for or are at increased risk of violence or exploitation in complex humanitarian emergencies.

(b) REPORTING AND MONITORING.—Not later than 30 days after a country or region is placed on a list maintained under subsection (a)(1), each United States diplomatic mission and consular post located in such country or region shall submit to the appropriate coordinator a description of the measures undertaken by such mission or post for the protection of women and children in the event of a complex humanitarian emergency.

(c) DISSEMINATION OF INFORMATION.—A coordinator shall make available to the public, including to nongovernmental organizations located in areas where there is an increased risk of gender-based violence or exploitation of children, the information, procedures, systems, and measures described in subsections (a) and (b).

TITLE III—SECURITY FOR REFUGEE AND INTERNALLY DISPLACED WOMEN AND CHILDREN

SEC. 301. FINDINGS.

Congress makes the following findings:

(1) Almost one-half of the world's estimated 37,500,000 refugees and internally displaced persons are children.

(2) Food rations in camps for refugees and internally displaced persons are often limited and unpredictable, and vulnerable women rarely have legitimate opportunities to generate income or products to barter for additional food and other supplies.

(3) Refugee women and girls face particular threats because of power inequities, including being forced to exchange sex for food and humanitarian supplies, and being at increased risk of rape and gender-based violence due to poor security in refugee camps.

(4) An investigation into sexual exploitation of refugees by aid workers in West Africa, conducted by the United Nations Office of Internal Oversight Services, found many factors that contribute to the exploitation and abuse of women and children in refugee situations, including—

(A) few women working in key positions in refugee relief efforts;

(B) insufficient international staff presence in the camps;

(C) isolation and lack of separate and distinctly placed sanitary facilities for men and women;

(D) incomplete rations and delayed delivery of supplies to refugees; and

(E) lack of punishment for perpetrators, including adult refugees, of sexual crimes against children in refugee situations.

(5) Refugees and internally displaced persons living outside of camps experience a range of serious problems including vulnerability to harassment, abuse, and exploitation by landlords and employers with little legal recourse, and constant threat of detention, imprisonment, and deportation.

(6) Existing nongovernmental organization and international agency policies, procedures, training programs, monitoring, and accountability mechanisms have not protected displaced women and children from exploitation and abuse, provided adequate assistance to survivors, or to disciplined offenders and achieved justice.

(7) The limited presence of protection officers and other trained managerial staff of the United Nations High Commissioner for Refugees in camps, especially at night, exacerbates the vulnerability of women and children to abuse by, in particular, fellow camp residents and nearby local residents.

(8) In some circumstances, humanitarian agencies have failed to make women and children aware of their rights to protection and assistance, to give them access to effective channels of redress, and to make humanitarian workers aware of their duty to respect these rights and provide adequate assistance.

(9) The Inter-Agency Standing Committee has identified standards of behavior applicable to all of its personnel and is implementing a plan of action related to protection from sexual exploitation and abuse to strengthen mechanisms for protecting those who depend on international aid.

SEC. 302. CODES OF CONDUCT.

(a) LIMITATION ON ASSISTANCE.—None of the funds made available by the Department of State through the Migration and Refugee Assistance account or the Emergency Refugee and Migration Assistance account or by any provision of law for the purposes of the provision of assistance to refugees or internally displaced persons may be provided to an organization that has failed to adopt a code of conduct regarding the protection of beneficiaries of humanitarian assistance that incorporates the 6 core principles recommended by the Inter-Agency Standing Committee, as described in subsection (b).

(b) CORE PRINCIPLES.—The 6 core principles for the protection of beneficiaries are as follows:

(1) Sexual exploitation and abuse by humanitarian workers constitute acts of gross

misconduct and are therefore grounds for termination of employment.

(2) Sexual activity with persons under the age of 18 years is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense.

(3) Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading, or exploitative behavior, is prohibited. This includes exchange of assistance that is due to beneficiaries.

(4) Sexual relationships between the providers and beneficiaries of humanitarian assistance are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian assistance work.

(5) Whenever a humanitarian assistance worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, the worker must report such concerns through established agency reporting mechanisms.

(6) Humanitarian assistance agencies are obliged to create and maintain an environment that prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems that maintain this environment.

SEC. 303. SENSE OF CONGRESS REGARDING ADMINISTRATION PRACTICES IN CAMPS FOR REFUGEES AND DISPLACED PERSONS.

It is the sense of Congress that all agencies, including multilateral and nongovernmental agencies, implementing United States humanitarian assistance programs should conduct a thorough review of their administrative, management, and employment practices in refugee and displaced persons camps for the purposes of—

(1) significantly increasing the number of women involved in the distribution of food and humanitarian supplies;

(2) expanding opportunities for women to generate legitimate income in the camps, including through employment in the camps;

(3) educating providers and beneficiaries of humanitarian assistance about the seriousness of gender-based violence and exploitation of children;

(4) improving expatriate supervision and monitoring of daily operations in the camps;

(5) improving the design and logistics of camps to create a safer and more secure environment for women and children, including through consultation with female camp residents;

(6) keeping formal and detailed records, including photographs, of locally hired staff, and ensuring that they are adequately paid and trained;

(7) providing training for humanitarian assistance workers on their obligations and responsibilities under a code of conduct;

(8) developing systems of accountability to deter and punish gender-based violence, exploitation of children, and other protection violations including through identification of procedures for reporting and investigating allegations of abuse that protect the safety and confidentiality of the survivors; and

(9) ensuring that applicants for jobs in camps are screened to prevent individuals who may have been involved in protection violations from being hired by camp authorities.

SEC. 304. HEALTH SERVICES FOR REFUGEES AND DISPLACED PERSONS.

(a) FINDINGS.—Congress makes the following findings:

(1) Complex humanitarian emergencies result in particular risks for women and girls.

(2) Refugee and displaced women face heightened risks of developing complications during pregnancy, suffering a miscarriage, dying, being injured during childbirth, becoming infected with HIV or another sexually transmitted infection, or suffering from posttraumatic stress disorder.

(3) Despite the heightened risks for women during a complex humanitarian emergency, women's needs for specialized health services have often been overlooked by donors and relief organizations, which are focused on providing food, water, and shelter.

(4) Priority activities and emergency supplies designed to address life-threatening women's health problems during a complex humanitarian emergency are often not implemented or made available in the early days and weeks of an emergency, the period when such activities and supplies are most needed and may be most effective.

(b) PROVISION OF HEALTH SERVICES.—

(1) REQUIREMENTS.—Each coordinator shall—

(A) ensure that organizations funded by the United States that respond to a complex humanitarian emergency have the resources necessary to address the specific health needs of women affected by the emergency; and

(B) identify an organization or individual to facilitate the coordination and implementation of the activities needed to respond to the health needs of women as soon as practicable and not later than 30 days after the development of a complex humanitarian emergency.

(2) ACTIVITIES DEFINED.—The activities referred to in paragraph (1)(B) include activities to—

(A) prevent and manage the consequences of sexual violence;

(B) reduce transmission of HIV;

(C) provide obstetric care; and

(D) draft a plan to integrate women's health services into the primary health care services provided during a complex humanitarian emergency, including—

(i) collection of background data on maternal, infant and child mortality, and the rate of HIV infection;

(ii) identification of suitable sites for future delivery of women's health services by addressing security problems, accessibility for all potential users, privacy and confidentiality during visits, easy access to water and sanitation, appropriate space for users' waiting time, and aseptic conditions;

(iii) an assessment of the staff capacity to provide women's health services; and

(iv) a plan for staff training.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $12,000,000 for fiscal year 2004, and $14,000,000 for fiscal year 2005, to carry out subsection (b). The amounts authorized to be appropriated in this subsection are in addition to amounts appropriated for such fiscal years to the Department of State for the Migration and Refugee Assistance account, the Emergency Refugee and Migration Assistance account, or the International Disaster Assistance account.

SEC. 305. WHISTLEBLOWER SYSTEM.

(a) DESIGN OF MODEL SYSTEM.—The Secretary should urge the United Nations High Commissioner for Refugees to work with nongovernmental organizations to design and implement a model ''whistleblower'' system under which humanitarian workers, refugees, and internally displaced persons can report instances of gender-based violence or exploitation of children. Such a system should ensure that—

(1) reports of instances of gender-based violence or exploitation of children may be made confidentially and without risk of retribution;

(2) such reports are swiftly and thoroughly investigated and adjudicated; and

(3) appropriate disciplinary action is taken against a person found to have committed an act of gender-based violence or exploited a child.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on progress that has been made toward designing and implementing the model whistleblower system described in subsection (a).

SEC. 306. WOMEN'S ECONOMIC SELF-SUFFICIENCY.

(a) FINDINGS.—Congress makes the following findings:

(1) It is often difficult to determine when it is safe for women and children to return to a community affected by a complex humanitarian emergency, and in many instances the affected women and children remain refugees or internally displaced for considerable periods of time.

(2) To reduce vulnerability to exploitation and abuse, women who are uprooted from their communities must be given legitimate opportunities to generate income to support themselves and their families.

(3) In situations of long-term displacement, humanitarian and development agencies should provide legal assistance, technical and vocational training, and access to credit for women, so they can earn a safe and lawful livelihood.

(b) WORK PERMITS.—The Department of State should work with host governments, the United Nations High Commissioner for Refugees, and other appropriate United Nations agencies to ensure that, in situations of long-term displacement, refugees and internally displaced persons are granted work permits and other necessary documentation by the host government and local authorities to enable them to generate legitimate income.

(c) AMENDMENTS TO MICROENTERPRISE ACT OF 2000.—Section 102 of the Microenterprise for Self-Reliance Act of 2000 (22 U.S.C. 2151f note) is amended—

(1) in paragraph (4)—

(A) by redesignating subparagraphs (B), (C), and (D) and subparagraphs (C), (D), and (E), respectively; and

(B) by inserting after subparagraph (A) the following:

''(B) Women displaced by armed conflict are particularly at risk, lacking access to traditional livelihoods and means for generating income.''; and

(2) in paragraph (13)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following:

''(B) Particular efforts should be made to expand the availability of microcredit programs to internally displaced persons, who historically have not had access to such programs.''.

(d) AMENDMENTS TO THE FOREIGN ASSISTANCE ACT.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—

(1) in section 108 (22 U.S.C. 2151f)—

(A) in subsection (b)(3), by inserting after ''microentrepeneurs'' the following: '', with an emphasis on women microentrepeneurs,''; and

(B) by adding at the end the following new subsection:

''(g) REPORTING REQUIREMENT.—The Administrator of the agency primarily responsible for administering this part, as part of the annual congressional presentation documents of the agency, shall submit to Congress a report that contains—

''(1) an estimate of the number of women living below the national poverty line that have secured loans or received training through the programs described in this Act;

''(2) the percentage of women borrowers in programs funded by the agency under this Act;

''(3) the percentage of the total loan funds disbursed by the agency under this Act that were made available to women borrowers; and

''(4) a discussion of the impact that such loans have had on the economic status of such women.''; and

(2) in section 131 (22 U.S.C. 2151a)—

(A) in subsection (b)(1)(D), by inserting before the period at the end the following: '', including programs to eliminate legal and institutional barriers to women's ownership of assets, access to credit, and engagement in business activities within or outside of the home'';

(B) in subsection (b)(2)(C), by inserting before the period at the end the following: '', including women's organizations''; and

(C) in subsection (c)—

(i) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively, and realigning such subparagraphs, as so redesignated, four ems from the left margin;

(ii) by striking ''In order'' and inserting the following:

''(1) ESTABLISHMENT.—In order'';

(iii) in subparagraph (D), as redesignated by clause (i), by striking ''paragraph (3)'' and inserting ''subparagraph (C)''; and

(iv) by adding at the end the following new paragraph:

''(2) DISAGGREGATION.—All goals, indicators, analyses, and recommendations required by this section shall be disaggregated by sex.''.

(e) MICROFINANCE GRANTS.—

(1) IN GENERAL.—Of the funds made available for the Department of State under section 135(b)(2) of the Foreign Assistance Act of 1961 (as added by section 501 of this Act), $1,500,000 may be made available to provide grant assistance—

(A) to microfinance institutions for the purpose of expanding the availability of credit, savings, training, technical assistance, business development services, and other financial services to very poor entrepreneurs, as defined in section 131(b)(3) of the Foreign Assistance Act of 1961, who are refugees; and

(B) for policy and regulatory programs at the country level that improve the environment for microenterprise among refugee populations.

(2) GRANT PROVIDERS.—Assistance described in paragraph (1) shall be provided through United States and indigenous private and voluntary organizations, credit unions, cooperatives, and other nongovernmental organizations with a capacity to develop and implement microenterprise programs.

SEC. 307. INTERNATIONAL MILITARY EDUCATION AND TRAINING.

Section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347) is amended—

(1) by striking ''or (iv)'' and inserting ''(iv)''; and

(2) by striking ''rights.'' and inserting ''rights, or (v) improve the protection of civilians, especially women and children who are affected by armed conflict, including those who, as a result of an armed conflict, are refugees or displaced persons.''.

SEC. 308. PROTECTION INITIATIVES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary and the Administrator of the United States Agency for International Development should continue to develop protection initiatives that support nongovernmental organizations and multilateral institutions in identifying protection problems associated with complex humanitarian emergencies and strategies for prevention of gender-based violence and exploitation of children and accountability during a complex humanitarian emergency, including—

(A) training of field workers on identifying and responding to gender-based violence and the exploitation of children;

(B) support for the rapid deployment of personnel trained to identify protection needs to areas affected by complex humanitarian emergencies;

(C) support for registration initiatives which document refugees and internally displaced persons for purposes including the provision of assistance to such persons and of family reunification; and

(D) support for programs that provide assistance to women who were displaced due to a complex humanitarian emergency, including—

(i) psycho-social counseling;

(ii) training related to income generation and employment skills; and

(iii) emergency health care required to respond to gender-based violence; and

(2) the United Nations High Commissioner for Refugees should review—

(A) its placement practices to ensure that—

(i) senior protection officials are assigned to the posts where women and children are in the most danger of gender-based violence or exploitation;

(ii) experienced protection officers are present at border crossings; and

(iii) more female staff are present in camps for refugees or displaced persons; and

(B) its personnel system to facilitate the hiring of successful junior professional officers on a permanent basis following their initial tours of duty.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall report to the appropriate congressional committees any steps taken to develop the protection initiatives described in subsection (a).

SEC. 309. ACCOUNTABILITY.

(a) REQUIRED ACTIONS.—Each coordinator shall—

(1) report allegations of gender-based violence, exploitation of children, and other protection violations to the Inter-Agency Standing Committee for appropriate response; and

(2) request an annual report from the United Nations High Commissioner for Refugees on the actions taken by the High Commissioner to prevent gender-based violence, exploitation of children, and other protection violations.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, and annually thereafter, the Secretary shall transmit to the appropriate congressional committees the report described in paragraph (2) of subsection (a).

TITLE IV—POSTCONFLICT RECONSTRUCTION AND REHABILITATION

SEC. 401. FINDINGS.

Congress makes the following findings and statements of policy:

(1) The United Nations Security Council Resolution 1325 of October 31, 2000, called on all actors involved in the negotiation and implementation of peace agreements to address the specific needs of women and girls during and after armed conflicts.

(2) Women and children can play an important role in the prevention and resolution of armed conflicts and in peace-building.

(3) Despite positive roles of women in fostering peace, they are excluded from most peace negotiations at the diplomatic and operational level.

(4) Effective institutional arrangements designed to ensure the protection and full participation of women and youth in the peace process, including peacekeeping as well as peace-building, can significantly contribute to the maintenance and promotion of international peace and security.

(5) Rape should receive special attention by war crimes tribunals, truth and reconciliation panels, and other organs of justice.

(6) Assistance that is linked to peace processes should support and strengthen women's roles as economic leaders and assist women in accessing the global marketplace.

(7) Women must be afforded an equal role in decisionmaking to ensure that their interests are represented at all levels of government.

SEC. 402. SUPPORT FOR COMMUNITIES AND FORMER COMBATANTS.

(a) REQUIREMENT FOR PROGRAMS.—The Secretary, in conjunction with the Administrator for the United States Agency for International Development, shall develop and implement specific programs to provide assistance to communities that have been affected by a complex humanitarian emergency and to former combatants, including:

(1) ECONOMIC DEVELOPMENT.—Multi-year economic development programs that are intended to provide gender-balanced benefits and to assist female heads of households.

(2) PRODUCTIVE ASSETS.—Programs to increase access to or ownership of productive assets such as land, agricultural equipment, and credit by women.

(3) EDUCATION AND TRAINING.—Education and training programs that are integrated with economic development programs to encourage the reintegration of former combatants into society and to promote post-conflict stability in affected communities.

(4) EXTENSION OF EDUCATION AND TRAINING.—Programs to extend education and training, including training in business development, to women and girls.

(5) POLITICAL EMPOWERMENT.—Programs to politically empower women, including training to assist women and women's organizations in understanding legal systems, electoral processes, legislation advocacy, and the role of the media, public affairs and information technology in politics, and in obtaining leadership positions.

(b) PROGRAMS OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT.—The United States Executive Director of the International Bank for Reconstruction and Development shall work to ensure that disarmament, demobilization, and reintegration programs developed and funded by the International Bank for Reconstruction and Development provide benefits to former combatants that are comparable to the benefits provided by such programs to other individuals.

SEC. 403. POLICE REFORM AND ACCOUNTABILITY.

(a) FINDINGS.—Congress makes the following findings:

(1) In many developing and postconflict countries, police and military forces continue to function as instruments of repression, coercion, and centralized power, even after a transition to democracy has begun.

(2) In order for a transitional, postconflict society to become stable and democratic, it is necessary for the government of such society to make a clear separation between police and military functions, and clearly define the military forces that are subject to civilian, democratic control, and the point at which police forces become accountable, representative service-providers to local communities.

(3) Police officers in developing and postconflict countries are often paid minimal salaries and receive little or improper training, resulting in widespread police corruption and citizens viewing the police as an obstacle to justice rather than the enforcer of justice.

(4) Successful professionalization and democratic reform of police forces requires not only adequate financial resources, but also concurrent strengthening of the rule of law and system of justice, transparency, and cooperation with local community and human rights organizations, removal of corrupt and abusive personnel, and political will for meaningful reform at the highest levels of government.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on all current programs to assist nations to reconstitute civilian police authority and capability following a complex humanitarian emergency, including ensuring the enforcement of laws that are designed to protect women and children and improve accountability for gender-based violence.

SEC. 404. SENSE OF CONGRESS REGARDING THE IMPROVEMENT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

It is the sense of Congress that the United Nations Department of Peacekeeping Operations should—

(1) ensure that gender issues are mainstreamed into its peacekeeping missions, including by establishing a senior gender advisor post within the Department of Peacekeeping Operations which reports directly to the Under Secretary General for Peacekeeping Operations;

(2) provide military, police, and civilian personnel deployed to areas where women and children are at risk of gender-based violence or exploitation with training materials that—

(A) assist such personnel with protecting and addressing the particular needs of women and children; and

(B) were developed in consultation with women's organizations; and

(3) ensure that the Special Representative of the Secretary General of the peacekeeping mission has direct contact with local women leaders or women's organizations in the area in which the peacekeepers are deployed for the purpose of obtaining information regarding gender-based violence or exploitation of children.

TITLE V—WOMEN AND CHILDREN'S PROTECTION ASSISTANCE

SEC. 501. WOMEN AND CHILDREN'S PROTECTION ASSISTANCE.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new section:

"SEC. 135. WOMEN AND CHILDREN'S PROTECTION ASSISTANCE.

''(a) AUTHORITY.—Notwithstanding any other provision of law, and subject to the limitations of subsection (b), the President is authorized to provide assistance for programs, projects, and activities to promote the security of, provide equal access to basic services for, and safeguard the human rights and dignity of civilian women and children who are refugees, displaced persons, or living in areas affected by a complex humanitarian emergency. Such assistance shall include programs—

''(1) to build the capacity of nongovernmental organizations to protect women and children during a complex humanitarian emergency, by training staff, incorporating cross-sectored initiatives that promote child protection, collecting and analyzing data, developing curricula, designing field programs, and building local partnerships;

''(2) to support local and international nongovernmental initiatives to prevent, detect, and report exploitation of children and gender-based violence, including through the provision of training humanitarian protection monitors for refugees and internally displaced persons;

''(3) to conduct protection and security assessments for refugees and internally displaced persons in camps or in communities, with special emphasis on the security of women and children for the purposes of improving the design and security of camps for refugees and internally displaced persons, including provision for lights, fences, radios, and other logistics and durable goods;

''(4) to provide, when practicable, education during a complex humanitarian emergency, including primary, secondary, remedial, and accelerated education, vocational and technical training, health and safety awareness, and other structured activities that create safe spaces for children and adolescents, especially for girls;

''(5) to reintegrate and rehabilitate former combatants and survivors of gender-based violence, including through remedial and accelerated education, technical, and vocational training, psychosocial assistance and trauma counseling, family and community reinsertion, medical assistance, and strengthening community systems to support sustained reintegration;

''(6) to establish registries and clearinghouses to trace relatives and begin family reunification, with a specific focus on helping children find their families;

''(7) to provide interim care and placement for separated children and orphans, including monitoring and followup services;

''(8) to provide legal services for survivors of rape, torture, and other forms of gender-based violence, including the collection of evidence for war crimes tribunals and advocacy for legal reform; and

''(9) to provide training in human rights and humanitarian law, particularly as they relate to the protection of women and children, to local law enforcement personnel in areas of high concentration of refugees and internally displaced persons.

''(b) COMPLEX HUMANITARIAN EMERGENCY DEFINED.—In this section, the term 'complex humanitarian emergency' means a situation that—

''(1) occurs outside the United States and results in a significant number of—

''(A) refugees;

''(B) internally displaced persons; or

''(C) other civilians requiring basic humanitarian assistance on an urgent basis; and

''(2) is caused by one or more situations including—

''(A) armed conflict;

''(B) natural disaster;

''(C) significant food shortage; or

''(D) state-sponsored harassment or persecution.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to the President $45,000,000 for each of fiscal years 2004 and 2005 to carry out this section.

''(2) ALLOCATION OF FUNDS.—Of the amounts authorized to be appropriated under paragraph (1), in each fiscal year, $25,000,000 shall be administered by the United States Agency for International Development and $20,000,000 shall be administered by the Department of State.

''(3) LIMITATION.—Of the amounts authorized to be appropriated under paragraph (1)—

''(A) not more than $2,000,000 shall be made available in a fiscal year for the programs described in subsection (a)(5); and

''(B) not more than $2,000,000 may be transferred in each fiscal year to the Department of Justice to provide training for foreign law enforcement personnel in the investigation and prosecution of gender-based violence and exploitation of children.

''(4) RELATION TO EXISTING LAW.—The authority provided by subsection (a) shall be subject to the limitations and prohibitions contained in section 104(f).

''(5) ADDITIONAL FUNDS.—Amounts authorized to be appropriated by this section shall be made available, in addition to funds otherwise made available under this part, to the Department of State for the Migration and Refugee Assistance account or the Emergency Refugee and Migration Assistance account, or to the United States Agency for International Development for the International Disaster Assistance account.

''(6) COMPETITIVE GRANTS.—Amounts authorized to be appropriated by this section shall be made available in the form of grants and cooperative agreements that are issued on an open and competitive basis.

''(7) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this section are authorized to remain available until expended.''.

By Mr. McCAIN (for himself, Mr. BROWNBACK, Mr. EDWARDS, and Mr. GRAHAM of South Carolina):

S. 1002. A bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing drugs by athletes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. McCAIN. Mr. President, today, I am joined by my colleagues Senators BROWNBACK, EDWARDS and GRAHAM in introducing the Amateur Sports Integrity Act of 2003. This legislation would make it illegal to gamble on Olympic, college, or high school sports, and it would authorize appropriations for the National Institute of Standards and Technology to fund research into methods of detection and prevention of the use athletic performance-enhancing drugs. The bill is similar to legislation that has been reported twice in previous Congresses.

The legislation is designed to respond to a number of troubling issues plaguing amateur athletics, including a gambling epidemic among high school and college students, and a significant increase among our youth in the use of performance-enhancing drugs and supplements. This bill is essential to ensuring the integrity and legitimacy of amateur athletics—an important institution in the social fabric of this country.

This bill would codify a recommendation made by the congressionally-created National Gambling Impact Study Commission, NGISC, to ban betting on collegiate and amateur athletic events. In the summary of its comprehensive report to Congress dated June 1999, the NGISC noted growing concern regarding increasing levels of sports wagering by high school and college students. The NGISC cites a 1996 study sponsored by the National Collegiate Athletic Association, which found that of the over

200 student athletes surveyed in Division I basketball and football programs, more than one in four admitted to betting on college sports while in school.

More recently, a study conducted by the Psychology Department of Central Connecticut State University contends that the problem of gambling among college students has been relatively overlooked when studying student risk-taking behavior. The study links legal and illegal gambling by indicating that, ''it is reasonable to expect that the growth of legalized gambling over the past decade would result in an increase in student gambling and gambling problems, including students who gamble at a pathological level.'' It is important to understand that gambling is not a problem that occurs in a vacuum. The Connecticut study found that one out of nine students at four Connecticut universities suffered from a gambling problem that was ''significantly connected'' to substance and dietary problems, such as marijuana use, cigarette smoking, and binge eating and drinking.

Just as the use of performance-enhancing drugs threatens the integrity of amateur sports, so does gambling, as it invites public speculation as to their legitimacy and transforms student athletes into merely objects to be bet upon. Betting can also provide unnecessary temptation to amateur athletes to agree to point-shaving and other outcome-fixing schemes at the expense of their teammates, their fans, and their futures. Many of the same pressures that lead college players to cheat also push these young people to use performance-enhancing drugs. The combination of stresses placed on student athletes to perform athletically, handle newly-found notoriety, and pursue professional athletic careers drive many to seek an edge through the use of such substances.

Although the Amateur Sports Integrity Act would ban legal gambling on amateur athletics, it may also reduce a substantial amount of illegal gambling. The relationship between legal and illegal gambling was addressed by the NGISC, which observed that ''legal sports wagering—especially the publication in the media of Las Vegas and offshore-generated point spreads fuels a much larger amount of illegal sports wagering.''

In 1992, Congress recognized the Federal interest in protecting amateur sports from the harmful effects of gambling, and prohibited state-sanctioned sports betting in the overwhelming majority of states. Although Congress ''grandfathered'' Nevada, Oregon, Montana, and Delaware, only Nevada has chosen to permit legal gambling on amateur sports. Recently, however, the gaming industry has lobbied aggressively in an effort to convince the Delaware State legislature to exploit the loophole by legalizing gambling on amateur and professional sports.

Congress must act quickly to close the loophole that currently allows just a handful of States to serve as national clearinghouses for betting on our youth. By allowing betting in any state, we send a confusing message to our youth as to whether gambling on amateur athletics is, in fact, legal or illegal. While I do not pretend that this bill solves all problems associated with gambling and the use of performance-enhancing drugs, I do believe that it will send a clear message that gambling on amateur athletics and the use of these substances is dangerous and wrong.

I urge my colleagues to respond to the pleas of prominent college presidents and coaches, and join in supporting this important measure.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Amateur Sports Integrity Act''.

TITLE I—PERFORMANCE ENHANCING DRUGS

SEC. 101. SHORT TITLE.

This Title may be cited as ''Athletic Performance-Enhancing Drugs Research and Detection Act''.

SEC. 102. RESEARCH AND DETECTION PROGRAM ESTABLISHED.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology shall establish and administer a program under this title to support research into the use of performance-enhancing substances by athletes, and methods of detecting their use.

(b) GRANTS.—

(1) IN GENERAL.—The program shall include grants of financial assistance, awarded on a competitive basis, to support the advancement and improvement of research into the use of performance-enhancing substances by athletes, and methods of detecting their use.

(2) BANNED SUBSTANCES.—In carrying out the program the Director shall consider research proposals involving performance-enhancing substances banned from use by competitors in events sanctioned by organizations, such as the International Olympic Committee, the United States Olympic Committee, the National Collegiate Athletic Association, the National Football League, the National Basketball Association, and Major League Baseball.

(3) RESEARCH CONCENTRATION.—In carrying out the program, the Director shall—

(A) fund research on the detection of naturally-occurring steroids, such as testosterone, and other testosterone precursors (e.g., androstendione), and other substances, such as human growth hormone and erythropoietin for which no tests are available but for which there is evidence of abuse or abuse potential;

(B) fund research that focuses on population studies to ensure that tests are accurate for men, women, all relevant age, and major ethnic groups; and

(C) not fund research on drugs of abuse, such as cocaine, phencyclidine, marijuana, morphine/codeine, benzodiazepines, barbiturates, and methamphetamine/amphetamine.

(c) TECHNICAL AND SCIENTIFIC PEER REVIEW.—

(1) IN GENERAL.—The Director shall establish appropriate technical and scientific peer review procedures for evaluating applications for grants under the program.

(2) IMPLEMENTATION.—The Director shall—

(A) ensure that grant applicants meet a set of minimum criteria before receiving consideration for an award under the program;

(B) give preference to laboratories with an established record of athletic drug testing analysis; and

(C) establish a minimum individual grant award of not less than $500,000 per fiscal year.

(3) CRITERIA.—The list of minimum criteria shall include requirements that each applicant—

(A) demonstrate a record of publication and research in the area of drug testing;

(B) provide a plan detailing the direct transference of the research findings to lab applications in athletic drug testing; and

(C) certify that it is a not-for-profit research program.

(4) RESULTS.—The Director also shall establish appropriate technical and scientific peer review procedures for evaluating the results of research funded, in part or in whole, by grants provided under the program. Each review conducted under this paragraph shall include a written report of findings and, if appropriate, recommendations prepared by the reviewer. The reviewer shall provide a copy of the report to the Director within 30 days after the conclusion of the review.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director of the National Institute of Standards and Technology $4,000,000 per fiscal year to carry out this section for fiscal years 2004, 2005, 2006, 2007, and 2008.

SEC. 103. PREVENTION AND INTERVENTION PROGRAMS.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology shall develop a grant program to fund educational substance abuse prevention and intervention programs related to the use of performance-enhancing substances described in section 102(b)(2) by high school and college student athletes. The Director shall establish a set of minimum criteria for applicants to receive consideration for an award under the program. The list of minimum criteria shall include requirements that each applicant—

(1) propose an intervention and prevention program based on methodologically sound evaluation with evidence of drug prevention efficacy; and

(2) demonstrate a record of publication and research in the area of athletic drug use prevention.

(b) MINIMUM GRANT AWARD.—The Director shall establish a minimum individual grant award of not less than $300,000 per fiscal year.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director of the National Institute of Standards and Technology $3,000,000 per fiscal year to carry out this section for fiscal years 2004, 2005, 2006, 2007, and 2008.

TITLE II—GAMBLING

SEC. 201. PROHIBITION ON GAMBLING ON COMPETITIVE GAMES INVOLVING HIGH SCHOOL AND COLLEGE ATHLETES AND THE OLYMPICS.

(a) IN GENERAL.—The Ted Stevens Olympic and Amateur Sports Act (chapter 2205 of title 36, United States Code) is amended by adding at the end the following new subchapter:

''SUBCHAPTER III—MISCELLANEOUS

''§ 22051. Unlawful sports gambling: Olympics; high school and college athletes

''(a) PROHIBITION.—It shall be unlawful for—

''(1) a governmental entity to sponsor, operate, advertise, promote, license, or authorize by law or compact, or

''(2) a person to sponsor, operate, advertise, or promote, pursuant to law or compact of a governmental entity,

a lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly, on a competitive game or performance described in subsection (b).

''(b) COVERED GAMES AND PERFORMANCES.—A competitive game or performance described in this subsection is the following:

''(1) One or more competitive games at the Summer or Winter Olympics.

''(2) One or more competitive games in which high school or college athletes participate.

''(3) One or more performances of high school or college athletes in a competitive game.

''(c) APPLICABILITY.—The prohibition in subsection (a) applies to activity described in that subsection without regard to whether the activity would otherwise be permitted under subsection (a) or (b) of 3704 of title 28.

''(d) INJUNCTIONS.—A civil action to enjoin a violation of subsection (a) may be commenced in an appropriate district court of the United States by the Attorney General of the United States, a local educational agency, college, or sports organization, including an amateur sports organization or the corporation, whose competitive game is alleged to be the basis of such violation.

''(e) DEFINITIONS.—In this section:

''(1) HIGH SCHOOL.—The term 'high school' has the meaning given the term 'secondary school' in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

''(2) COLLEGE.—The term 'college' has the meaning given the term 'institution of higher education' in section 101 of the Higher Education Act of 1965 (20 U.S.C. 8801).

''(3) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given that term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that Act (chapter 2205 of title 36, United States Code) is amended by adding at the end the following:

''SUBCHAPTER III—MISCELLANEOUS

''220541. Unlawful sports gambling: Olympics; high school and college athletes.''.

By Mr. CRAIG.

S. 1003. A bill to clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President I rise to introduce legislation that will remove any ambiguity as to the intent of the Central Idaho Wilderness Act of 1980 to provide for continuation of the historical use of outfitter hunting camps on the Salmon River. In short, these lodges were established well before the river designation, have been managed as a part of the river designation for 23 years and allow users, in particular the elderly and the physically challenged, to have access to and enjoy the spirit of this wild area. Their rustic nature upholds the ideals envisioned by Congress, and they are used in accordance with all provisions of the law.

I am mystified as to why someone would want to eliminate this historical use. However, that is what some extreme wilderness organizations would like to do. They want the Forest Service and the Courts to ignore the intent of Congress in establishing the Central Idaho Wilderness Act and re-establish a pristine area which blocks access to many current users.

In the Findings Section of the Central Idaho Wilderness Act, it is clearly stated that ''protection can be provided—to the Salmon River—without conflicting with established uses.'' It is my understanding that a great deal of time and effort was put into crafting this designation so that established and historic uses of the area would be maintained while preserving one of our Nation's treasures—the River of No Return.

In reading the voluminous hearing record and report language, I found references to ''lodges,'' ''hunting lodges,'' ''outfitters lodges,'' and ''commercial services may be performed'' throughout the record. It is clear to me that Senator Church, of Idaho, the main proponent of the legislation, intended for these lodges to remain. The report language specifically states, ''We favor administration of the main Salmon River under the provisions of the Wild and Scenic River Act so as to permit continuation, as appropriate, of motorized travel on the river and outfitter and camping facilities.''

However, I believe the record shows Senator McClure of Idaho was more of a prophet when he stated, ''Whether it is this year, next year, or 5 years from now, or 10 years from now, some forest administrator in the area is going to say it would be a lot more convenient for us to manage that problem if we did not have to deal with that guy that is there. . . . We all know that it was intended for the wild and scenic river classification as attached to that river, that the existing use was going to be permitted to continue; and then, all of a sudden, we find out that that is now unacceptable.''

Senator McClure is off by only 20 years and it is not a forest administrator, but an extreme wilderness organization that is seeking the elimination of these well established lodges.

This legislation clarifies that these three specific lodges are an established and historical use in the Central Idaho Wilderness Act and should remain a part of the legacy of this great river.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1003

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

SECTION 1. Section 3(a)(24) of P.L. 90–542 (16 U.S.C. Sec. 1274) is amended to add the following after paragraph (C) and redesignate subsequent paragraphs accordingly:

''(D) The established use and occupancy of lands and maintenance or replacement of facilities and structures for commercial recreation services at Stub Creek located in Section 28, T24N, R14E, Boise Principal Meridian, at Arctic Creek located in Section 21, T25N, R12E, Boise Principal Meridian and at Smith Gulch located in Section 27, T25N, R12E, Boise Principal Meridian shall continue to be authorized, subject to such reasonable regulation as the Secretary deems appropriate, including rules that would provide for termination for non-compliance, and if terminated, reoffering the site through a competitive process.''

By Mr. DURBIN (for himself, Ms. COLLINS, and Mrs. CLINTON):

S. 1004. A bill to ensure that children at highest risk for asthma, vision, hearing, and other health problems are identified and treated; to the Committee on Finance.

Mr. DURBIN. Mr. President, I rise today to introduce the Healthy Children Learn Act with my colleague from Maine, Senator COLLINS. I am also pleased to have Senator CLINTON as an original cosponsor of this measure. This legislation focuses on eliminating some bureaucratic barriers that make it more difficult for schools to provide their students with health care services, if they so choose.

Many schools have found that the health of a child can significantly affect his or her ability to learn. To enhance children's learning ability and to increase the well-being of their students, these schools sometimes choose to provide health care services including health care screenings.

One example of a disease that significantly affects children's education is asthma. Asthma is the single greatest reason for school absenteeism today. Over five million children in America suffer from asthma. Forty-nine percent of children with asthma missed school in the last year, and 48 percent of children with asthma are limited in sports and recreation. Lack of physical activity, in turn, can lead to childhood obesity with its concomitant health care problems.

''America is in the middle of an asthma epidemic—an epidemic that is getting worse, not better.'' So says the PEW Environmental Health Commission in its most recent report on asthma. The prevalence of asthma continues to rise at astounding rates, in every region of the country and across all demographic groups, whether measured by age, race or sex.

My home State of Illinois has some of the highest rates of childhood asthma in the country. Unfortunately, Chicago has the highest childhood asthma-related death rate in the Nation. Over 60 percent of childhood admissions to the emergency room in Chicago are for asthma. This disease exacts a very significant toll on children in my State.

For the next 15 minutes, imagine breathing through a tiny straw the size of a coffee stirrer, never getting enough air. Now imagine suffering through the process three to six times a day. This is asthma. Can a child really concentrate on learning when he or she is gasping for air?

Due to the very high rates of asthma in Chicago and its effects on absenteeism and children's ability to learn

when at school, the Chicago Public Schools, CPS, instituted an asthma screening program. The school system developed an asthma manual to provide a standard plan of care for all students with asthma. They provided citywide nurse training to develop a uniform, high standard for approaching students with asthma and their parents and high-quality education about the environmental triggers for asthma and how to lessen them, together with education on how to use asthma inhalers. In 1999, they identified 12,374 cases of asthma. CPS continues to monitor and evaluate this program, and they have also partnered with other organizations such as the American Red Cross Asthma Program, the University of Chicago and the Chicago Department of Public Health Asthma Programs. CPS has also developed parent tutoring programs and has linked asthmatic children with primary health care providers for appropriate follow-up.

All of these efforts are extremely important, but they are resource intensive. This legislation addresses a barrier to children receiving vital health screenings in schools. It provides for a $10 million grant program for school districts such as CPS to apply for funds for asthma screening for those children who are not eligible for either S-CHIP or Medicaid. The grants would be targeted to those districts that have the highest prevalence or deaths associated with asthma.

CPS has also found that a child's ability to learn is affected by impaired vision and hearing, and as a result, children with vision deficits are far more likely to fail academically. In 1998, CPS found that children who were retained failed their school-based vision screening at a rate 50 percent higher than children who were not failing. Likewise, children who have difficulty hearing often struggle with language development, social processes and communication. This can seriously impair all aspects of the educational process. Through these programs, CPS has provided more than 5,000 free eye exams, and 4,000 free pairs of glasses have been dispensed. They currently are reimbursed less than 40 percent of the cost of the vision and hearing screenings. To address some of these funding shortfalls, this legislation creates a $10 million grant program for vision and hearing screening.

This legislation would also remove barriers that prevent school systems from receiving reimbursement for health screenings are services. Schools that make the extra effort to provide their students health care services should be adequately reimbursed. For an example, when they provide Medicaid-eligible children with Medicaid-covered services, they should receive appropriate reimbursement for those services. Likewise, reimbursement for the S-CHIP program should be available for covered services for children enrolled or eligible for the program. and clarifies Medicaid payment rules so that schools can be reimbursed when they provide a Medicaid covered service to a Medicaid child.

No child should have his or her education threatened by the lack of effective screening to diagnose these health problems. The treatments or corrective devices are available and we should see to it that the children receive them when necessary. The Healthy Children Learn Act will help children receive the health care services they need so that they can seize the educational opportunities available to them.

By Mr. LEAHY (for himself, Mr. LUGAR, Mr. BINGAMAN, Mr. DODD, and Mr. JEFFORDS):

S. 1007. A bill to amend the Child Nutrition Act of 1966 to promote better nutrition among school children participating in the school breakfast and lunch programs; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LEAHY. Mr. President, I am pleased to introduce today with my respected colleague from Indiana, Senator LUGAR, a bill designed to improve the health of our Nation's schoolchildren. I am also pleased to have the support of Senators BINGAMAN, DODD and JEFFORDS, who have worked with me in past Congresses on this bill. I am hopeful that in the coming weeks many more Senators will join us in this important effort.

We have an obesity crisis in America. Too many children are gaining too much weight. Advertisements for soda and candy bombard them from television, vending machines, and grocery store aisles. Schools, however, should be a healthy refuge from the outside world, where kids can learn to make the right choices when it comes to their diets. Nutrition education needs to be a critical component of every child's school day. But with all of the funds that Congress rightly appropriates each year for nutrition education and healthy school lunches and meals, our Nation's efforts are severely undermined when children have to walk through a gauntlet of vending machines offering unhealthy choices on the way to the cafeteria.

Under current regulations, schools may not offer soda, hard candies or other foods of minimal nutritional value in the cafeteria during lunch or breakfast. Unfortunately, some private companies have offered schools signing bonuses to openly flout this restriction, at times lining the halls to the cafeterias with foods that provide absolutely no nutritional value. In February 2001, the Washington Post reported that a school in Maryland had signed a contract with a soda company that contained a clause forbidding the school from enforcing the Federal ban on soda machines in schools. The clause read ''If the Board of Education actively enforces the policy in which vending machines are turned off during the school day, the commission guarantee will be suspended.'' In other words, the schools could only get commissions from the vending machines if they broke the law.

We can not sell our children's health to the highest bidder on a sodas contract. That is why our bill would give the Secretary of Agriculture authority to more effectively restrict the sale of soft drinks and other foods of minimal nutritional value in schools that participate in the Federal school lunch program. We would give the Secretary authority to regulate these foods throughout the school grounds, until the end of the school lunch period. Our bill also mandates that the Secretary use the best science available to determine which foods provide no nutritional value. My bill will ensure that students are not substituting empty calorie sodas and snacks for their nutritious federally subsidized school meals.

According to a report issued by the Center for Science and the Public Interest, 20 years ago boys consumed more than twice as much milk as soda; now boys and girls drink twice as much soda as milk. This is a huge problem, particularly for girls—the teenage years are critical for building up a woman's lifetime supply of calcium. Girls who substitute soda for milk are at a greater risk for developing osteoporosis later in life. We must provide our kids with better options. I have no problem with vending machines themselves, but let's get vending machines that sell fresh milk, fruits and vegetables into our schools.

Senator LUGAR and I have successfully worked together on many important issues relating to child nutrition and agriculture in the past. I am extremely pleased that we can work together again to create healthier schools and healthier children.

I ask unanimous consent that the text of the Better Nutrition for Schoolchildren Act of 2003 be printed in the RECORD.

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

S. 1007

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Better Nutrition for School Children Act of 2003''.

SEC. 2. FOODS OF MINIMAL NUTRITIONAL VALUE.

(a) IN GENERAL.—Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is amended—

(1) in subsection (a), by inserting ''(throughout the entire school, including the school grounds, until the end of the time of service of food under the school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.))'' after ''participating schools'';

(2) by striking subsection (b);

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting after subsection (a) the following:

''(b) BASIS.—The Secretary shall promulgate the regulations required under subsection (a) based on sound nutritional science, as determined by the Secretary.

''(c) FACTORS.—In promulgating the regulations required under subsection (a), the Secretary shall consider—

''(1) the nutritional needs of students in various grade levels;

''(2) the proximity of any area where foods of minimal nutritional value may be sold, donated, or served without charge to the food service facilities or areas;

''(3) the extent to which students will likely substitute consumption of foods of minimal nutritional value for other food served in participating schools under this Act and the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

''(4) the benefits to a school of permitting the sale, donation, or service without charge of foods of minimal nutritional value, including the extent to which the proceeds of such sales inure to the benefit of a school or an organization of students approved by a school.''.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall promulgate such regulations as are necessary to implement the amendments made by this section.

(2) FOODS OF MINIMAL NUTRITIONAL VALUE.—In promulgating the regulations, the Secretary shall review and (as necessary) revise the definition of ''foods of minimal nutritional value'' that is used to carry out the Child Nutrition Act of 1966 (42 U.S.C. 1786) and the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(3) PROCEDURE.—The promulgation of the regulations and the administration of the amendments made by this section shall be made without regard to chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use the authority provided under section 808(2) of title 5, United States Code.

Mr. LUGAR. Mr. President, I am pleased to join my good friend and colleague, Senator PATRICK LEAHY in introducing the Better Nutrition for School Children Act of 2003. This bill takes a common sense, flexible approach to the sales of food that competes with federally supported school meals, and represents one component of addressing the overall health of our Nation's children.

This year Congress will address a number of the Federal nutrition programs, including those administered through local school systems. Our Nation's schools provide our children with over 28 million federally subsidized meals each day. For some of these children, these meals provide the bulk of their nutrition needs. As a result, the meals served by schools should meet balanced nutrition standards in order to promote overall health.

Unfortunately, an increasing number of our Nation's children are becoming overweight and obese. Children who are overweight and obese are much more likely to have difficulty controlling their weight in the future, which increases their risk of medical problems such as diabetes and heart disease. In order to address this issue, Congress has a duty to analyze variables at school that affect a child's health, including foods of minimal nutritional value.

In addition to the federally subsidized foods served in our schools, many children have access to and choose to purchase competitive foods from other sources, such as vending machines. This bill asks the Secretary of Agriculture to investigate the sales of foods that are outside the Federal meal programs and issue a regulation that balances the schools' interests with that of overall childhood health. In particular, the regulation must take into consideration the financial benefits a school receives from competitive food sales, how likely a child is to make this choice instead of nutritious foods, and the nutritional needs of children according to their school grade level. This bill does not require the Secretary to implement any further restrictions than what currently exist.

I believe this bill provides a rational approach to one facet of improving the health and fitness of our Nation's children. I urge my colleagues to join us in supporting The Better Nutrition for School Children Act of 2003.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 132—COMMENDING JOHN W. KLUGE FOR HIS DEDICATION AND COMMITMENT TO THE LIBRARY OF CONGRESS

Mr. STEVENS (for himself, Mr. FRIST, Mr. DASCHLE, Mr. WARNER, Mr. LOTT, and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 132

Whereas John W. Kluge is the greatest individual benefactor in the history of the Library of Congress (the ''Library'') and is known in the international corporate community as one of the Library's staunchest supporters;

Whereas John W. Kluge, by the example of his wise counsel and leadership as the founding chairman of the James Madison Council, the Library's private sector philanthropic organization, has inspired many others to join in support of Library programs and initiatives;

Whereas John W. Kluge has faithfully served on the Library's Trust Fund Board since 1993;

Whereas John W. Kluge's visionary support for Library programs which reach across America and around the world has transformed the Library into an unparalleled electronic educational resource;

Whereas John W. Kluge has established in the Library an endowed scholarly program of chairs and fellows in areas of study not covered by the Nobel prizes;

Whereas John W. Kluge has enabled the American people, through the Library, to recognize lifetime scholarly achievement in the intellectual arts with a $1,000,000 prize award which will be given for the first time in November 2003;

Whereas the Librarian of Congress, James H. Billington, considers John W. Kluge ''one of the Library's greatest friends'';

Whereas all Americans have greatly benefited from the generosity of John W. Kluge; and

Whereas John W. Kluge has inspired Americans by his example of support for programs which educate and equip individuals to be responsible and productive citizens: Now, therefore, be it

Resolved, That the Senate—

(1) commends John W. Kluge for his dedication and commitment to the Library of Congress;

(2) expresses its sincere gratitude and appreciation for his example of philanthropy and public service to the American people; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to John W. Kluge.

SENATE RESOLUTION 133—CONDEMNING BIGOTRY AND VIOLENCE AGAINST ARAB AMERICANS, MUSLIM AMERICANS, SOUTH-ASIAN AMERICANS, AND SIKH AMERICANS

Mr. DURBIN (for himself, Mr. SUNUNU, and Mr. FEINGOLD) submitting the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 133

Whereas all Americans are united in supporting American men and women who protect our Nation abroad and at home;

Whereas thousands of Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans serve in the military and in law enforcement, working to protect all Americans;

Whereas the Arab-American, Muslim-American, Sikh-American, and South-Asian-American communities are vibrant, peaceful, and law-abiding, and have greatly contributed to American society;

Whereas Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans, as do all Americans, condemn acts of violence and prejudice;

Whereas the United States Senate is concerned by the number of bias-motivated crimes against Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans, and other Americans in recent months: Now, therefore, be it

Resolved, That the Senate—

(1) declares that the civil rights and civil liberties of all Americans, including Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans, should be protected;

(2) condemns bigotry and acts of violence against any Americans, including Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans;

(3) calls upon local, State, and Federal law enforcement authorities to work to prevent bias-motivated crimes against all Americans, including Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans; and

(4) calls upon local, State, and Federal law enforcement authorities to investigate and prosecute vigorously all such crimes committed against Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans.

Mr. DURBIN. Mr. President, Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans are an important part of America. Like other ethnic and religious groups, they and their ancestors came to this country seeking political freedom and economic opportunity. They have flourished, making great contributions to our society every day. They are

armed service-members, law enforcement officers, teachers, doctors, lawyers, and businesspeople. They are leaders in American society, including members of Congress and Cabinet members.

Tragically, in the aftermath of the September 11 terrorist attacks, some misguided bigots turned against Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans, singling them out as targets for violence and threats of violence. Hate crimes against these communities, including violent physical assaults, sharply increased. The Federal Bureau of Investigation reports that the number of anti-Muslim incidents rose 1600 percent from 2000 to 2001, largely due to this post-9/11 backlash.

In response, countless Americans came to the support of Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans, condemning the attacks and embracing the affected communities. At that time, I submitted a resolution, which was unanimously approved, condemning bigotry and violence against Sikh Americans.

Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans are suffering again, and it is again time to express our support for them. Since the beginning of the war in Iraq, hate crimes against these communities have spiked. For example, a man who law enforcement believe was motivated by anti-Arab sentiment allegedly shot four people to death in New York City during February and March. President Bush has declared that major combat operations in Iraq have ended, but hate crimes against Arab Americans, Muslims, South-Asian Americans, and Sikhs continue. For example, at the University of California Los Angeles, someone recently poured pig's blood on Muslim prayer rugs in an interdenominational chapel. The FBI is investigating the incident as a bias-motivated crime.

Hate crimes against these communities are wrong and un-American. We must condemn them in the strongest terms, and law enforcement must investigate and prosecute vigorously the perpetrators.

Sadly, Arab Americans, Muslim Americans, Sikh Americans, and South-Asian Americans are also increasingly concerned that the Federal Government views them with suspicion, and that they are being subjected to heightened government scrutiny as a result of their national origin or religion. Our counterterrorism efforts must not discriminate on the basis of national origin or religion or violate the civil liberties of innocent Americans. The government's efforts to combat terrorism must focus on criminal or terrorist behavior, not ethnicity or creed.

I believe that discriminatory counterterrorism tactics, or those that violate civil liberties, are not only wrong, but they do not make our country any safer. Our country's history demonstrates that respect for individual rights enhances our stability and security. Singling out a large group of mostly innocent Arabs, Muslims and South Asians squanders precious law enforcement resources and alienates communities whose cooperation we need. It runs counter to basic principles of community policing, which reject the use of racial and ethnic profiles and focus on building trust and respect by working cooperatively with community members.

The resolution I submit today recognizes that Arab Americans, Muslim Americans, Sikh Americans, and South Asian Americans, greatly contribute to American society and serve honorably in the military or law enforcement, urges respect for civil rights and civil liberties, condemns bias-motivated crimes against members of these communities, and calls upon Federal and local law enforcement to prosecute such crimes vigorously. I urge my colleagues to support it.

SENATE CONCURRENT RESOLUTION 42—WELCOMING THE PRIME MINISTER OF SINGAPORE, HIS EXCELLENCY GOH CHOK TONG, ON THE OCCASION OF HIS VISIT TO THE UNITED STATES. EXPRESSING GRATITUDE TO THE GOVERNMENT OF SINGAPORE FOR ITS STRONG COOPERATION WITH THE UNITED STATES IN THE CAMPAIGN AGAINST TERRORISM, AND REAFFIRMING THE COMMITMENT OF CONGRESS TO THE CONTINUED EXPANSION OF FRIENDSHIP AND COOPERATION BETWEEN THE UNITED STATES AND SINGAPORE.

Mr. BOND (for himself, Mr. LUGAR, Mr. HAGEL, Mr. TALENT, and Mr. SESSIONS) submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 42

Whereas Congress is pleased to welcome the Prime Minister of Singapore, His Excellency Goh Chok Tong, on his visit to the United States;

Whereas the United States and Singapore have a strong and enduring friendship;

Whereas the United States and Singapore share a common vision in ensuring the continued peace, stability, and prosperity of the Asia-Pacific region;

Whereas Singapore is the 11th largest trading partner of the United States;

Whereas the Government of Singapore reacted with outrage and deep sympathy for the people of the United States in response to the terrorist attacks of September 11, 2001;

Whereas Singapore has joined with the United States in the global struggle against terrorism, offering political, diplomatic, intelligence, and humanitarian support;

Whereas the Government of Singapore stood with the United States as a member of the Coalition for the Immediate Disarmament of Iraq;

Whereas Singapore, which has one of the busiest ports in the world, was the first Asian country to join the Container Security Initiative (CSI), a key United States Customs Service initiative designed to prevent terrorist attacks against the United States and other nations using global sea cargo;

Whereas the relationship between the United States and Singapore extends beyond the current campaign against terrorism and is reinforced by strong ties of culture, commerce, and scientific and technical cooperation; and

Whereas this relationship touches on almost every field of international cooperation, including a common commitment to foster a stronger and more open international trading system: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) welcomes the Prime Minister, His Excellency Goh Chok Tong, to the United States;

(2) expresses its profound gratitude to the Government of Singapore for its expressions of sympathy and support after the September 11, 2001, terrorist attacks and its demonstrated willingness to fully cooperate with the United States in the global campaign against terrorism; and

(3) reaffirms its commitment to the continued expansion of friendship and cooperation between the United States and Singapore.

SENATE CONCURRENT RESOLUTION 43—EXPRESSING THE SENSE OF CONGRESS THAT CONGRESS SHOULD PARTICIPATE IN AND SUPPORT ACTIVITIES TO PROVIDE DECENT HOMES FOR THE PEOPLE OF THE UNITED STATES

Mr. BROWNBACK (for himself, Mr. REED, Mr. ALLARD, Ms. CANTWELL, Mr. CHAMBLISS, Mr. CONRAD, Mrs. DOLE, Ms. LANDRIEU, Mr. SANTORUM, and Ms. STABENOW) submitted the following concurrent resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. CON. RES. 43

Whereas the United States promotes and encourages the creation and revitalization of sustainable and strong neighborhoods in partnership with States, cities, and local communities;

Whereas the United States promotes and encourages the creation and revitalization of sustainable and strong neighborhoods in partnership with States, cities, and local communities and in conjunction with the independent and collective actions of private citizens and organizations;

Whereas establishing a housing infrastructure strengthens neighborhoods and local economies and nurtures the families who reside in them;

Whereas an integral element of a strong community is a sufficient supply of affordable housing;

Whereas affordable housing may be provided in traditional and nontraditional forms, including apartment buildings, transitional and temporary homes, condominiums, cooperatives, and single family homes;

Whereas for many families a home is not merely shelter, but also provides an opportunity for growth, prosperity, and security;

Whereas homeownership is a cornerstone of the national economy because it spurs the production and sale of goods and services, generates new jobs, encourages savings and investment, promotes economic and civic responsibility, and enhances the financial security of all people in the United States;

Whereas although the United States is the first nation in the world to make owning a

home a reality for a vast majority of its families, ⅓ of the families in the United States are not homeowners;

Whereas a disproportionate percentage of families in the United States that are not homeowners are low-income families;

Whereas 74.2 percent of Caucasian Americans own their own homes, only 47.1 percent of African Americans, 47.2 percent of Hispanic Americans, and 55.8 percent of Asian Americans and other races are homeowners;

Whereas the community building activities of neighborhood-based nonprofit organizations empower individuals to improve their lives and make communities safer and healthier for families;

Whereas one of the best known nonprofit housing organizations is Habitat for Humanity, which builds simple but adequate housing for less fortunate families and symbolizes the self-help approach to homeownership;

Whereas Habitat for Humanity is organized in all 50 States with 1,655 local affiliates and its own section 501(c)(3) Federal tax-exempt status and locally elected completely voluntary board of directors;

Whereas Habitat for Humanity has built nearly 150,000 houses worldwide and endeavors to complete another 50,000 homes by the year 2005;

Whereas Habitat for Humanity provides opportunities for people from every segment of society to volunteer to help make the American dream a reality for families who otherwise would not own a home; and

Whereas the month of June has been designated as ''National Homeownership Month'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) everyone in the United States should have a decent home in which to live;

(2) Members of the Senate and the House of Representatives should demonstrate the importance of volunteerism;

(3) during the years of the 108th and 109th sessions of Congress, Members of the Senate and the House of Representatives, Habitat for Humanity, and contributing organizations, should sponsor and construct 2 homes in the Washington, D.C., metro area each as part of the ''Congress Building America'' program;

(4) each Congress Building America house should be constructed primarily by Members of the Senate and the House of Representatives, their families and staffs, and the staffs of sponsoring organizations working with local volunteers involving and symbolizing the partnership of the public, private, and nonprofit sectors of society;

(5) each Congress Building America house should be constructed with the participation of the family that will own the home;

(6) in the future, Members of the Senate and the House of Representatives, their families, and their staff should participate in similar house building activities in their own States as part of National Homeownership Month; and

(7) these occasions should be used to emphasize and focus on the importance of providing decent homes for all of the people in the United States.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, May 13, at 2:30 p.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 520, a bill to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho; S. 625, a bill to authorize the Bureau of Reclamation to conduct certain feasibility studies in the Tualatin River Basin in Oregon, and for other purposes; S. 960, a bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii and to amend the Hawaii Water Resources Act of 2000 to modify the water resources study; S. 649, a bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in projects within the San Diego Creek Watershed, California, and for other purposes; and S. 993, a bill to amend the Small Reclamation Projects Act of 1956, and for other purposes. (Contact: Shelly Randel 202–224–7933, Kellie Donnelly 202–224–9360 or Jared Stubbs at 202–224–7556).

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 6, 2003, at 9:30 a.m. on Media Ownership in SR–253.

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

COMMITTEE ON THE JUDICIARY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on the Constitution, Civil Rights and Property Rights be authorized to meet to conduct a hearing on ''Judicial Nominations, Filibusters, and the constitution: When a Majority is Denied its Right to Consent'' on Tuesday, May 6, 2003, at 2:30 p.m., in the Dirksen Senate Office Building, Room 226.

Panel I: The Honorable Arlen Specter, U.S. Senator (R–PA);

The Honorable Charles Schumer, U.S. Senator (D–NY).

The Honorable Zell Miller, U.S. Senator (D–GA).

Panel II: Mr. Steven Calabresi, Professor of Law, Northwestern University Law School, Chicago, Illinois;

Mr. John Eastman, Professor of Law, Chapman University School of Law, Director, Center for Constitutional Jurisprudence, Orange, California;

Mr. Bruce Fein, Esq., Fein & Fein, Washington, DC.;

Mr. Michael Gerhardt, Hanson Professor of Law, William & Mary School of Law, Williamsburg, Virginia;

Ms. Marcia Greenberger, Esq., Co-President, National Women's Law Center, Washington, DC.;

Mr. Douglas Kmiec, Dean of the Columbus School of Law, The Catholic University of America, Washington, DC.

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

JOINT ECONOMIC COMMITTEE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in Room 628 of the Dirksen Senate Office Building, Tuesday, May 6, 2003, from 10 a.m. to 1 p.m.

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

SPECIAL COMMITTEE ON AGING

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Tuesday, May 6, 2003 from 10 a.m. to 12 p.m. in Dirksen 562 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 6, 2003 at 2:30 p.m. in closed session to mark up the Emerging Threats and Capabilities Programs and Provisions contained in the Department of Defense Authorization Act for Fiscal Year 2004.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, May 6 at 10 a.m., to receive testimony regarding S. 324, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for certain trails in the National Trails System; S. 634, to amend the National Trails System Act to direct the Secretary of the Interior to carry out a study on the feasibility of designating the Trail of the Ancients as a National Historic Trail; S. 635, to amend the National Trails, System Act to direct the Secretary to update the fleasibility and suitability studies of four national historic trails, and for other purposes; and S. 651 to amend the National Trails Systems Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the system, and for other purposes.

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

SUBCOMMITTEE ON PERSONNEL

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 6, 2003 at 4:30 p.m. in closed session to mark up the Personnel Programs and Provisions contained in the Department of Defense Authorization Act for Fiscal Year 2004.

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

SUBCOMMITTEE ON SEAPOWER

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 6, 2003 at 3:30 p.m. in closed session to mark up the Seapower Programs and Provisions contained in the Department of Defense Authorization Act for Fiscal Year 2004.

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

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Dr. Peter Winokus, a Fellow on my staff, be permitted on the floor during the consideration of today's energy bill.

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

Mr. REID. I further ask unanimous consent that when it comes up again he also be given that consideration.

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Dr. Jonathan Epstein, a legislative fellow in my office, and Ms. Poonum Agrawal, who is a Presidential management intern with the Energy Committee, both be given floor privileges during the pendency of S. 14 and any votes thereon.

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

Mr. DORGAN. Mr. President, I ask unanimous consent that Jerry Hinkle and Cami Dodge have floor privileges during this debate.

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

UNANIMOUS CONSENT REQUEST—CALENDAR NO. 53

Mr. MCCONNELL. Mr. President, I ask unanimous consent that, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of calendar No. 53, the bioshield bill. I further ask consent that the only amendments, other than the committee amendment, be the following: a Gregg-Kennedy substitute, and a Byrd amendment regarding mandatory spending. I further ask consent that there be 2 hours for general debate and 1 hour on each amendment to be equally divided in the usual form. I further ask consent that following the disposition of the above amendments and the use or yielding back of debate time, the bill be read a third time, and the Senate then proceed to a vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, reserving the right to object, I will object to this in just a minute, but I do want to spread across the record of the Senate that Senator BYRD and other Members of the Senate of the majority believe this sets up an entitlement.

Senator BYRD believes there should be an annual appropriation for this matter, this should not be an entitlement. As I have indicated, there are people on the other side of the aisle who also acknowledge this is the way things should be done.

We hope there can be some agreement. In the interim, until something is worked out, I object on behalf of Senator BYRD.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. I must say, Mr. President, on this side of the aisle we have cleared this request, so there are no longer any problems over here. I know the senior Senator from West Virginia was hoping to work out some language on the mandatory spending provision. The chairman and the ranking member, I believe, are prepared to allow a vote on Senator BYRD's amendment, and that vote has been incorporated into this request. Therefore, I hope we can get this consent request worked out in the next day or so.

This bill is absolutely vital in that it provides for biomedical countermeasure research and development. We need to move forward on this bill. We really encourage the other side to understand the seriousness of this legislation, the importance of moving it forward.

WELCOMING PRIME MINISTER GOH CHOK TONG

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 42 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 42) welcoming the Prime Minister of Singapore, His Excellency Goh Chok Tong, on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of Congress to the continued expansion of friendship and cooperation between the United States and Singapore.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 42) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 42

Whereas Congress is pleased to welcome the Prime Minister of Singapore, His Excellency Goh Chok Tong, on his visit to the United States;

Whereas the United States and Singapore have a strong and enduring friendship;

Whereas the United States and Singapore share a common vision in ensuring the continued peace, stability, and prosperity of the Asia-Pacific region;

Whereas Singapore is the 11th largest trading partner of the United States;

Whereas the Government of Singapore reacted with outrage and deep sympathy for the people of the United States in response to the terrorist attacks of September 11, 2001;

Whereas Singapore has joined with the United States in the global struggle against terrorism, offering political, diplomatic, intelligence, and humanitarian support;

Whereas the Government of Singapore stood with the United States as a member of the Coalition for the Immediate Disarmament of Iraq;

Whereas Singapore, which has one of the busiest ports in the world, was the first Asian country to join the Container Security Initiative (CSI), a key United States Customs Service initiative designed to prevent terrorist attacks against the United States and other nations using global sea cargo;

Whereas the relationship between the United States and Singapore extends beyond the current campaign against terrorism and is reinforced by strong ties of culture, commerce, and scientific and technical cooperation; and

Whereas this relationship touches on almost every field of international cooperation, including a common commitment to foster a stronger and more open international trading system: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) welcomes the Prime Minister, His Excellency Goh Chok Tong, to the United States;

(2) expresses its profound gratitude to the Government of Singapore for its expressions of sympathy and support after the September 11, 2001, terrorist attacks and its demonstrated willingness to fully cooperate with the United States in the global campaign against terrorism; and

(3) reaffirms its commitment to the continued expansion of friendship and cooperation between the United States and Singapore.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination on the Executive Calendar: Calendar No. 166.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, any statements relating to the nomination be printed in the RECORD, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I am happy that this judge is being approved. We are certainly willing to cooperate when we can. I just wanted to briefly respond to the comment of the distinguished majority whip that the system is broken and we have had to have cloture votes on two judges. My math may be off either way, but I think this is the 123rd judge who will have been approved in a matter of a few seconds: 123 during this administration; 2 have been, in effect, turned down—there is still debate going on on those two—123 to 2.

Statistics show this is the lowest number of vacancies since, I believe, 1959. I could be wrong. But there are a significant number of judges we have approved—as I said, 123.

I understand the seriousness of the feelings of people regarding Miguel Estrada and Priscilla Owen. But looking at the other side of the picture, 123 to 2 is not bad.

I withdraw any objection I might have laid on the RECORD.

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

The nomination considered and confirmed is as follows:

THE JUDICIARY

Patricia Head Minaldi, of Louisiana, to be United States District Judge for the Western District of Louisiana.

Mr. MCCONNELL. Mr. President, we have had this debate many times. What is new is that the filibuster is being used to defeat judicial nominations for the first time in history. Cloture has been used occasionally for the purpose of advancing a nomination, not for defeating it. We do have two nominees who were found unanimously well qualified by the ABA and they are, in effect, being denied an up-or-down vote. If that is what is different, then that is what is producing alarm on our side of the aisle. Of course, we have had that debate many times. Tonight is probably not the time to have it again.

Mr. REID. Mr. President, I simply say that having been in the majority and the minority on a number of occasions, what comes around goes around. We have to appreciate the fact that sometimes we control the Senate. Hopefully, not too long from now—but one never knows—we will be back in control. Someday, there will, again, be a Democratic President. Everybody should understand that what we do here is not for the moment but also for the future.

As I have said, we try to be as cooperative as we can. Sometimes we are not as cooperative as some wish we would be.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR WEDNESDAY, MAY 7, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Wednesday, May 7. I further ask that following the prayer and the pledge, the morning hour be deemed to have 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 until 12 noon, with the time equally divided between the two leaders or their designees, and that statements be limited to 10 minutes each.

I further ask unanimous consent that at 12 noon the Senate proceed to executive session and begin consideration of Executive Calendar No. 6, the NATO expansion treaty, as provided under the previous order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, tomorrow the Senate will be in a period of morning business until noon. Following morning business, the Senate will begin consideration of the NATO expansion treaty. Under the previous order, the Senate will debate the treaty and dispose of all amendments during tomorrow's session.

I advise my colleagues that rollcall votes are expected in relation to the two amendments to the resolution of ratification. The Senate will not vote on the adoption of the resolution of ratification until Thursday morning at 9:30.

As a reminder, cloture motions were filed on the nominations of Priscilla Owen and Miguel Estrada. This will be the second attempt to cut off a filibuster on the Owen nomination and our sixth effort with respect to Miguel Estrada. Cloture votes on Owen and Estrada will occur during Thursday's session.

In addition, I inform all Members that work continues in an effort to clear several items for floor action. These items are under discussion, including the State Department authorization bill, the bioshield bill, the air cargo security legislation, the FAA reauthorization bill, the FISA legislation, and several judicial nominations. Therefore, Members should anticipate additional votes during tomorrow's session.

ADJOURNMENT UNTIL 10 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 6:54 p.m., adjourned until Wednesday, May 7, 2003, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 6, 2003:

NATIONAL INSTITUTE OF BUILDING SCIENCES

MORGAN EDWARDS, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2005, VICE MARY ELLEN R. FISE, TERM EXPIRED.

DEPARTMENT OF LABOR

HOWARD RADZELY, OF MARYLAND, TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR, VICE EUGENE SCALIA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL M. DUNN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8069:

To be major general

BRIG. GEN. BARBARA C. BRANNON, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KEITH B. ALEXANDER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICARDO S. SANCHEZ, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. BRIAN L. TARBET, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate May 6, 2003:

THE JUDICIARY

CECILIA M. ALTONAGA, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA.

PATRICIA HEAD MINALDI, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA.