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## Senate

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

### PRAYER

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

Let us pray.

Our heavenly Father, the fountain of all wisdom, understanding, and strength, You execute judgment and there is none like You.

Lord, thank You for providing refuge for the oppressed and for those who know Your name. Strengthen us with the defense of Your right hand. Give us this day a knowledge of You that we may gain true understanding. Multiply our years with abundant living, enabling us to find real peace and joy.

Lord, You know what is best for us, so please guide our lives. Look at the needs of our Senators and do for them what they cannot accomplish by human efforts alone. Give them wisdom and courage for these challenging days. Conform our will to the unfolding of Your loving providence. We pray this in Your holy name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Republican whip is recognized.

### SCHEDULE

Mr. MCCONNELL. This morning, there will be a period of morning business for 60 minutes. Following that period, the Senate will resume consideration of the supplemental appropriations for Iraq and Afghanistan.

Under a previous order, upon returning to the bill at approximately 10:40 this morning, the Senate will proceed to two back-to-back rollcall votes. The first vote will be in relation to the Corzine amendment numbered 1811 relating to military reservist retirement pay. That vote will be followed by a vote in relation to the Reid amendment numbered 1844 relating to end strength.

The votes in relation to the Corzine and Reid amendments will be the first votes of today. The Senate will recess from 12:30 to 2:15 so the Republicans may hold their weekly policy luncheon. Following the recess, the Senate will resume consideration of the appropriations supplemental. Amendments will be offered and debated throughout the day. Yesterday, we made substantial progress on the bill and I appreciate Members agreeing to time agreements on their amendments so we could schedule votes and move forward.

Senators should again expect rollcall votes throughout the day and into the evening in relation to the supplemental appropriations bill. As the leader has indicated, we are going to finish this bill this week and that will require late nights with votes included. All Senators should be aware of that in scheduling their evenings tonight and tomorrow night.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. The Senator from Pennsylvania has asked to speak this morning. The Senator from Maryland is here. I ask unanimous consent that the first 3 minutes of the time be charged to the Republicans. I ask that the Senator from Pennsylvania be recognized for 3 minutes.

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

The Senator from Pennsylvania is recognized for 3 minutes.

DR. GUION S. BLUFORD, JR.

Mr. SANTORUM. Mr. President, I rise to welcome to the Senate Dr. Guy Bluford and his wife Linda who are here today. This year marks the 20th anniversary of Dr. Bluford's first flight into space, the first African American in space. He is a native Philadelphian, of which I am very proud. I am equally as proud that he is also a fellow Penn State graduate.

He has distinguished this country in his 29 years of service in the U.S. Air Force. I will enter into the RECORD his long list of accomplishments in the Air Force, and I ask unanimous consent to have this printed following my remarks.

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

(See exhibit No. 1.)

Mr. SANTORUM. He has won numerous medals and commendations. His first flight in space was on August 30, 1983. He became the first African American to fly in space. Subsequent to that, he went on three missions in space in the shuttle and logged over 688 hours in space. In 1997, he was inducted into the International Space Hall of Fame. Since his retirement, he has continued to excel in private enterprise since 1997 and is now president of the Aerospace Technology Group.

As I mentioned, one of his greatest accomplishments is graduating from Penn State University, my alma mater. He has an aerospace engineering degree from Penn State. He has a master's degree of science, Ph.D. degree in aerospace engineering from the Air Force Institute of Technology, and an MBA degree from the University of Houston. His education is phenomenal. His accomplishments in the military and space and now in the private sector are something of which to take note.

We recognize today his great contribution to this country. The example he sets is as a terrific role model for young people of all ethnic and racial backgrounds. He is a man who has accomplished a tremendous amount in

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



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his life and obviously has a lot more to contribute. He and his wife Linda are here today, and we will have a reception for them starting at 10 a.m. in one of the reception rooms behind me. I invite my colleagues to stop by and meet Dr. Bluford and his wife Linda.

I thank him for his tremendous service. I know my colleagues join me in recognizing his great accomplishments and great service to this country.

EXHIBIT No. 1

GUION S. BLUFORD, JR. PH.D

Dr. Guion S. Bluford, Jr., President, The Aerospace Technology Group (ATG), an aerospace technology and business consulting organization specializing in aviation and space related technology development, analysis, and marketing related activities. Prior to joining ATG, Dr. Bluford was Vice President of Microgravity R&D and Operations for the Northrop Grumman Corporation and was responsible for all corporate microgravity research and technical development activities in support of NASA's Human Exploration and Development of Space (HEDS) Enterprise. He also served as the Program Manager of the NASA Glenn Research Center's Microgravity Research, Development, and Operations Contract (MRDOC). Headquartered in Cleveland Ohio, Dr. Bluford was responsible for the design, development, integration, and operational support of the NASA Fluids and Combustion Facility and associated space flight experiment hardware for the International Space Station. Prior to joining Northrop Grumman, he was Vice President of the Aerospace Sector of Federal Data Corporation (FDC) and was responsible for all NASA business. He has also been the Vice President of the Engineering Services Division of NYMA Inc and Program Manager of the NASA Lewis Research Center's Scientific Engineering, Technical and Administrative Related Services (SETAR) contract.

Prior to his service with Northrop Grumman, FDC, and NYMA, Inc., Dr. Bluford was a NASA mission specialist and payload commander astronaut on four Space Shuttle missions. He was selected in the first class of space shuttle astronauts in 1978 and was the first African American to fly in space in 1983 aboard Space Shuttle Challenger. In addition, he flew on a Spacelab flight as payload commander in 1985, a Department of Defense Strategic Defense Initiative Office flight in 1991, and a classified Department of Defense flight in 1992. He has logged over 688 hours in space.

Dr. Bluford served 29 years in the United States Air Force as an Air Force tactical fighter pilot in Vietnam, instructor pilot, staff development engineer, Branch Chief of the Aerodynamics and Airframe Branch of the Air Force Flight Dynamics Laboratory and NASA Astronaut. He has over 5200 hours of jet flight time in ten different aircraft.

Dr. Bluford received a Bachelor of Science degree in Aerospace Engineering from Penn State University and Masters of Science and Ph.D degrees in Aerospace Engineering from the Air Force Institute of Technology, and a Master of Business Administration degree from the University of Houston, Clear Lake, Texas.

Dr. Bluford serves on the Board of Directors of the U.S. Space Foundation, ENSCO Inc, and the Board of Trustees of The Aerospace Corporation. He has been a member of the National Research Council's Aeronautics and Space Engineering Board (ASEB) and the Board of Directors of the American Institute of Aeronautics and Astronautics (AIAA). He is currently serving on the Board of Directors of the NASA Alumni League, Western Reserve Historical Society of Cleve-

land, the Great Lakes Science Center, and the National Inventors Hall of Fame Foundation.

He has been awarded the Department of Defense's Superior Service and three Meritorious Service Medals; the Air Force's Legion of Merit, Meritorious Service, Commendation, and ten Air Medals; NASA's Distinguished Service, Exceptional Service and four Space Flight Medals; the State of Pennsylvania's Distinguished Service Medal and thirteen honorary doctorate degrees. An AIAA Fellow, he was inducted into the International Space Hall of Fame in 1997.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transmission of morning business up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee and the second 30 minutes under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee.

Mr. REID. I yield 10 minutes to the Senator from Maryland, to be followed by 10 minutes to the Senator from Oregon, followed by 10 minutes to the Senator from Louisiana, Ms. LANDRIEU.

The PRESIDENT pro tempore. The Senator from Maryland is recognized for 10 minutes.

#### IRAQ

Ms. MIKULSKI. Mr. President, I will state some of my principles as we debate the supplemental appropriations on Iraq.

One year ago, America was on the brink of war. Congress debated then whether America should go it alone to confront Saddam Hussein or get international support to bring the world with us. This week, Congress takes up a nearly similar debate: Do we go it alone or do we find a way to share the burden and the cost of the war?

Who should pay for the occupation and reconstruction of Iraq? According to the Bush administration, the answer is the American taxpayer, to the tune of \$87 billion.

I agree that as we consider this debate, we should have four principles to guide our thinking. First, there must be international burden sharing. If the stability of Iraq is in the world's interest, then the world should help pay for the reconstruction. The administration must be more aggressive in the pursuit of reconstruction funds from other countries and other international institutions.

Second, wherever possible, American aid should be loans, not giveaways. Iraq has the world's second largest oil reserves. These oil fields are capable of pumping out millions of barrels a day. That should translate into billions of dollars. Those profits should help with the reconstruction.

Third, we must always be clear that we support our troops. These are ordinary men and women called to do extraordinary and dangerous and difficult missions. They put their lives at risk to serve our country. Our troops need the equipment, the gear, the backup. And their families need financial support. Military families, with loved ones are in Iraq, need financial support to make ends meet and the health care they should get.

Third, the administration must lay out its plan to end the occupation of Iraq. There was a plan for the war. Now we need a plan for the peace. The American people deserve full disclosure: a real assessment of where we are going, how long we will be there. Iraq must not turn into a quagmire. We cannot pour in our funds and send more troops with no end in sight.

Last year, when we debated about the war, I said if it is important enough to the world to go, the world should go with us. I voted to go to the U.N. to have international legitimacy and international burden sharing, to share the dangers along with our troops as well as to share the cost of rebuilding Iraq.

During the debate I said: What is going to happen to our troops? And I asked it in classified situations and other briefings we received. I wanted to know if our troops were going to be greeted with a landmine or with a parade. Well, now we know the answer to that.

Our troops need all the support they can get. I believe we need more troops, but I do not think we need more American troops; they should come from other countries.

I believe there is money that needs to be spent in Iraq but not only our money. I think there needs to be international money. We had a coalition of the willing. Now we need a coalition of the wallet. Let them step to the plate to share the financial responsibility to create stability and a democracy in Iraq.

You bet I am behind our troops. And we want to vote to make sure they have the help and the assistance they need, not only the right gear. We understand they do not even have the proper body armor they need.

We also want to support their families here at home. They come back for 2 weeks for a breather, but their families' hearts are broken as the men and women go back to the war. We need to support those families financially, and we need to support those things in terms of health care.

When it comes to burden sharing, we now know the other countries are not stepping up. They are tepid. They were timid about the war, and they are tepid about reconstruction. Only 61 countries have committed to helping. They have committed \$1.5 billion to the reconstruction of Iraq, according to Ambassador Bremer's testimony. That is not enough.

But we were also assured by Secretary Rumsfeld that we could get the money for reconstruction from Iraqi oil. Well, let's get it. I support the kind of thinking that Senator DORGAN has presented, which is to replace the \$20 billion in grants for Iraqi reconstruction with loans, and to also create a framework for other nations to participate in those loans.

On a bipartisan basis, Senator KAY BAILEY HUTCHISON is working on an amendment to make \$10 billion in American aid work via a loan through the World Bank, a \$10 billion loan through the World Bank, with other nations contributing to the World Bank's Iraq reconstruction trust fund. That is the kind of thinking we need, and we need to work on a bipartisan basis. America needs to know we are trying to work on a bipartisan basis. But I repeat: We need loans, not giveaways.

Now, there are others who say: Oh, my gosh, Iraq is shackled with debt.

That debt was created by an illegitimate government in Iraq. And who is the money owed to? Well, the money is owed to Russia, to Saudi Arabia, to France. Why can't they forgive the debt? Make that their share. Just forgive the debt. Rather than giving more money, let France forgive the debt. Let Russia forgive the debt. Let Saudi Arabia forgive the debt. Let Iraq start with a clean slate and pay back America for what it is doing.

My constituents in Maryland are very patriotic, and they will do whatever is necessary to defend this Nation. But they have families and children to educate, mothers and fathers who are grappling with the health care costs of being older, retirement plans to do, and homes to buy. It is not fair to ask the American taxpayer to share the full burden of fighting this war.

While we are worried about Russia's debt, what about our debt? If we are worried about Iraq being too burdened with debt, what about our debt?

Now we need a debt of gratitude for what we are doing around the world. I think the way it can be repaid is to forgive the Iraqi debt. Let them start with a clean slate just as they are starting with a clean government, and move on.

When you look at the way they are spending money on reconstruction, they have money for schools, they have money for tech centers, they have money for job training and job centers, water and sewer grants—all of what we need in our own communities.

We know the people in Iraq have suffered. They have suffered under Saddam Hussein. They are now suffering under what looks like an internal civil war going on now among the different tribes.

I know the children need health care, the communities need electricity, and they need to have an economy to get back on their feet. But, my gosh, I sure wish some of this money was also being spent here at home.

The request for Iraq includes 250 tech centers with 20 laptop computers each, and computer training. They are going to build seven communities, with 3,500 units of affordable housing. And—guess what—we are going to build a primary school, two secondary schools, a health clinic, a place of worship, and a market in each community.

Yet at the same time, HOPE VI and other programs to revitalize American cities have been zeroed out. Technical centers to get our kids ready for the new century is sharply reduced. Infrastructure that we desperately need to protect public health and the environment, such as water and sewer grants, is so spartan and skimpy in my own VA-HUD bill.

So we have to look at where we are spending our money, and we have to look at where we are creating debt. If we are creating debt to improve our economy, to get our jobs going, I think we know that a little borrowing today might create jobs tomorrow. But now we are doing massive borrowing to rebuild Iraq, while others tell us they cannot afford to send troops and they cannot afford to spend money. I am saying we are beginning to not be able to afford this war in Iraq.

So I hope we can work on some solutions to have Iraq emerge as a democracy and bring our troops back home. We have to concentrate on how we can have our national honor abroad but restore our national Treasury.

I look forward to working on a bipartisan basis with my colleagues. We have to get down to business and get strategy on how we are getting out of Iraq, and also how we are getting out of debt.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Oregon is recognized for 10 minutes.

#### INTERNET TAX FREEDOM ACT

Mr. WYDEN. Mr. President, the Senate knows, 5 years ago I was the sponsor in the Senate of the Internet Tax Freedom Act. This is law that was designed to ensure that the Internet be free of discriminatory taxes on Internet commerce and a variety of Internet activities. And it was designed to encourage the growth of the Internet.

The law has unquestionably worked. There is absolutely no evidence of anyone who has been harmed by the inability to discriminate against electronic commerce.

For many months now, Senators of both political parties have been working together to try to ensure the law that expires shortly would be reauthorized, and Senators have been working on a cooperative and bipartisan basis to go forward and reauthorize this law that has worked.

I had been under the impression that we were just about ready to bring this bill to the floor, but in the last few days a proposal that I find truly alarming has been brought forward by some

of the State and local officials. I come to the floor this morning to make sure the Senate is actually familiar with the language that is being brought forward.

Mr. President, I ask unanimous consent that this legislation I am going to discuss be printed in the RECORD.

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

#### NON-TEXAS MARKUP

##### MORATORIUM ON INTERNET TAXES

Pub. L. 105-277, div. C, title XI, Oct. 21, 1998, 112 Stat. 2681-719, provided that:

#### SEC. 1101. MORATORIUM.

(a) MORATORIUM.—No State or political subdivision thereof shall impose any of the following taxes:

(1) taxes on Internet access.

(2) multiple or discriminatory taxes on electronic commerce.

(b) PRESERVATION OF STATE AND LOCAL TAXING AUTHORITY.—

(1) IN GENERAL.—Except as provided in this section, nothing in this title shall be construed to modify, impair, or supersede, or authorize the modification, impairment, or superseding of, any State or local law pertaining to taxation that is otherwise permissible by or under the Constitution of the United States other Federal law [and in effect] on the date of enactment of this Act (Oct. 21, 1998).

(2) SPECIAL RULES.—If charges for Internet access are aggregated with and not separately stated from charges that are subject to taxation, then the charges for Internet access may be subject to taxation unless the Internet access service provider can reasonably identify Internet access charges not subject to taxation from its books and records kept in the regular course of business for other purposes.

(c) LIABILITIES AND PENDING CASES.—Nothing in this title affects liability for taxes accrued and enforced before the date of enactment of this Act, nor does this title affect ongoing litigation relating to such taxes.

(d) DEFINITION OF GENERALLY IMPOSED AND ACTUALLY ENFORCED.—For purposes of this section, a tax has been generally imposed and actually enforced prior to October 1, 1998, if, before that date, the tax was authorized by statute and either—

[(1) a provider of Internet access services had a reasonable opportunity to know by virtue of a rule or other public proclamation made by the appropriate administrative agency of the State or political subdivision thereof, that such agency has interpreted and applied such tax to Internet access services; or

[(2) a State or political subdivision thereof generally collected such tax on charges for Internet access.]

(e) EXCEPTION TO MORATORIUM.—

(1) IN GENERAL.—Subsection (a) shall also not apply in the case of any person or entity who knowingly and with knowledge of the character of the material, in interstate or foreign commerce by means of the World Wide Web, makes any communication for commercial purposes that is available to any minor and that includes any material that is harmful to minors unless such person or entity has restricted access by minors to material that is harmful to minors—

(A) by requiring use a credit card, debit account, adult access code, or adult personal identification number;

(B) by accepting a digital certificate that verifies age; or

(C) by any other reasonable measures that are feasible under available technology.

(2) SCOPE OF EXCEPTION.—For purposes of paragraph (1), a person shall not be considered to (be) making a communication for commercial purposes of material to the extent that the person is—

(A) a telecommunications carrier engaged in the provision of a telecommunications service;

(B) a person engaged in the business of providing an Internet access service;

(C) a person engaged in the business of providing an Internet information location tool; or

(D) similarly engaged in the transmission, storage retrieval, hosting, formatting, or translation (or any combination thereof) of a communication made by another person, without selection or alteration of the communication.

(3) DEFINITIONS.—In this subsection:

(A) BY MEANS OF THE WORLD WIDE WEB.—The term “by means of the World Wide Web” means by placement of material in a computer server-based file archive so that it is publicly accessible, over the Internet, using hypertext transfer protocol, file transfer protocol, or other similar protocols.

(B) COMMERCIAL PURPOSES; ENGAGED IN THE BUSINESS.—

(i) COMMERCIAL PURPOSES.—A person shall be considered to make a communication for commercial purposes only if such person is engaged in the business of making such communications.

(ii) ENGAGED IN THE BUSINESS.—The term “engaged in the business” means that the person who makes a communication, or offers to make a communication, by means of the World Wide Web, that includes any material that is harmful to minors, devotes time, attention, or labor to such activities, as a regular course of such person’s trade or business, with the objective of earning a profit as a result of such activities (although it is not necessary that the person make a profit or that the making or offering to make such communications be the person’s sole or principal business or source of income). A person may be considered to be engaged in the business of making, by means of the World Wide Web, communications for commercial purposes that include material that is harmful to minors, only if the person knowingly causes the material that is harmful to minors to be posted on the World Wide Web or knowingly solicits such material to be posted on the World Wide Web.

(C) INTERNET.—The term “Internet” means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

(D) INTERNET ACCESS SERVICE.—The term “Internet access service” means a service that enables users to access content, information, electronic mail, or other services offered over the Internet and may also include access to proprietary content, information, and other services as part of a package of services offered to consumers. Such term does not include telecommunications services, except to the extent such services are used to provide Internet access.

(E) INTERNET INFORMATION LOCATION TOOL.—The term “Internet information location tool” means a service that refers or links users to an online location on the World Wide Web. Such term includes directories, indices, references, pointers, and hypertext links.

(F) MATERIAL THAT IS HARMFUL TO MINORS.—The term “material that is harmful to minors” means any communication, pic-

ture, image, graphic image file, article, recording, writing, or other matter of any kind that is obscene or that—

(i) the average person, applying contemporary community standards, would find, taking the material as a whole and with respect to minors, is designed to appeal to, or is designed to pander to, the prurient interest;

(ii) depicts, describes, or represents, in a manner patently offensive with respect to minors, an actual or simulated sexual act or sexual contact, an actual or simulated normal or perverted sexual act, or a lewd exhibition of the genitals or post-pubescent female breast; and

(iii) taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

(G) MINOR.—The term “minor” means any person under 17 years of age.

(H) TELECOMMUNICATIONS CARRIER; TELECOMMUNICATIONS SERVICE.—The terms “telecommunications carrier” and “telecommunications service” have the meanings given such terms in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(I) ADDITIONAL EXCEPTION TO MORATORIUM.—

(1) IN GENERAL.—Subsection (a) shall also not apply with respect to an Internet access provider, unless, at the time of entering into an agreement with a customer for the provision of Internet access services, such provider offers such customer (either for a fee or at no charge) screening software that is designed to permit the customer to limit access to material on the Internet that is harmful to minors.

(2) DEFINITIONS.—In this subsection:

(A) INTERNET ACCESS PROVIDER.—The term “Internet access provider” means a person engaged in the business of providing a computer and communications facility through which a customer may obtain access to the Internet, but does not include a common carrier to the extent that it provides only telecommunications services.

(B) INTERNET ACCESS SERVICES.—The term “Internet access services” means the provision of computer and communications services through which a customer using a computer and modem or other communications device may obtain access to the Internet, but does not include telecommunications service provided by a common carrier.

(C) SCREENING SOFTWARE.—The term “screening software” means software that is designed to permit a person to limit access to material on the Internet that is harmful to minors.

(3) APPLICABILITY.—Paragraph (1) shall apply to agreements for the provision of Internet access services entered into on or after the date that is 6 months after the date of enactment of this Act (Oct. 21, 1998).

#### SEC. 1105. [“SEC. 1104.”] DEFINITIONS.

For the purposes of this title:

(1) BIT TAX.—The term “bit tax” means any tax on electronic commerce expressly imposed on or measured by the volume of digital information transmitted electronically, or the volume of digital information per unit of time transmitted electronically, but does not include taxes imposed on the provision of telecommunications services.

(2) DISCRIMINATORY TAX.—The term “discriminatory tax” means

(A) any tax imposed by a State or political subdivision thereof on electronic commerce that—

(i) is not generally imposed and legally collectible by such State or such political subdivision on transactions involving similar property, goods, services, or information accomplished through other means;

(ii) is not generally imposed and legally collectible at the same rate by such State or

such political subdivision on transactions involving similar property, goods, services, or information accomplished through other means, unless the rate is lower as part of a phase-out of the tax over not more than a 5-year period;

(iii) imposes an obligation to collect or pay the tax on a different person or entity than in the case of transactions involving similar property, goods, services, or information accomplished through other means;

(iv) establishes a classification of Internet access service providers or online service providers for purposes of establishing a higher tax rate to be imposed on such providers than the tax rate generally applied to providers of similar information services delivered through other means; or

(B) any tax imposed by a State or political subdivision thereof, if—

(i) [except with respect to a tax (on Internet access) that was generally imposed and actually enforced prior to October 1, 1998,] the sole ability to access a site on a remote seller’s out-of-State computer server is considered a factor in determining a remote seller’s tax collection obligation; or

(ii) a provider of Internet access service or online services is deemed to be the agent of a remote seller for determining tax collection obligations solely as a result of

(I) the display of a remote seller’s information or content on the out-of-State computer server of a provider of Internet access service or online services; or

(II) the processing of orders through the out-of-State computer server of a provider of Internet access service or online services.

(3) ELECTRONIC COMMERCE.—The term “electronic commerce” means any transaction conducted over the Internet or through Internet access, comprising the sale, lease, license, offer, or delivery of property, goods, services, or information, whether or not for consideration, and includes the provision of Internet access.

(4) INTERNET.—The term “Internet” means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

(5) INTERNET ACCESS.—The term “Internet access”—

(A) [The term “Internet access” means a service that enables users to access content, information, electronic mail, or other services offered over the Internet, and may also include access to proprietary content, information, and other services as part of a package of services offered to users, [such term does not include telecommunications services, except to the extent such services are used to provide Internet access.]

(B) The term “Internet access” as described in subsection (A) above is a service directly employed by its purchaser, regardless of the medium by which such service is provided. The term “Internet access” does not include the provision of television programs, games, books, music, motion pictures, newspapers, magazines, software, telecommunications services, voice communication, financial services, research services, information services, or other such products or services, or products or services that are available for purchase in any form other than over the Internet. Nothing in this title shall be construed to modify, impair, or supersede, or authorize the modification, impairment, or superseding of, any State or local law pertaining to taxation that is otherwise permissible by or under the Constitution of the United States or other Federal

law as of the date of original enactment of this Act (Oct. 21, 1998).

(6) MULTIPLE TAX.—

(A) IN GENERAL.—The term “multiple tax” means any tax that is imposed by one State or political subdivision thereof on the same or essentially the same electronic commerce that is also subject to another tax imposed by another State or political subdivision thereof (whether or not at the same rate or on the same basis, without a credit (for example, a resale exemption certificate) for taxes paid in other jurisdictions).

(B) EXCEPTION.—Such term shall not include a sale or use tax imposed by a State and 1 or more political subdivisions thereof on the same electronic commerce or a tax on persons engaged in electronic commerce which also may have been subject to a sales or use tax thereon.

(C) SALES OR USE TAX.—For purposes of subparagraph (B), the term “sales or use tax” means a tax that is imposed on or incident to the sale, purchase, storage, consumption, distribution, or other use of tangible personal property or services as may be defined by laws imposing such tax and which is measured by the amount of the sales price or other charge for such property or service.

(7) STATE.—The term “State” means any of the several States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

(8) TAX.—

(A) IN GENERAL.—The term “tax” means—  
(i) any charge imposed by any governmental entity for the purpose of generating revenues for governmental purposes, and is not a fee imposed for a specific privilege, service, or benefit conferred; or

(ii) the imposition on a seller of an obligation to collect and to remit to a governmental entity any sales or use tax imposed on a buyer by a governmental entity.

(B) EXCEPTION.—Such term does not include any franchise fee or similar fee imposed by a State or local franchising fee or similar fee imposed by a State or local franchising authority, pursuant to section 622 or 653 of the Communications Act of 1934 (47 U.S.C. 542, 573), or any other fee related to obligations or telecommunications carriers under the Communications Act of 1934 (47 U.S.C. 151 et seq.).

(9) TELECOMMUNICATIONS SERVICE.—The term “telecommunications service” has the meaning given such term in section 3(46) of the Communications Act of 1934 (47 U.S.C. 153(46)) and includes communications services (as defined in section 4251 of the Internal Revenue Code of 1986 (26 U.S.C. 4251)).

(10) TAX ON INTERNET ACCESS.—The term “tax on Internet access” means [a tax on Internet access, including] the enforcement or application of any new or preexisting tax on the sale or use of Internet access [services unless such tax was generally imposed and actually enforced prior to October 1, 1998].

Mr. WYDEN. Mr. President, what some State and local officials now seek to do is to change the definition of “Internet access,” which, under current law, cannot be taxed. In doing so, what it would do is give States and localities explicit permission to tax what Internet users do once they get on line. That would mean you could have games, music, magazines, newspapers, information services, financial services, research services, or other products of services, in effect, facing a barrage of new taxes.

The phrase “you’ve got mail” would be replaced with “you owe taxes.” That is what this proposal would mean to 142 million Americans with household Internet access. Under this proposal,

the consumer could be taxed every time they send an e-mail, every time they read their local newspaper online or check the score of a football game.

Those who are making this proposal are not going to come out publicly and talk about their ideas for taxing e-mail. There isn’t a headline in the language that I have put into the CONGRESSIONAL RECORD today that says: Watch out, our plan is going to tax e-mail. But there is no question that a clear reading of this legislative language will mean just that. Consumers could be taxed every time they check a bank statement online. They could be taxed for paying their bills online. They could be taxed each time they check the sports scores online or listen to the weather on streaming radio. Every time a consumer turns to Google research service, they could be taxed for each key stroke. If that happened, no question, some in my office would just go bankrupt.

As the Chair knows, being so instrumental in working with me and members of the Senate Commerce Committee, this law has worked. It has been a bipartisan law based on the simple proposition that you would treat activity online just as you treat activity offline. Some made dire predictions about the law originally that States and localities would be denied the opportunity to gain revenue for essential services. It has been clear that they have been proven incorrect. Internet commerce is now just a small part of our economy. In fact, what we have seen is a merger of what I call bricks and clicks, traditional commerce with Internet commerce. We have not seen problems under current law.

But by redefining the definition of Internet access, as the proposal does that I have put into the CONGRESSIONAL RECORD today, in effect you give a green light to State and local authorities all across the country to tax services that are integral to Internet access, including e-mail.

I believe this proposal would make wider the digital divide in this country. I think the new taxes would restrict growth in the Internet. The American consumer needs to know exactly what some of these taxing authorities are really up to. What they really want is either to stop the ban on Internet access taxes from becoming permanent or they are looking for statutory language which would stick consumers with hundreds of millions of dollars in new taxes each year.

In my view, either option would be unacceptable to a majority of Senators. I hope, as the negotiations originally proceeded in the Commerce Committee and now in the Finance Committee, that there would be an effort to make the ban on discriminatory taxes on Internet commerce permanent and, in particular, let us ensure that the hard hit American consumer is protected from unfair tax schemes such as those I have outlined this morning.

I yield the floor.

The PRESIDENT pro tempore. Who yields time? The Senator from Texas.

Mrs. HUTCHISON. Mr. President, it is my understanding that our side took 3 minutes early. So how much time is remaining on the other side?

The PRESIDENT pro tempore. The majority has 26 minutes 58 seconds. The minority has 13 minutes 34 seconds.

Mrs. HUTCHISON. Mr. President, I will proceed. If a Member of the other side comes, I will be happy to yield to them under their time. But I will start with the majority time.

The PRESIDENT pro tempore. Without objection, the Senator from Texas is recognized.

## SCHOOL FOR IRAQ’S CHILDREN

Mrs. HUTCHISON. Mr. President, one of the biggest successes in Iraq in the past month has been the first day of school for millions of Iraqi children. America’s service men and women worked with local partners to refurbish the schools that were destroyed under Saddam Hussein’s regime so these children could experience the freedom that comes with learning. One example of this progress involves soldiers from the 1st Armored Division’s 1st Squadron, 1st Cavalry Regiment, who did an immense amount to improve the quality of life for Iraqi children. Led by Squadron Commander LTC Charles Williams, the soldiers focused their efforts on 25 schools around the rim of Baghdad. The schools had been neglected by the former regime.

They were in a sad state when 1AD forces arrived in Baghdad several months ago. The desks were in pieces. The blackboards were broken. There were no doors on the rooms and there were no ceiling fans. There was very poor lighting or no lighting at all. The squadron took charge. Their engineers came forward. American contractors and local Iraqi contractors worked together to repair the schools.

Over the past few months the schools underwent a dramatic change: Walls were painted. Electrical wiring and plumbing were fixed. Glass was replaced. Security bars were installed in windows and school supplies were issued.

I have some pictures that show better than any words could some of the progress that is being made. This is a picture of Mahmoud Al-Jabouri, a former Iraqi Army general who worked with the 1st Squadron, 1st Cavalry Regiment, 1st Armored Division in repairing the schools in Baghdad. He is giving a speech for the first day of classes at Dufaf Al-Neil primary school. The progress our troops have been making in working with Iraqi citizens enabled this school to open. It was a joint effort. We can see the children at the opening day of the school with our soldiers and the former Iraqi general.

Look at the excitement on the Iraqi faces as soldiers from the 1st Squadron,

1st Cavalry Regiment helped an Iraqi schoolgirl cut the ribbon at a ceremony celebrating the first day of school. These children are so excited, as they see their world opening up. Iraqi children at Dufaf Al-Neil school hold up the markers they received along with other gifts from soldiers of the 1st Cavalry Regiment. Everyone can see that these school supplies have opened a new world for these children. Their liberation cannot be overemphasized.

Aside from the new facilities, there is something else the American forces have provided for these children. They have ended the fear and terror that Saddam Hussein instilled in Iraqi schools. I want to read an excerpt from a National Review article from October 13. This is stunning.

... there will be no mysterious disappearances from the classrooms. No teachers and pupils will be found dead in school doorways. ... Teenage school girls will not be abducted and taken to one of the many harems maintained by Uday, Saddam's sadistic elder son. ...

We could hardly imagine how these children went to school living in fear that they might be abducted and taken into Uday's harem; that their teachers might be killed in the doorway for something that they could not even imagine they had said or done wrong. Not only are we opening these schools with new school supplies and painted walls and lighting, but we have taken the fear from these children that when they go to school, something horrible will happen.

Our Armed Forces are performing heroic acts every day, trying to ensure that the Iraqi people are free and working toward self-government. Step by step, normal life in Iraq is being established as basic services are restored and hope is reborn.

What we are doing in Iraq is going to change the Middle East. It is going to give people in this country a taste of freedom, and others will see it. It will be a message bigger than anything we could say would happen. It is the results that we are working for, and the President is committed to that result.

That is why we are debating a supplemental appropriation that would bring freedom to this country and begin to spread it throughout the Middle East.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Under the previous order, the Senator from Louisiana is recognized for 10 minutes.

#### NATION BUILDING IN IRAQ

Ms. LANDRIEU. Mr. President, I wanted to add a couple of thoughts this morning regarding the plan for nation building in Iraq. I had supported vigorously the amendment by Senator DORGAN last evening, but because of the time constraints I was not able to speak on that particular amendment. I plan to offer a similar amendment—and there are others—that will try to help the Senate focus again on the op-

portunities and possibilities for sustaining a successful effort in Iraq—a successful effort of nation building—by shifting the burden from the American taxpayers to the Iraqi people and their great resources.

As you know, Mr. President, I supported the use of force; I supported the overthrow of that regime. I believe that a lot of the information that was given to us has proven not to be true and accurate; nonetheless, I support the effort because this was a regime that needed to be overthrown. I am also here to say and agree that in order to be successful we have to sustain a long-term commitment, not cut and run, not window dress, not put lipstick on a pig, not pretend that things are going well—but have things really go well. The verdict is still out. I am sure it is not as bad as it is portrayed by the media. Usually nothing is as bad as that. The stories tend to be one-sided in many instances. The fact is, this is a very difficult undertaking. We have undertaken it only seven times since World War II.

There is a very interesting report that I want to mention at this time. I will give more detailed comments about it later. It is an extensive Rand report just finished on nation building. The title is, "The Inescapable Responsibility of the World's Only Superpower." This is bipartisan; it is not a Republican plan, not a Democratic plan. This is a bipartisan American view of this issue, a very balanced approach. It says, basically, there are seven lessons that we have learned since Germany and our successful Marshall plan effort. I will read excerpts from them quickly and talk about it later.

It says that:

Multilateral nation-building is more complex and time-consuming than a unilateral approach. But the multilateral approach is considerably less expensive for individual participants.

So there are tradeoffs. We are doing this in a more unilateral way. I don't necessarily have a problem with that. I understand we have made efforts to reach out to our multinational partners, and we have not been able to reach agreement. Sometimes the United States has to lead alone and lead decisively. I am, for one, not opposed to that. I just understand that it is more expensive. So let's find a way to pay for it. Further, the report says:

Multilateral nation-building can produce more through transformations and greater regional reconciliation than can unilateral efforts.

That is an argument for multilateral involvement. It also says:

Unity of command is essential. ...

I believe unity of command is one element we have to preserve in Iraq. It seems as though we are on the path to that end. There are problems, though, that this report points out. One of them is:

There appears to be an inverse correlation between the size of the military stabilization force and the level of casualties.

In other words, the more troops and peacekeepers you have on the ground, the less soldiers you lose. One of the objectives I have as a Senator from Louisiana is to lose as few soldiers as possible.

I want to show you a picture—of course, we are touched by many pictures that we see, but I hope the cameras can pick up SGT Rich Armstrong of Lynchburg, VA. This man is not from Louisiana but from Virginia, right across the river. He is a staff sergeant who is saying goodbye to his wife Beth and his 8-month-old daughter Olivia. I hope this soldier can be brought back home so he can spend the rest of his life with his daughter and wife.

This is not about campaigns or politics. This is about trying to lay down the best plan to bring these soldiers home. The more troops you have there and the more police you have there, the less soldiers will come home either wounded or "not" at all.

This reports goes on to say:

Neighboring states can exert significant influence, for good or bad. It is nearly impossible to put together a fragmented nation if its neighbors try to tear it apart.

One of the amendments in the House, I thought, took us a step backward. It took aid away from neighboring states, when we need to encourage them to help in this effort.

I continue to quote:

Accountability for past injustices can be a powerful component of democratization. Such accountability can be among the most controversial aspects of any nation-building endeavor, however, and therefore should be attempted only if there is a deep and long-term commitment to the overall operation.

My contention is that we are going to be there as long as we need to be, but the American people are not going to sacrifice their children or grandchildren's education, or the solvency of the Social Security trust fund, unless we find a better way to pay for it. If we do, then we can be there not just for 2 or 3 years, but like this Rand study says:

None of our cases were successfully completed in less than seven years.

So one of my questions is, How many times is the administration going to come back and ask us to forego college education for our children, support for public schools, and the establishment of a good health care system in Louisiana to rebuild Iraq, when we have the resources in Iraq to do it; when the people of Iraq, in partnership with the United States—friends and allies in a strong partnership—using our know-how and their resources, can rebuild the country? This is not new; this is not MARY LANDRIEU's idea. We did this during the Marshall plan. We used Germany's coal reserves. It was one of the principles of the Marshall plan—how to rebuild Europe. Thank goodness we were dealing with a country—Germany, the aggressor in that situation—that had vast coal reserves. It was one of the reasons we could build the Marshall plan. That was very different

from this. The Marshall plan said that for every dollar the donor nation put in, the recipient nation would put up one. It structured a bipartisan, comprehensive, sustainable program.

What this administration is doing, even if this bill passes this week, is not sustainable because the people in your States and in my State are not going to dig down, putting the debt on the American taxpayers to pay for this. The one way to do it correctly is to use the great oil resources. This is not my idea. This is not just something based on the Marshall plan.

I will show you what Paul Wolfowitz said. Paraphrasing, he said the oil revenues of that country could bring between \$50 billion and \$100 billion over the course of the next 2 or 3 years. He said that we are dealing with a country that can really finance its own reconstruction, and relatively soon. This is not the Democratic leadership, Mr. President, and this is not Senator LANDRIEU saying that; that is Paul Wolfowitz, on March 27, 2003.

Let's see what Vice President CHENEY said only a year ago. People say, what is the confusion? Why are we not using the oil resources? It is not because it was a bad idea. The administration put forward this idea. Yet for some reason they have changed their minds.

Paraphrasing this, Tim Russert said every analysis said this war would cost about \$80 billion for the recovery of Baghdad, perhaps of Iraq, about \$10 million. Vice President CHENEY said he can't say that, and that in Iraq we have a nation that has the second largest oil reserves in the world, second only to Saudi Arabia. He said it would generate billions of dollars a year in cashflow if they get back to their production of roughly 3 million barrels a day in the relatively near future.

That was before the war. That is the plan the people were told. We would use the oil. Now we have to use our kids' trust funds for college. It is not right.

Let me show the amount of oil that is in Iraq. I know something about this because Louisiana produces a lot of oil. If we export from Iraq 1 million barrels a day, that is \$8 billion a year at \$22 a barrel. The range for OPEC is \$22 to \$29. These are using the most conservative figures. If we would get up to 10 million barrels a day—it is not only possible, it is likely—we could be generating in Iraq \$80 billion.

Why would the American people be picking up the tab when the Iraqis have their own resources, building pride, dignity, independence? Why? I don't understand it. Maybe someone else has their eyes on the profit.

I think the Iraqi people should benefit from their reserves. I think the American taxpayers should benefit from these reserves, not a handful of companies, if that is the idea. I am not saying it is, but we are very confused about why the administration said they wanted to use oil and now they don't.

I have an article titled "Iraqi Plans to Increase Oil Output in 2004." This article was in the Wall Street Journal this morning. This is quicker than they thought. Trust me, horizontal drilling and new technologies can produce a lot of wealth.

I am going to finish this speech later in the day. The question Louisianans have is, Why can't we use the resources and riches of that nation to help rebuild it and stabilize democracy in a part of the world that desperately needs it?

I thank the Chair.

THE PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, how much time is remaining on the two sides?

THE PRESIDING OFFICER. The majority has 20 minutes 53 seconds. The minority has 2 minutes 20 seconds.

Mrs. HUTCHISON. Does the Senator from Louisiana wish to finish with the 2 minutes?

Ms. LANDRIEU. I yield to the other side, and I reserve the 2½ minutes for closing this morning on our side.

Mrs. HUTCHISON. Mr. President, what I will do is allow the Senator from Louisiana to have the 2 minutes or the minority side to have the 2 minutes after Senator MCCONNELL, but then I am going to yield, because we have the last 30 minutes, to the Senator from Montana. The Senator from Louisiana can take the time now or take it after Senator MCCONNELL.

Ms. LANDRIEU. If that is the understanding, I have to ask the Chair—I know the time was equally divided—was it also established which side would speak in the last 2 minutes?

THE PRESIDING OFFICER. The order previously agreed to was for the minority to consume their time first.

Ms. LANDRIEU. Then I will take those 2 minutes.

Mrs. HUTCHISON. If the Senator from Louisiana wishes to reserve her time after Senator MCCONNELL, I am going to yield up to 10 minutes to Senator MCCONNELL, after which, she can speak; is that acceptable?

Ms. LANDRIEU. That is acceptable. The next 10 minutes will be for Senator MCCONNELL, and I will then take the 2½ minutes that is remaining.

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

The Senator from Kentucky.

Mr. MCCONNELL. I thank the Chair, and I thank my friend from Texas.

#### TRIP TO IRAQ AND AFGHANISTAN

Mr. MCCONNELL. Mr. President, I just returned from Iraq and Afghanistan. I was accompanied on that trip by Senator CONRAD BURNS of Montana, Senator LARRY CRAIG of Idaho, Senator CRAIG THOMAS of Wyoming, and Senator LINCOLN CHAFEE of Rhode Island. I wish to share with the Senate some of my observations about the trip.

First, I am pleased to report that patriotism among United States troops is

alive and well in Iraq and Afghanistan. Soldiers on the frontlines of the global war on terrorism—be they with the 101st Airborne Division in Iraq or the 10th Mountain Division in Afghanistan—serve America with honor and distinction.

This Senator is more grateful than words can express for the professionalism and dedication of our Armed Forces as America continues to bring the war on terrorism to the terrorists. We are fighting this war on our terms—and on their turf.

My hat is off to the President—our capable Commander in Chief—for his stalwart leadership throughout this war. There is no better man that could be at the helm during these dangerous times.

In Iraq, our service men and women are proud to have liberated an oppressed nation and are bound and determined to finish the job they started by turning over Iraq to the Iraqi people as soon as is possible. The bill before us will allow them to do just that—so long as the requested reconstruction funds are fully provided. It might interest my colleagues to know that the Screaming Eagles view these funds just as important as ammunition in destroying the enemy.

In Afghanistan, United States troops continue to pay back al-Qaeda and Taliban forces for the September 11 attacks on our shores. Morale is high, and our soldiers take great pride in constituting a new Afghan army that are already proving to be more formidable fighters than the terrorists they face on fields of battle.

Second, despite news reports to the contrary, America is making significant progress in Iraq and Afghanistan.

In Iraq, U.S. troops and civilians with the Coalition Provisional Authority, CPA, are perplexed by the lack of attention paid to accomplishments made on a near daily basis. More than 13,000 reconstruction projects have been completed in Iraq, with electricity generation exceeding prewar levels and a free press already exceeding those in neighboring countries. By one recent count, 170 newspapers are being published in Iraq. Baghdad residents have access to more local print media than residents of Louisville, KY.

Some 60,000 Iraqi security forces have been trained, and those that patrol jointly with U.S. troops are often cheered by their compatriots. American military and CPA officials are working tirelessly to work themselves out of a job in Iraq as quickly as possible. The shared objective of the interim Iraqi Governing Council, IGC, and the CPA is to draft and ratify a constitution and hold national elections, perhaps within the next year.

In Afghanistan, international efforts are ongoing to build security forces and a new Afghan army. While Provincial Reconstruction Teams and humanitarian organizations have access to most of the country, Taliban remnants, al-Qaeda fighters, and local militias



continue to pose challenges to development activities in the southeastern part of the country. Afghan President Karzai and his cabinet are determined to lead the country out of decades of warfare and instability into a new era of prosperity and economic and social opportunity. They have America's support and assistance in this endeavor.

Funding in the supplemental bill is key to improving the lives of ordinary Iraqi and Afghan citizens and providing for the tools and technical training so that they guarantee their own security. Our reconstruction efforts in both countries can be best described as a partnership—one that is mutually beneficial to the security interests of Iraq, Afghanistan, and the United States.

Third, it is clear from talking to Iraqis and our forces on the ground that providing reconstruction assistance to Iraq in the form of a loan would be counterproductive and downright dangerous.

I do not doubt for a single moment that those elements that today attack coalition forces, the United Nations, and foreign missions in Baghdad would spin the extension of loan to Iraq as proof positive that the coalition toppled Saddam Hussein's regime for oil. This could spark a firestorm against the United States throughout the entire Islamic world—from Indonesia to Saudi Arabia—that even the most effective public relations campaign would fail to extinguish.

Further, the interim IGC is in no position to assume debt on behalf of the Iraqi people, much less award or manage reconstruction contracts. The CPA rightfully seeks to continue momentum in the reconstruction of Iraq, which will directly impact the ability of the U.S. military to bring our troops home. By saddling the Iraqi people with a loan—one that no one believes they are capable of repaying—we stymie such momentum and set a precedent for other potential donors to extend aid in the form of loans.

Fourth, we must do more to enlist the cooperation of Islamic nations in the global war on terrorism.

Jordan has long been an ally in this war, and its recent decision to train Iraqi police and military officials is yet another indication that the Hashemite Kingdom seeks peace and stability in the region. Jordan serves as a stellar example of the constructive role an Islamic nation can play in defeating the cancer of terrorism.

Turkey, too, deserves recognition for its recent approval to deploy armed forces to Iraq in support of Operation Iraqi Freedom. While many of us wish Turkey had been more supportive prior to the initiation of hostilities, this news is welcomed and underscores a regional appreciation for the need to defeat terrorism in Iraq. Just last week, the Turkish Prime Minister acknowledged that terrorism has "no race, religion, or creed" and that we "need to take all necessary steps against terrorism."

While Pakistan has also been a solid ally in the war on terrorism, it is only recently that Pakistani military forces have begun to crack down on al-Qaeda and Taliban fighters in remote provinces bordering Afghanistan. Pakistan must do all it can—in full cooperation and consultation with Afghanistan—to seek out and destroy domestic and foreign terrorists on its soil. Indeed, Pakistan should consider following the lead of both Jordan and Turkey and provide support for reconstruction efforts in Iraq.

Let me close with a final observation that America and its allies will win the war on terrorism, including ongoing battles in Iraq and Afghanistan. We will do so because of our military superiority and discipline of well-trained and motivated troops. We will do so because our cause is just and because it is in the interests of freedom loving people across the globe. And we will do so because America's greatness is rooted in the universal principles of liberty, justice, and human rights that two previous world wars have failed to extinguish.

President Bush is right that "[a]s long as the United States of America is determined and strong, this will not be an age of terror; this will be an age of liberty, here and across the world." I say to our Commander in Chief that this Senator is determined to provide whatever assistance is requested and needed to win the global war on terrorism. I ask my colleagues to join me in this important endeavor.

I think they taught journalists in journalism school that good news is not news; that only bad news is news. We have sort of gotten accustomed to that in the United States. I would argue that in Iraq good news is news because prior to the fall of Saddam Hussein, almost nothing good ever happened. So the unusual in Iraq is something good happening. Clearly, 9 out of 10 things in Iraq are going in the right direction, contrary to the impression one would get from reading the daily newspaper or watching television news.

Speaking of newspapers, there are 170 newspapers being published in Iraq. That is certainly more choice than we have in my hometown of Louisville, KY, I can tell you that. Some of these papers are probably even more credible than the New York Times. So there is opinion being expressed all across Iraq, particularly in print media springing up everywhere, as they enjoy this new freedom they were previously denied.

In terms of security, the toughest issue, 60,000 Iraqis have been trained by us to begin to provide security, and some of those Iraqi security forces have thwarted some of these bombing attempts in the last 2 days. They are learning how to do it, and they are getting better. That security force is growing on a daily basis. When they conduct joint exercises with American troops, the patrols are frequently cheered by people in the countryside. They are happy they are there. They are excited by that.

Reconstruction: There have been 13,000 reconstruction projects completed to date, actually finished.

Schools: Back during the Saddam Hussein regime, they used schools to store ammunition. Today they are being used to educate young Iraqis. The schools are open. They opened a little over a week ago, and at least 1,500 of those schools—we are not anywhere near finished, but at least 1,500 of those schools have been refurbished by us.

We had a chance to visit a school in Baghdad—actually several schools. At one of them, I had a chance to talk with the principal. There is no way I can overstate how excited they are to, first of all, have their school fixed up and, second, have an opportunity to begin to teach these youngsters once again and to teach them in a more open and effective manner, unsupervised by some tyrant and his thugs in Baghdad.

Power: We finally have been able to get power production back to prewar capacity. That is still not nearly enough, but it is heading in the right direction. The ingenuity of the American commanders on the ground is really something to behold. General Petraeus, who is the division commander of the 101st Airborne, which is up north in Mosul, who, interestingly enough, has a Ph.D. from Princeton, has negotiated agreements with Turkish and Syrian officials to bring power from those countries into northern Iraq to help them meet their power needs.

New currency: I managed to pick up as a souvenir, as I left the country, an example of the old currency. This may be worth something someday. It has, of course, Saddam Hussein's face plastered on the front. These are no more. New currency is in the process of being issued in Iraq this week, and it begins the process of changing over to a different kind of currency. By the way, I think it is appropriate to note there will not be a single image of Saddam Hussein on any of these pieces of currency.

Going back to the 101st Airborne for a minute, they, of course, were also in Bosnia. The commander of the 101st said to us—and he was quite frustrated, as many of the soldiers were, about the perception that nothing was being accomplished there, that we were not heading in the right direction—he was in Bosnia as well, and we made more progress in Iraq in 6 months than we have made in Bosnia in 6 years. That is significant progress.

When he was talking about progress, he was not talking about the military part of it—that ended back in May; at least the intense combat portion ended—but he was talking about their efforts to deal with local people and these myriad of projects in which they are involved.

In northern Iraq, they had the first monitored provincial election in the Ninawa province. We had a chance to



meet with the local council that had been elected in that province. There was an election held since Saddam Hussein fell from power.

With regard to security, there is no question that security is still a serious problem in Iraq. Regrettably, we see it on an almost daily basis. But I bet not many Americans know that more Iraqis have been killed during this period than people from outside the country.

What does that mean? It means that the Baathists, who are probably the principal organizers of these violent activities, are trying to get power back. They are not just after the Americans. They want to get power back. They are going to try to kill anybody in the way. Frankly, if we left tomorrow, they would be after whatever Iraqis were in charge because they want to get the power back. They want to control the country. They want to go back to their abusive tactics that they engaged in for 25 years.

So they are indiscriminately attacking anybody who is directly involved in replacing them: the Iraqi Governing Council, the Turks after saying they would send in 10,000 troops—there was an attempt on their embassy yesterday. There was an attack on the Jordanian Embassy and the U.N. earlier. This is not just an attack against Americans but against anybody who is helping the Iraqis move in the direction of having a normal, democratic, responsible country.

There have been some demonstrations. People have said this is outrageous; it must mean they do not like the fact that Saddam Hussein is gone. Well, these demonstrations—which by the way could not have occurred under Saddam Hussein because he would not have allowed it—are related to unemployment and delayed pay. Sounds like the sort of thing that would demand a demonstration in this country. Those are some of the conditions obviously that need to be dealt with.

So let's put everything in perspective. One would be hard pressed to find an Iraqi who would say they were better off under Saddam than they are now.

I have heard some reporters suggest that maybe we were sold a bill of goods while we were over there and only heard what people wanted us to hear. Let me say to that, it would be impossible to organize all of the youngsters we passed in the streets who were waving at us—not because of us but because of the American soldiers we were with—giving a thumbs up and smiling. Nobody could have organized all of that. Clearly, the young people, who are a reflection of their parents' views, are excited that the American troops are there and happy that Saddam Hussein is gone.

Another noteworthy observation that certainly could not have been created in order to give us a good impression of what was happening is that commerce is springing up everywhere. Business

men and women are selling their wares along the sides of the streets. The Iraqis are not only well educated, they are quite entrepreneurial. These are the kinds of talents that are going to give them an opportunity to build an Iraq of which their citizens can be proud. We have a free Iraq now but we do not have everything we need to have.

I conclude by making an observation about the package that we have been debating. Twenty billion dollars of the \$87 billion is for reconstruction. At some point I know we are going to have amendments related to what conditions ought to be placed on that \$20 billion, but let me say how important that is.

Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. MCCONNELL. If we look at the \$87 billion, \$66 billion of it is for troops. The stationing of troops overseas is very expensive. So I say to our colleagues who are concerned about the costs, the sooner we can get the troops home, the sooner it will cost us dramatically less. That is why the reconstruction project part of it is so important. Getting the country structured in such a way that they have adequate power, clean water, and are able to move forward with their infrastructure is the key to getting the troops home. So the \$20 billion part of this package is critically important.

I know we will be having amendments about whether it ought to be conditioned. I think the President is correct. I think it ought to be a grant. I think we ought to make it clear that we did not go in there to put them in debt beyond where they are already. But we will have that debate in the coming days on the supplemental.

I am thankful for the opportunity to share my observations about my recent trip with Members of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana has 2 minutes 20 seconds remaining.

Ms. LANDRIEU. Mr. President, there is hardly any point that my colleague from Kentucky so ably made this morning that I disagree with, or that most people on this side—not all but most—would disagree with. The issue is not whether we can stay and finish the job. Obviously, we have to do that, for any number of reasons, for our own security, for the stability of the region. We are a powerful nation that makes promises and keeps promises. That is not the question.

The question is, How should we pay for it? This administration has basically said it is our way or the highway: no loans, no modification of the tax cut, and no oil revenues can be used. The President is telling the American people, and the Republican leadership is saying to the American people, basically, that there is only one way to pay for this, and it is to dig deeper into our

own basic deficit: borrow against our children's trust funds, borrow against paying for schools, hospitals, or colleges, and pay for it by increasing the deficit to our children and grandchildren.

Some of us are saying there is a better way. We could lend the money and establish a way for Iraq to build itself out of its own situation with our help and support, not by indebting Iraq, but by freeing up their natural resources to pay for a reconstruction that can sustain itself.

The point I want to make is there is no quick fix for nation building. The Rand study, a balanced independent study—they are not Democrat or Republican—says no previous case of nation-building was successfully completed in less than 7 years.

We will need something that we can sustain. This is a democracy in the United States, not a dictatorship. The people will need to support this effort. They are not going to support going into greater debt. They are not going to support having our children make sacrifices for Iraq's reconstruction. If someone has to make sacrifices, let the adults in this country make the sacrifices, not the children. And our greatest generation has already made enough sacrifices, let's not rob their social security trust fund.

This is a chart depicting Iraq. This is the southwestern portion of the country. We have not even explored for oil there and the experts—again, Louisiana knows something about oil because we have a lot of it—say there is more oil in the southwest section than here. Here are the fields. They are not even fully developed. This has not even been explored, yet the President wants us to use the Social Security trust fund instead of these reserves. I think that is wrong. I think there is a better way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas controls the time.

Mrs. HUTCHISON. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. Nine minutes forty-six seconds.

Mrs. HUTCHISON. I yield the entire time to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I thank the Chair and I thank my friend from Texas. I also thank my friend from Louisiana because I think she brings up some very valid points.

If one visits Iraq—especially the neighborhoods, which are just like some of the neighborhoods across this country—one will see poverty that is rampant, as well as poor living conditions. These neighborhoods are no place that I know that any American, having the choices we have in this country, would choose to raise their children. But they will get better because of the benevolence of a great country, the United States of America. We opted to make that choice after

World War II in the rebuilding of a destroyed axis, both east and west. As it turned out, it was a very wise investment.

We have the same opportunity now in a part of the world where great changes are starting to take place. Because of our presence in Iraq and the actions we are taking there, Saudi Arabia is for the first time in its history going to offer elections. Have they done that because of what we didn't do in Iraq? I think one would have to question that.

I congratulate my friend from Kentucky. When he goes on a working trip—we had 8 days in the field. I mean it is getting up early in the morning, catching an airplane, and flying into an area where let's say most of the action was centered, working all day, and then flying back and getting a hotel even without dinner. That is all right. I can afford to miss a dinner or two. I can afford to miss a few meals. But we were ground level.

Central services are being reestablished in Iraq way ahead of schedule and are now at the same level or beyond what they were prewar. The plan that has been laid out—and everybody knows it and everybody reads it—is working. Fifteen hundred schools have now been refurbished and another 1,500 will be finished by the first of the year. We now see schools open, with kids and parents very happy. An Iraqi contractor used 30,000 Iraqi carpenters, painters, and people who refurbish in that endeavor. Iraqi people are picking up their own neighborhood because they have the freedom to do so and telling us that if we leave now, they cannot go with the job only partly done.

Is there a timeline? There is never a timeline for this kind of an operation. That is kind of like me going out and saying I am going to build a fence until the 10th day of November. Bad weather comes, and a lot of things intervene. I don't get the fence done. Come the 15th of November, am I going to quit building the fence? I don't think so.

So timelines on projects such as this are very slow but they are moving forward.

Are we talking about a lot of money? You bet we are. It is money that sometimes we think we don't have. But sometimes we make investments in things with money which we don't think we have either.

There is a powerplant that would be shut down in this country in a New York minute. There are six turbines and only two are operating. It was built in 1928, and not a nickel was ever invested in the O&M of that plant. There are no computers nor control rooms; it is entirely manually operated. Efficiency of producing electricity and even conserving electricity is not there. Central services of water, telephone, and even health care are back beyond what they were prewar.

We found out one thing: Saddam Hussein did two things really well. He built great palaces. We were in a couple of

them. They are pretty good digs. He also built a good road system. But that is where it stopped. Irrigation systems around Mosul and along the Euphrates River are falling apart—not because of damage in an armed conflict but because of no investment in O&M. Now we are restoring those irrigation systems; people will be able to feed themselves.

We are making an investment in people who are educated and motivated and who want to have something to say about their own fate when it comes to the economy and to their political freedoms. That is what this is about.

Is this about establishment of a government that will look like ours? No. It will not look like ours. But at least it will be a representative form of government—another one in that region that changes the mindset of the entire Middle East. Elections in Saudi Arabia are just part of that. This is the cradle of terrorism. This is where it starts. This is where it is planned, and this is where it is financed. But with economies of scale, as they grow, terrorism diminishes. We take the fear out of doing business or going to school or doing shopping or even in recreation.

It will be Americans who will do that. Money is just a tool. It can be used for good. It can be used for evil. We have chosen to use it for good.

Talk to the parents of those children going to school. I talked to a lad of about 10 or 11 years. I asked him if there is any difference this year. He said: Yes; there are a lot of girls in my class. He had never experienced that before. Their eyes are bright; they are eager to learn; and their parents are happy that we are there. That is at the neighborhood level. It is not in some headquarter being briefed by the State Department or the military people.

Talk to the soldiers on the street. Do they understand what the mission is? Yes, they do. Are they motivated to carry it out? Yes. They understand that there is great risk, but there is always great risk with freedom. We have assumed that risk in this country. We assume a high level of risk for that very precious thing called freedom.

We have to rebuild the infrastructure with these appropriations, get their economy going, and then bring our troops home. They can come home faster than if we say we are just going to leave them alone. What kind of a signal does that send to the meeting next week in Madrid where we are calling the world's nations together to participate with us in rebuilding an infrastructure for a people who actually deserve it and which was denied by a tyrant for the last 25 or 30 years?

This is what America is about. I am proud to be a part of it.

I yield the floor.

# EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND AFGHANISTAN SECURITY AND RECONSTRUCTION ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1689, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1689) making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Byrd amendment No. 1818, to impose a limitation on the use of sums appropriated for the Iraq Relief and Reconstruction Fund.

Byrd/Durbin amendment No. 1819, to prohibit the use of Iraq Relief and Reconstruction Funds for low-priority activities that should not be the responsibility of U.S. taxpayers, and shift \$600 million from the Iraq Relief and Reconstruction Fund to Defense Operations and Maintenance, Army, for significantly improving efforts to secure and destroy conventional weapons, such as bombs, bomb materials, small arms, rocket propelled grenades, and shoulder-launched missiles, in Iraq.

Bond/Mikulski amendment No. 1825, to provide additional VA Medical Care Funds for the Department of Veterans Affairs.

Reid/Lincoln amendment No. 1835, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

Reid amendment No. 1836, to express the sense of Congress on damages caused by the regime of Saddam Hussein during the first gulf war.

Corzine/Durbin amendment No. 1811, to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55.

Durbin amendment No. 1837, to ensure that a Federal employee who takes leave without pay in order to perform certain service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.

Reed/Hagel amendment No. 1834, to increase the end strength of the Army and to structure the additional forces for constabulary duty.

AMENDMENT NO. 1811

The PRESIDING OFFICER. Under the previous order, there will be 4 minutes equally divided prior to a vote in relation to the Corzine amendment No. 1811.

Who seeks recognition?

The Senator from New Jersey.

Mr. CORZINE. Thank you, Mr. President.

Mr. President, this amendment I have offered, along with Senators LAUTENBERG and DURBIN, would reduce the retirement age for members of the National Guard and Reserve from 60 to 55. This change would allow an estimated 92,000 reservists currently age 55 to 59 to retire with full benefits, honoring their service and respecting the drastic

demands we put on them in the post-cold-war era and the age of terrorism.

As we reflect on the demands placed on our soldiers in Iraq and other parts of our world because of terrorism, particularly our reservists—roughly 20,000 are in the theater—it is time we actually make this important change in the benefits that our reservists and guards receive.

This chart shows how we were deployed in 1992. We had 1 million total man-days per year from reservists and guards. It jumped to 13 million in 2001. It was 41 million in 2002. It will be up again in 2003. We are using our reservists dramatically differently than in previous years. It is time to recognize that and make sure they are treated appropriately.

This request is at the top of the requests of the Reserve Officers Association, Veterans of Foreign Wars, Air Force Sergeants Association, American Legion, a variety of folks. It will make a difference in making sure our people want to continue their career as reservists and guards. It will potentially reduce the cost of declining enlistment and retention forces, promote an overall package of incentives to meet recruiting and retention goals. It will make a difference in our people's lives.

We need to move forward on this parity between reserve and civilian retirement age. I hope my colleagues will join in supporting this important amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. FEINGOLD. Mr. President, I share the Senator's concerns that National Guard and Reserves troops are not being treated equitably when it comes to retirement benefits. This is particularly unfortunate at a time when we are relying more than ever on these brave men and women. The retirement rules need to be changed.

While I agree with this amendment in principle, I regret that I cannot support it at this time because of its large budgetary impact. With our Federal deficit spiraling out of control, we need to make sure that we offset—i.e., pay for—large spending measures. Unfortunately, this amendment does not contain an offset.

We must also make sure that this important amendment, one with such a large fiscal impact, is thoroughly evaluated. The Congress has recognized the importance of the problem brought to our attention today by the distinguished Senator from New Jersey, Mr. CORZINE, and has ordered that the issue be studied as part of a review of reserve compensation. We should allow for the completion of this study as part of our commitment to good stewardship of taxpayers' money.

The Senator from New Jersey was right to bring this debate to the floor. The Guard and Reserves have been, and continue to be, heavily relied upon by our country, and we owe it to them to fully address the inequity in retirement rules. I look forward to working

with my colleagues in the near future to fix this retirement eligibility issue.

Mr. STEVENS. Again, I apologize to the Senator from New Jersey. Our position on this amendment is it is an amendment that should not be brought up in connection with an appropriations bill when changing the reserve compensation system in a very drastic way. As a matter of fact, CBO scored this provision as follows for mandatory/direct: First year spending at \$1.486 billion; the 5-year cost, \$8.349 billion; and the 10-year cost, \$16.466 billion.

Both the House and the Senate have passed a provision that requires a study of this compensation, in part to determine whether retirement systems should be changed in view of the modern requirements and in view of the total force of the United States. The requirement to wait until age 60 to collect reserve pay has long been in effect and there is no basis right now to claim that any reservists who stay for a career have been misled about the level or timing of the compensation they receive. However, it is a matter of fact that we all want to have this changed. Any changes to the Guard and Reserve retirement benefits need to be assessed for the long term, not just in relationship to the current deployment.

I am constrained to point out that the pending amendment 1811 offered by the Senator from New Jersey, Mr. CORZINE, increases spending by \$2.3 billion in the fiscal year 2004. This additional spending would cause the underlying bill to exceed the Defense subcommittee's section 302(b) allocation. Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Budget Act.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, pursuant to section 904 of the Budget Act of 1974, I move to waive the applicable sections of the act for purposes of the pending amendment and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. BURNS). Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Illinois (Mr. FITZGERALD) is necessarily absent.

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

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

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

The yeas and nays resulted—yeas 47, nays 49, as follows:

[Rollcall Vote No. 381 Leg.]

#### YEAS—47

Akaka	Durbin	Lincoln
Baucus	Feinstein	Mikulski
Bayh	Graham (FL)	Murray
Biden	Grassley	Nelson (FL)
Bingaman	Harkin	Nelson (NE)
Boxer	Hollings	Pryor
Breaux	Hutchison	Reed
Byrd	Inouye	Reid
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Sarbanes
Clinton	Kennedy	Schumer
Corzine	Kohl	Smith
Daschle	Landrieu	Snowe
Dayton	Lautenberg	Stabenow
Dodd	Leahy	Wyden
Dorgan	Levin	

#### NAYS—49

Alexander	Crapo	McConnell
Allard	DeWine	Miller
Allen	Dole	Murkowski
Bennett	Domenici	Nickles
Bond	Ensign	Roberts
Brownback	Enzi	Santorum
Bunning	Feingold	Sessions
Burns	Frist	Shelby
Campbell	Graham (SC)	Specter
Chafee	Gregg	Stevens
Chambliss	Hagel	Sununu
Cochran	Hatch	Talent
Coleman	Inhofe	Thomas
Collins	Kyl	Voinovich
Conrad	Lott	Warner
Cornyn	Lugar	
Craig	McCain	

#### NOT VOTING—4

Edwards	Kerry
Fitzgerald	Lieberman

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). On this vote, the yeas are 47, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, may I have the attention of the Senate for a moment. There is another scheduled amendment to be voted on right now. I ask Members of this side who have not come forward and offered their amendments—we have a series of amendments filed by Republican Members: Senators HUTCHISON, SPECTER, and GRAHAM. We have notice that two or three other Senators—Senator WARNER and Senator BROWNBACK—have potential amendments. We have heard from the other side with amendments so far. We agree we should consider amendments offered on this side if anyone is ready to offer an amendment.

I urge during this vote that Members consult with me and the staff to see what amendments they are willing to raise now. We are still committed to finishing this bill, and my colleagues are going to have to raise them sometime, so I hope they will consider raising them now.

Regular order, Mr. President.

Mr. REID. Mr. President, will the Chair indicate how long the last vote took?

The PRESIDING OFFICER. Thirty-eight minutes.

Mr. REID. Mr. President, I say to everyone here, we are trying to finish the

bill this week. Over the last several days, these votes have gone on and on. We cannot finish this bill if the votes take more than 20 minutes. Everyone should be on notice. We have many amendments. This would have been an opportunity, during the extra 20 minutes on this amendment, for someone to have offered their amendment and then completed the vote on the next amendment. We cannot finish the bill if we continue having 38-minute votes.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the Senator from Nevada is absolutely right. I recall the other day when a number of us were missing. The last person had not voted and I asked his assistant where the person was. They said he was at the airport. An hour and 40 minutes later, I said: What airport? They said: Philadelphia.

The Member who just voted last was on the subway. I thought that was the subway of the Capitol. I apologize to the Senator.

I put the Senate on notice that we will observe the 20 minutes. In fact, as we get through this bill toward this evening, I hope to have a series of stacked votes, with the first vote being 20 minutes and all thereafter being 10 minutes. We have to stop wasting time on the voting process and get this bill finished by Friday, as we will try to do.

I thank the Chair and ask for the regular order.

AMENDMENT NO. 1834

The PRESIDING OFFICER. Under the previous order, there are 7 minutes for debate in relation to the Reed amendment No. 1834, with 5 minutes under the control of the Senator from Rhode Island, Mr. REED, and 2 minutes under the control of the chairman prior to a vote on or in relation thereto.

The Senator from Rhode Island is recognized for 5 minutes.

Mr. REED. I thank the Chair.

Mr. President, my amendment would raise the end strength of the U.S. Army by 10,000 soldiers. It is fully paid for this year through the Iraqi freedom fund.

In the process of rebuilding Iraq, we have to be very careful not to demolish our Army. It is stretched thin across the globe, with 320,000 soldiers in over 120 countries. They are serving us today. They will serve us tomorrow. They will do it with great distinction and fidelity to their service and to the country, but we have to make sure they have additional men and women to do the job.

We are already beginning to see the cracks. In Iraq, there are 1 million tons of ammunition that are not fully secured. Thousands of air defense shoulder-fired missiles are unaccounted because we simply do not have the troops to cover all the places.

If we want more forces in Iraq, then we have to have more forces in our end strength. Even if you do not want more forces in Iraq, we have to have an end strength that will support our deployment policy, and we do not right now.

This stress will show up in training opportunities missed, in retention and recruitment objectives missed, and a lack of flexibility to respond. It will be particularly important to our National Guard and Reserves because if we do not increase the Active Forces, the burden will fall more and more on Reserve Forces, and that burden over time is unsustainable.

I urge all of my colleagues to support this measure to help the soldiers. If we do not pass this measure, the next time you see your Guard men and women and reservists, you can tell them their bag better be packed because they will be going again and again.

I ask unanimous consent to add Senator BIDEN and Senator NELSON of Florida as cosponsors.

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

Mr. REED. Mr. President, I yield the remainder of my time to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I advise my colleagues to support Senator REED's amendment. I rise to support the Reed amendment because, in fact, everything he has said about why it is important to enhance and enlarge our force structure is exactly right. Force structures are not developed over a year, 2, 3, or 4. Force structures are developed over a long period of time.

When we are looking at 125,000 activated National Guard and Army Reserve units now, and probably more to be activated, we cannot sustain that kind of activity for the long term. That means we are going to have to face up to reality—what the Senator from Rhode Island is talking about—and that is enlarge that force structure.

Currently in Afghanistan, Iraq, and the Balkans, almost in the entire military police force, our civil affairs force is made up of National Guard and Army Reserves. We cannot sustain that situation. We need more light infantry; we need more special forces; and we cannot do this on the cheap. As the President of the United States has said, this is a long-term commitment, not just in Afghanistan and Iraq, but the challenges that face us in the 21st century are new challenges, different kinds of challenges that will require different force structures. That means we cannot use just laser-guided munitions. Someone has to govern—nation building—exactly what we are doing in Afghanistan and Iraq.

I know this is imperfect. This maybe is not the exact way to do this, but it is something this body, this Congress, this Nation needs to face up to, and they need to face up to it now.

I hope my colleagues take a serious look at this amendment. As my colleague from Rhode Island said, this does not come out of the President's \$87 billion package.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, current law allows the services to exceed end strength by 3 percent. Currently, there are about 9,000 soldiers who already exceed the end strength. They have another 5,000 that they can increase. This will take money from the amount they need. I strongly understand the Senator's request, as well as Senator HAGEL, but I would like to yield 45 seconds to Senator MCCAIN and 25 seconds to Senator SESSIONS and then be recognized to make a motion to table.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I share the view of the Senator from Rhode Island and the Senator from Nebraska that we need more troops in the military. We have authorized that in the Defense authorization bill. I agree that there are specific needs in Iraq and our Guard and Reserves are overstressed. I believe this is not the appropriate vehicle. I believe it is an earmark of the \$87 billion, and at this juncture it would take away from the flexibility that is necessary for the spending of this money. I hope we could address this issue in the fashion which it deserves both in Defense authorization and Defense appropriations bills.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I have given a lot of thought to this, and I believe that we should not pass the Reed amendment at this time. I have spoken with General Schoomaker, Chief of Staff of the Army on this subject. He says: Give me time to study what we need, to study transformation, to review our MOS structure, and then I will make a recommendation. General Abizaid also clearly says that we do not need more troops in Iraq. We are beginning to reduce our troop presence in Iraq. We are presently at 138,000 down from 250,000.

CBO has said increasing our end-strength is not an answer to current stress. It will take 2 years to get the troops proposed in this amendment trained and fielded. I urge us not to go forward with this amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, the Army has 501,000 soldiers serving on active duty. Not only is this above the authorized end strength of 480,000, it is also above the 3 percent variance rate. The Army desperately needs troops, and we can provide them these troops today. This is funded through the Iraqi freedom fund, a \$1.9 billion unrestricted account that the Secretary of Defense has. In fact, as I understand it, the Secretary of Defense could turn around tomorrow and use this money for these troops. We can do it today. We should do it today. We cannot stand these stresses much longer. We can give General Schoomaker more time, but the troops that are today in Afghanistan, in Iraq, and around the globe need to know that we are going

to send them the reinforcements they need through the active services.

I yield my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, it will take 3 to 5 years to train those additional soldiers. I do not know from where the Senator is getting his information. I get mine in writing from the Department of Defense, and I stated the figures as we understand them. We do not need any more troops. General Abizaid testified he has troops he does not need, and he is going to start bringing some home.

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

The PRESIDING OFFICER. The sponsor of the amendment still has 25 seconds. Does the sponsor of the amendment yield time?

Mr. REID. I will yield back his time.

The PRESIDING OFFICER. Without objection, it is so ordered. The time is yielded back.

The yeas and nays have been requested. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 1834. The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 382 Leg.]

#### YEAS—45

Alexander	Crapo	Lugar
Allard	Dodd	McCain
Allen	Domenici	McConnell
Bennett	Ensign	Miller
Bond	Enzi	Murkowski
Brownback	Feingold	Nickles
Bunning	Feinstein	Roberts
Burns	Fitzgerald	Santorum
Campbell	Frist	Sessions
Chambliss	Graham (SC)	Shelby
Cochran	Grassley	Smith
Coleman	Gregg	Specter
Collins	Hatch	Sununu
Cornyn	Kyl	Thomas
Craig	Lott	Warner

#### NAYS—52

Akaka	DeWine	Lautenberg
Baucus	Dodd	Leahy
Bayh	Dorgan	Levin
Biden	Durbin	Lincoln
Bingaman	Graham (FL)	Mikulski
Boxer	Hagel	Murray
Breaux	Harkin	Nelson (FL)
Byrd	Hollings	Nelson (NE)
Cantwell	Hutchison	Pryor
Carper	Inhofe	Reed
Chafee	Inouye	Reid
Clinton	Jeffords	Rockefeller
Conrad	Johnson	Sarbanes
Corzine	Kennedy	Schumer
Daschle	Kohl	
Dayton	Landrieu	

Snowe	Stevens	Voinovich
Stabenow	Talent	Wyden

NOT VOTING—3

Edwards	Kerry	Lieberman
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The motion was rejected.

The PRESIDING OFFICER. The Senator from Louisiana.

#### CHANGE OF VOTE

Ms. LANDRIEU. On rollcall vote 382, I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote since this will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. STEVENS. Madam President, I enter a motion to reconsider.

The PRESIDING OFFICER. The motion is entered.

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

The PRESIDING OFFICER. The clerk will—

Mr. REID. Will the Senator withhold that request?

The PRESIDING OFFICER. Will the Senator withhold?

Mr. STEVENS. Yes.

#### AMENDMENT NO. 1835 WITHDRAWN

Mr. REID. Madam President, I ask unanimous consent that amendment No. 1835 be withdrawn.

Mr. STEVENS. There is no objection.

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

#### AMENDMENT NO. 1838

Mr. REID. Madam President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk on behalf of Senators REID, MCCAIN, and LINCOLN.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. MCCAIN, and Mrs. LINCOLN, proposes an amendment numbered 1838.

The amendment is as follows:

(Purpose: To permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability)

At the end of title I, add the following:

SEC. 316. (a) RESTORATION OF FULL RETIRED PAY BENEFITS.—Section 1414 of title 10, United States Code, is amended to read as follows:

**"§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation**

**"(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.**—Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38.

**"(b) SPECIAL RULE FOR CHAPTER 61 CAREER RETIREES.**—The retired pay of a member re-

tired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

**"(c) EXCEPTION.**—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

**"(d) DEFINITIONS.**—In this section:

**"(1)** The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.

**"(2)** The term 'veterans' disability compensation' has the meaning given the term 'compensation' in section 101(13) of title 38."

**(b) REPEAL OF SPECIAL COMPENSATION PROGRAMS.**—Sections 1413 and 1413a of such title are repealed.

**(c) CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by striking the items relating to sections 1413, 1413a, and 1414 and inserting the following:

**"1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation."**

**(d) EFFECTIVE DATE; PROHIBITION ON RETROACTIVE BENEFITS.**—

**(1) IN GENERAL.**—The amendments made by this section shall take effect on the first day of the first month that begins after the date of the enactment of this Act.

**(2) RETROACTIVE BENEFITS.**—No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as amended by subsection (a), for any period before the effective date under paragraph (1).

Mr. REID. Madam President, if the Senator will allow me to state what I think is in the process of happening, the Senator from Nevada is going to take about 5 minutes, and the Senator from West Virginia would take the remainder of the time until 12:30. He is going to offer an amendment. Senator BYRD is going to offer an amendment, if that is appropriate with the manager.

Mr. STEVENS. Will the amendment be called up at that time?

Mr. REID. Yes. Senator ENSIGN would like to be recognized to speak for 5 minutes on his amendment, and Senator BYRD has an amendment. We understood, based on previous conversations, that the majority was going to offer amendments. We were of the impression there was no one here to offer one before 12:30, other than the Senator from Nevada, Mr. ENSIGN.

Mr. STEVENS. Madam President, the Senator is correct, although we are working on that. As I understand it, does the Senator from Nevada expect to go to a vote right away?

Mr. REID. Whenever the Senator wants to go to a vote. I know leadership wants a vote.

Mr. STEVENS. We have two other Senators who are ready on this side.

Senator WARNER and Senator GRAHAM of South Carolina are ready to offer amendments on this side.

Mr. REID. Senator BYRD was only doing this out of his normal courtesy. He had other things to do. He was willing to come here and do this at this time because we thought there was no one to offer an amendment on that side.

Mr. STEVENS. Is the Senator's amendment already offered?

Mr. REID. No. So if you have people here ready to go, I ask Senator BYRD, would that be OK that they go?

Mr. BYRD. Sure.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If I could take a minute, Madam President.

I know this last vote was a close vote. There was some trouble in determining the final outcome of the vote. But I do say this, speaking for me and for the Democratic leader, we are doing our best to cooperate, but things are not going very quickly here, and I am not confident, at this stage, we can complete this bill. We want to. We have every intention of doing so. But, as I indicated a few minutes ago, when a vote takes 38 minutes and this one takes—how long has this vote taken, Madam President?

The PRESIDING OFFICER. Twenty-eight minutes.

Mr. REID. How long?

The PRESIDING OFFICER. Twenty-eight minutes.

Mr. REID. I think that speaks for itself. I hope we can move along more quickly. It is not anything that we are doing that is slowing this down. We have a number of Senators over here who wish to offer amendments. I know the majority has some. So I think tonight and tomorrow night could be very late nights.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I confess I was in another meeting when I got the word that the vote was not as I expected it. As manager of the bill, I am obligated to take the time to try to achieve the goal that has been set by the administration and by the majority. So I do apologize. But that was an extra amount of time needed to determine what tactic I should use to try to achieve the goal I think the Senator from Nevada would use if he were in my shoes. So we respect one another.

He is right; we went over and we said, just minutes ago, we would not. But a contingency developed that I do not think I need to apologize for. I just need to explain.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 1839

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

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 1839.

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

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

The amendment is as follows:

(Purpose: To reduce the amount available for reconstruction in Iraq by the amount that is used to repay bilateral debts owed by Iraq)

On page 38, between lines 20 and 21, insert the following new section:

SEC. 2313. (a) Not later than April 30, 2004, the Secretary of Defense shall submit a certification to Congress of the amount that Iraq will pay, or that will be paid on behalf of Iraq, during fiscal year 2004 to a foreign country to service a debt incurred by Iraq during the regime of Saddam Hussein, including any amount used for the payment of principal, interest, or fees associated with such debt. Such certification shall include—

(1) the actual amount spent for such purpose during the period from October 1, 2003 through March 31, 2004; and

(2) the estimated amount that the Secretary reasonably believes will be used for such purpose during the period from April 1, 2004 through September 30, 2004.

(b) On May 1, 2004, the Director of the Office of Management and Budget shall administratively reserve, out of the unobligated balance of the funds appropriated in this title under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND" under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT", the amount that is equal to the sum of the amount certified under paragraph (1) of subsection (a) and the estimated amount certified under paragraph (2) of such subsection. The amount so reserved may not be obligated or expended on or after such date.

(c) The Director of the Office of Management and Budget shall impose such restrictions and conditions as the Director determines necessary to ensure that, in the apportionment of amounts appropriated as described in subsection (b), the balance of the total amount so appropriated that remains unobligated on May 1, 2004, exceeds the amount that is to be reserved under subsection (b).

(d) It is the sense of Congress that each country that is owed a debt by Iraq that was incurred during the regime of Saddam Hussein should forgive such debt, including any amount owed by Iraq for the principal, interest, and fees associated with such debt.

Mr. ENSIGN. Mr. President, we don't intend to stay in Iraq forever. And we don't intend to rebuild Iraq—that is a task for the Iraqi people.

Our exit strategy—the way to get our troops home—is to make sure that Iraq's economy can produce sufficient revenue to pay for its own reconstruction—so Iraq is not dependent on International assistance.

Our exit strategy is to help train Iraqi police, border patrol, and its armed forces and civil defense forces so Iraq is not dependent on foreign troops for its own security.

The President's request is designed to help Iraqis get on a path to self-reliance, so U.S. forces can come home, and so the U.S. taxpayer does not have to foot the bill for Iraq's reconstruction.

Unfortunately, it is going to be difficult to kick-start Iraq's economy—even with a generous U.S. aid package—because Iraq is saddled with an enormous amount of debt from Saddam Hussein's regime.

For example, according to the White House, the bi-lateral debt owed by Iraq includes:

\$8.9 billion to Japan;

\$6.9 billion to Russia;

\$6 billion to France;

\$4.8 billion to Germany;

\$30–50 billion to Gulf countries;

\$8.2 billion to Kuwait;

\$18 billion to Non-Paris club countries like China, Korea, and Turkey.

Mr. President, I realize that none of the funds appropriated by this bill may be used to service a debt that is owed by Saddam Hussein's regime. So I am not worried that any of the \$20 billion the President has requested for Iraq will directly end up in the pockets of the French.

But money is fungible. If we pass this bill, as it stands right now, a future Iraqi government could use new oil revenues to pay back France billions of dollars while accepting billions in U.S. foreign aid. After all, Iraq has already sold about \$1.6 billion in oil exports since they resumed this summer.

Americans are a generous people. We are willing to make sacrifices.

But we are not going to spend our hard-earned tax dollars to bail out France—money France lent to Saddam Hussein.

My amendment is simple. It reduces the amount available for reconstruction in Iraq by the amount that is used to repay bilateral debts owed by Iraq. So for every dollar that goes to a country like France, a dollar is subtracted from the U.S. foreign aid package.

This is a commonsense way to make sure that U.S. funds are spent where they are needed—in Baghdad—instead of Paris, Moscow, or Berlin.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Madam President, I have examined the amendment offered by the Senator from Nevada and it has two basic requirements. One is a certification of the amount Iraq will pay or that will be paid on behalf of Iraq, during fiscal year 2004 to a foreign country to service a debt incurred by Iraq, including any amount used for the payment of principal, interest, et cetera. This deals with the amounts that were debts of the former regime of Iraq. It states:

On May 1, 2004, the Director of the Office of Management and Budget shall administratively reserve, out of the unobligated balance of the funds in this title under the subheading Iraq Relief and Reconstruction Fund

... the amount that is equal to the sum of the amount certified under paragraph (1).

Namely, it is the amount that has been used from any source to service the debt that Iraq owed under the Saddam Hussein regime.

Madam President, we take the position there will be no such payment. In any event, we don't see any harm in finding out if there is such a payment and dealing with that subject accordingly. Therefore, I am prepared to state to the Senator from Nevada we have no objection to the amendment of the Senator under the circumstances right now, and I will rely upon the statement of the distinguished Senator from West Virginia to determine whether there is objection from his side of the aisle. It is not an amendment I really seek to have enacted. In all probability, it may be substantially changed in conference if it does survive. But it is not something that offends the process we are involved in now. We don't know of any payments that would be made by any country on behalf of the former regime of Saddam Hussein to deal with the debt that existed under that regime.

Therefore, I will not oppose the amendment. I seek the advice of the Senator from West Virginia as to what they intend to do concerning this amendment. Does the Senator wish some additional time to consider this matter? Would he like to take the recess now and come back and deal with this after our weekly luncheon?

Mr. BYRD. Madam President, it is my information that this side has not yet adequately followed this amendment and has not seen it until recently to the extent that we are prepared to accept it. It appears to be a good amendment, but we may or may not want to accept it. Will the Senator allow us a little time for further study?

Mr. STEVENS. Yes. Madam President, I thank the Senator. I think the Senator will remember, as we wound up the session just prior to the recess, there were a series of amendments that were under consideration. Senator ENSIGN's was one of those. I think Members of our side checked with staff on the Senator's side, but we are probably not dealing with the right people. We had to pull the Ensign amendment at the last minute because we didn't have the clearance we thought we had.

I suggest we just stand in recess now and address this matter when we come back after the scheduled recess.

Mr. BYRD. I thank the Senator.

#### RECESS

Mr. STEVENS. Madam President, I ask unanimous consent that we stand in recess, according to the previous order, until the hour of 2:15 p.m.

There being no objection, the Senate, at 12:26 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mrs. DOLE).

#### ORDER OF PROCEDURE

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Madam President, the Senator from Florida spoke just before the break to both managers of the bill. He wishes to speak for 4 minutes on an unrelated subject. I ask unanimous consent that he be allowed to do so.

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

#### CONGRATULATIONS TO THE CHINESE

Mr. NELSON of Florida. Madam President, there is at this moment in orbit the first Chinese astronaut. Their successful launch of a piloted spacecraft marks the beginning of a new chapter in the history of human exploration of space. Just the third nation to accomplish such a feat, I am happy on behalf of the Senate to welcome China into an elite group of nations that can independently send humans to explore the heavens.

The United States and Russia established manned space programs decades ago and are pleased to have a new ally—we hope a new ally—in the quest to explore space.

China's program will provide additional resources, I hope fresh ideas, and renewed enthusiasm for space exploration. My hope is that China will become a partner in our ongoing international efforts, such as the International Space Station, to make technological advances and to help solve mysteries of outer space.

As China undertook its first such mission, my thoughts were with the first taikonaut who is the sole space flyer on Shenzhou 5. Americans know all too well the potential risk of space flight, and we commend this astronaut's courage.

Americans also know that the benefits of space exploration outweigh the risks. We expect that the Chinese will reap rewards that space missions offer—to learn and to explore, to advance technology, and to uplift the human spirit.

Now that China has opened a new chapter in human space flight history, it is fitting that America refocus our own goals on exploration. Now is the time to renew our commitment to space exploration with a vision that will capture the imagination and the support of the people on planet Earth.

Congratulations to the Chinese. We look forward to a successful return, as he reenters, starting about 5 o'clock, as that reentry falls through space for about 30 minutes, and then as he starts encountering the upper atmosphere about 30 minutes from landing, which is a very perilous part of the journey, as we have very painfully learned as American citizens in the experience we had last February.

I am very confident our future missions at NASA will be quite successful.

I again commend Admiral Gehman and his commission for the excellent report of the Gehman Commission. I commend NASA and I encourage NASA to adopt all of the recommendations of the Gehman Commission. We again welcome the Chinese into this select fraternity of space-faring nations from planet Earth.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND AFGHANISTAN SECURITY AND RECONSTRUCTION, 2004—Continued

AMENDMENT NO. 1839

Mr. STEVENS. Madam President, the pending business is the Ensign amendment?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I now believe that has been cleared and I urge adoption of that amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 1839.

The amendment (No. 1839) was agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Senator BYRD has cleared the amendment to which we already agreed. He is ready to offer other amendments, as others are. We certainly want to cooperate and have the Republicans offer a number of amendments. We have more to offer than they do, but they have an opportunity to offer theirs. At this time, I suggest the Senator from New Mexico be recognized. If, in fact, Senator GRAHAM of South Carolina shows up, the Senator from New Mexico will be happy to yield to him. He is only going to speak for 10 minutes anyway.

Mr. STEVENS. Madam President, if the Senator will yield.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. My understanding was it was time for us to start moving some of the amendments on our side.

Mr. REID. We understand.

Mr. STEVENS. Senator GRAHAM of South Carolina, Senator WARNER, and Senator DOMENICI are coming. So I hope to proceed then. I have no objection to the Senator from New Mexico



proposing his amendment and making a statement. We will set that aside when the other Senators appear.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 1842

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

The PRESIDING OFFICER. Without objection, the pending amendments are set aside and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 1842.

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

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

The amendment is as follows:

(Purpose: To require reports on the utilization of the National Guard and Reserves)

At the end of title I, insert the following:  
SEC. 316. (a) FINDINGS.—Congress makes the following findings:

(1) The National Guard and Reserves have served the Nation in times of national crises for more than 200 years. The National Guard and Reserves are a critical component of homeland security and national defense.

(2) The current deployments of many members of the National Guard and Reserve have made them absent from their communities for an abnormally long time. This has diminished the ability of the National Guard to conduct its State missions.

(3) Many members of the National Guard and Reserves have been on active duty for more than a year, and many more have had their tours of active duty involuntarily extended while overseas.

(b) REPORT ON UTILIZATION OF NATIONAL GUARD AND RESERVES.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the utilization of the National Guard and Reserves in support of contingency operations during fiscal year 2004.

(2) The report under this subsection shall include the following:

(A) Information on each National Guard and Reserve unit currently deployed, including—

(i) the unit name or designation;

(ii) the number of personnel deployed;

(iii) the projected return date to home station; and

(iv) the schedule, if any, for the replacement of the unit with a Regular unit.

(B) Information on current operations tempo, including—

(i) the length of deployment of each National Guard and Reserve unit currently deployed, organized by unit and by State;

(ii) in the case of each National Guard and Reserve unit on active duty during the two-year period ending on the date of the report, the aggregate amount of time on active duty during such two-year period; and

(iii) the percentage of National Guard and Reserve forces in the total deployed force in each current domestic and overseas contingency operation.

(C) Information on current recruitment and retention of National Guard and Reserve personnel, including—

(i) any shortfalls in recruitment and retention;

(ii) any plans to address such shortfalls or otherwise to improve recruitment or retention; and

(iii) the effects on recruitment and retention over the long term of extended periods of activation of National Guard or Reserve personnel.

(3) The report under this subsection shall be organized in a format that permits a ready assessment of the deployment of the National Guard and Reserves by State, by various geographic regions of the United States, and by Armed Force.

(c) REPORT ON EFFECTS OF UTILIZATION OF NATIONAL GUARD AND RESERVES ON LAW ENFORCEMENT AND HOMELAND SECURITY.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall, in consultation with the chief executive officers of the States, submit to Congress a report on the effects of the deployment of the National Guard and Reserves on law enforcement and homeland security in the United States.

(2) The report under this subsection shall include the following:

(A) The number of civilian first responders on active duty with the National Guard or Reserves who are currently deployed overseas.

(B) The number of first responder personnel of the National Guard or Reserves who are currently deployed overseas.

(C) An assessment by State of the ability of the States to respond to emergencies without currently deployed National Guard personnel.

Mr. BINGAMAN. Madam President, this amendment relates to the utilization of the National Guard and Reserve as part of our military activities and presence around the world. I think we have all been struck by the fact that in the current conflicts in Iraq and Afghanistan, and in many other instances, we are seeing a greater utilization of reservists and National Guard personnel by the Pentagon. I am not being critical of that, but I do think this is a new reality we need to adjust to and understand better.

Since the founding of our Nation we have relied upon the services of citizen soldiers. The National Guard and Reserves have a proud tradition of setting aside their civilian lives to serve our country in times of conflict. Recently, the need for this service has significantly increased. Today, the National Guard and Reserves' commitments overseas are critical to the resolution of several conflicts around the world. The almost 400 soldiers deployed to keep the peace between Israel and Egypt along the Sinai peninsula are members of the Oregon National Guard's 1-186th Infantry Battalion. The only Fighter Squadron operating from Iraq is an A-10 unit from Missouri's 442 Fighter Wing stationed at Tallil Airbase in Southern Iraq. This Reserve unit is the only A-10 Warthawg unit in the Air Force with Precision Guided Munitions delivery capability. Much of the air defense of Washington, D.C., is the responsibility of the D.C. Air National Guard's 113th Fighter Wing and air defense forces of the New Mexico National Guard.

The purpose of this amendment is to require the Departments of Defense and Homeland Security to provide a re-

port to the Senate Armed Services Committee and House Armed Service Committee that contains the following:

No. 1, an assessment of the levels utilization of the Guard and Reserves component in the manning of contingency operations, domestically and overseas.

No. 2, Recruitment and retention plans for the National Guard and Reserves in light of increased commitments.

No. 3, and finally, a report from the Department of Homeland Security on the effects of National Guard and Reserves deployments on Homeland Security.

Last week I had the opportunity and honor to meet with families of the 717th Medical Company of the New Mexico National Guard. I cannot tell you how moved I was by the patriotism and commitment of these families and guardsmen. Despite the increased operations tempo members of the New Mexico National Guard remain as dedicated as ever to saving lives in New Mexico and overseas.

For example, last year, CPT Paul Saiz deployed to Kosovo in support of KFOR for 6 months flew dozens of aeromedical airlift missions throughout Kosovo in support of U.S. military and the civilian populace. Upon returning from his deployment he participated in several civil search and rescues in the New Mexico mountains, and when Albuquerque, NM was ravaged by wildfires, Captain Saiz and others flew firefighting missions, dumping water with pinpoint accuracy. I have been told that many firemen were convinced that had it not been for Captain Saiz's efforts, firefighters would have perished. Currently, Captain Saiz and 35 others are deployed to Afghanistan providing Aeromedical Airlift for the entire country. The 717th Medical Company's Commander, MAJ James Fishbourne writes:

The soldiers of the 717th Medical Company (AA) are doing extremely well. We are very busy and have completed 43 combat medevac missions to date. I am so proud of our soldiers and how they are performing in this environment. We are non-stop here with urgent and priority medevac missions. Last week one of our crews was called to rescue an infantryman from a 180-ft canyon near the Pakistan border. Our crews were able to hoist the soldier to safety and bring him back to the level 1 hospital.

We have also been called to evacuate many mine blast victims throughout Afghanistan. It is very sad to say, but most of the mine victims are children. One patient we evacuated to Bagram was a 12-year-old girl with both legs amputated. The night she was in surgery, the hospital was running low on O-blood and one of our pilots (CW4 Atkinson) donated several pints to save her life. Just last night I transported two children involved in a rollover. What a sight it was seeing two small Afghan children lying on a stretcher together being cared for by SSG Esqueivel and CW2 Medina. These children are very sick or hurt when we are called to rescue them.

I can't tell you about all the missions our fine soldiers have accomplished but I will say that there is no medevac mission that we

have had to turn down and no better soldiers than those of the 717th. Our soldiers were involved with the bomb that went off near Bagram, we did assist the hospital with recovery of the local nationals and assisted the doctors and medical personnel here at the hospital. Please do all you can to tell the people back home that the soldiers of the 717th Medical Company are doing great things for the soldiers, airmen, and marines here in Afghanistan. They are making great sacrifices being away from their families and jobs back in New Mexico.

Guardsmen and reservists all over the country are making great sacrifices. We need to examine the long-term impact that prolonged activation has on recruitment and retention of the National Guard Reserves. We must ensure that the administration has a plan to not only retain qualified guardsmen and reservists, but to also attract new members. I find it very hard to believe that the increased operations tempo the Guard and Reserves are experiencing will have no effect on recruitment and retention. I fear that if we ask too much of these men and women, many will decide to leave military service. Therefore, we must ensure that the Department of Defense has prepared an effective strategy to maintain the National Guard and Reserves. It is quite possible that the Department of defense has such a plan, but I am not aware of it.

We must also closely look at the impact that long deployments have on security at home. Many of the young men and women serving overseas as members of the National Guard and Reserves work as first responders at home. How has the absence of Guardsmen and reservists who are civilian policemen, emergency medical technicians and other first responders, hampered the ability of states to respond in times of natural disaster or homeland security emergencies? How will the absence of Guard and Reserves personnel who may ordinarily serve in these capacities as part of their service when they are not otherwise deployed affect these operations? These are questions that must be answered.

There is no doubt that the utilization of National Guard and Reserves, at least at current rates, will continue well into the future. The information these reports will provide will be critical as we move ahead with decisions about manning, procurement, and security.

I understand that portions of this report may have some sensitivity. If there is a requirement for portions or all of this report to be in classified format, then it should be submitted at the appropriate level of classification.

Let there be no doubt that the men and women of the National Guard and Reserves are doing their part to protect us at home and overseas. We must ensure that analysis has been conducted, and plans are in place to preserve the integrity, readiness and force levels necessary for this period of long-term activation.

At the appropriate time I hope we can adopt this amendment—by voice

vote, if possible. I do not know a reason why it should be objected to by any Member of the Senate, but obviously I await the opportunity for all Members to review the amendment before I call for a vote.

Madam President, with that, I see nobody else seeking the floor so I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. I ask unanimous consent to set aside the Bingaman amendment in order that the Senator from South Carolina can offer his amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from South Carolina.

#### AMENDMENT NO. 1805

Mr. GRAHAM of South Carolina. Madam President, I ask unanimous consent that my amendment No. 1905 be called.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM] proposes an amendment numbered 1805.

Mr. GRAHAM of South Carolina. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of Congress that arbitrary deadlines should not be set for the dissolution of the Coalition Provisional Authority or the transfer of its authority to an Iraqi governing authority)

On page 38, between lines 20 and 21, insert the following:

SEC. 2313. (a) Congress finds that—

(1) in a speech delivered to the United Nations on September 23, 2003, President George W. Bush appealed to the international community to take action to make the world a safer and better place;

(2) in that speech, President Bush emphasized the responsibility of the international community to help the people of Iraq rebuild their country into a free and democratic state;

(3) French President Jacques Chirac has proposed a plan for Iraqi self-rule within a period of months;

(4) for a plan for Iraq's future to be appropriate, the provisions of that plan must be consistent with the best interests of the Iraqi people;

(5) the plan proposed by President Chirac would impose premature self-government in Iraq that could threaten peace and stability in that country; and

(6) premature self-government could make the Iraqi state inherently weak and could serve as an invitation for terrorists to sabotage the accomplishments of the United States and United States allies in the region.

(b) It is the sense of Congress that—

(1) arbitrary deadlines should not be set for the dissolution of the Coalition Provisional Authority or the transfer of its authority to an Iraqi governing authority; and

(2) no such dissolution or transfer of authority should occur until the ratification of an Iraqi constitution and the establishment of an elected government in Iraq.

Mr. GRAHAM of South Carolina. Madam President, this is a sense-of-the-Senate amendment. I think it is very important, as we deal with the Iraqi situation, for us to address as many issues as we can about the nature of how this is going to unfold. The President has asked for \$87 billion. I am glad to support the funding. Most of it, two-thirds of it, I guess, goes to the men and women in uniform to make sure they have the assets necessary to protect themselves and do their job.

This resolution speaks to the idea of when the mission is complete, and this resolution addresses the French position. The French have proposed as recently as September 16 that within a month—a matter of 1 month and no later than 2—all authority be turned over to the Iraqi people and that the umbrella we have today cease to exist.

Not only is this irresponsible but the Coalition Provisional Authority ruling the country is a necessary entity until we can get a constitution written, voted on, and a government elected. But if we did what the French are suggesting, we would take a country that has been brutalized and raped—literally and figuratively—with Saddam Hussein still on the loose, and basically say, Here.

I think that would not only be a disservice to the Iraqi people but it would undermine the reason we went to war to begin with; that is, to take tyranny and turn it into stability.

This sense-of-the-Senate resolution says in no uncertain terms that it would be irresponsible to follow the French proposition—to turn back over to the Iraqi people the country while it is still in transition. In going from tyranny to stability, there will be a certain amount of chaos.

We are training the Iraqi police. We are training the army. They are having elections at the local level. There are a lot of good things going on. Schools are now open. Schools used to house weapons. Now they are housing kids. No young girl has to worry about being taken out of school and taken to one of Saddam's sons because she strikes his eye.

Iraq is a better place. But the French position of just leaving and turning it over within 30 days would undo the recent accomplishments. It is irresponsible.

I think it would be in order for the Senate to speak on this matter. The United Nations rejected an amendment that set a hard and fast deadline in terms of when control will be given to the Iraqi people. This makes good sense. Let us give them a chance to write a constitution, give them a chance to ratify a constitution, give

them a chance to have a national election, get some infrastructure in place, and allow the rule of law to be in place. Then, at the appropriate time, we will be glad when it comes time to leave Iraq. Most Americans who have family members in the military can't wait for that day to come. We can't wait to be able to bring our troops back home.

Having said that, most Americans understand that if you leave before the job is done, the problems will come back to haunt you. After September 11, the easy way out is no longer the right way—to shoot a missile or two and say, Boy, did we deal with that group which led to 9/11.

There are people who are infiltrating Iraq who are trying to destabilize the efforts of the Iraqi people to become a free democracy. There are people in the region who hate the idea that Iraq may be a free country with a democratic system. We need to stand shoulder to shoulder with the Iraqi people and fight those forces, not only for the good of the Iraqi people but for our own security.

This resolution I think is very appropriately timed. The United Nations has rejected the hard and fast deadline. This resolution basically says we are going to stay until the country is stable, we are going to stay until the job is done.

Having said that—by making that statement—it means more Americans are going to die. The forces in Iraq are small in terms of the population as a whole, but they are committed to creating chaos.

It breaks my heart—and every Member of this body and all Americans—to have a soldier, sailor, airman, or marine lost in this conflict. But just as surely as I speak, losses will come and more money will be spent. The day has not yet arrived when we can, in good faith and good conscience, turn all matters over to the Iraqi people. They need help. They need money. They need assistance. They need our support. But we need to do it for ourselves. If we cut and run, and if we take the French position to get out of there before the infrastructure is in place, we will take one form of tyranny and replace it with another. It is an irresponsible position.

I hope this body in a unanimous fashion will agree with the proposition that we should not leave Iraq until the job is done—until a constitution is written and ratified, until a government has been elected and the people have a chance to have a secure environment for their new nation that is emerging out of the ashes of Saddam Hussein's regime.

I ask my colleagues to support this resolution saying we will not leave until the job is done. Leaving in the next month is irresponsible. Reject the French position because the French position is irresponsible and undermines our national security.

Mr. STEVENS. Madam President, I have notified members of the minority that we are prepared to accept the

Bingaman amendment and also the amendment of Senator GRAHAM. While we await their response, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

Mr. STEVENS. Madam President, I ask unanimous consent that the pending amendments be set aside temporarily so the Senator from Arkansas can offer an amendment.

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

The Senator from Arkansas.

AMENDMENT NO. 1829

(Purpose: To amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes)

Mrs. LINCOLN. Madam President, yesterday I submitted an amendment to the supplemental spending bill which I do hope the Senate will consider favorably. I know it is going to be difficult because of the issue I am bringing up. The amendment primarily consists of the Military Tax Fairness Act and the acceleration of the refundable child credit. Both of these bills have passed the Senate overwhelmingly.

We have been talking and talking and talking about them over the past many months, and I know there will be thousands of excuses we will be hearing telling us why we should not include this tax relief bill on the supplemental spending bill.

I know this is a tax bill on an appropriations bill. I know we have a child credit in two different conferences. I know the Military Tax Fairness Act has been going back and forth between the two Chambers. I know all of these excuses I am going to hear. I know there will be tremendous numbers of those who will come forward and opportunities to try to stop what I am trying to do.

But, Madam President, I am truly exhausted. I am truly exhausted with all of the excuses we have had. And I know the hard-working American families are just as exhausted as I am with the inability of us to be able to move forward these two very simple acts within the Congress that would be such a tremendous help to the working families of America.

The death gratuity paid to the survivors of a military member has historically been exempt from taxation. In 1986, the amount of the death gratuity benefit was \$3,000. In 1991, the payment was raised from \$3,000 to \$6,000 in connection with the Persian Gulf conflict. But the Tax Code was not adjusted accordingly.

Currently, the military survivor must pay taxes on the \$3,000 increase to the death gratuity payment. This is a very simple problem to fix. And I do not want any more excuses of why we cannot do it. I simply want to get it done.

In 1997, Congress passed legislation revising the taxation of capital gains on the sale of an individual's principal residence, providing up to a \$250,000 exclusion, \$500,000 per couple, on their home sale if the individual owned and lived in the house for at least 2 of the 5 years preceding the sale. Congress failed to provide a special rule for members of the uniformed service and Foreign Service who are required to periodically move either within the United States or abroad, making it difficult to meet those exclusion requirements.

The proposal in this amendment would permit military and Foreign Service men and women to suspend the 5-year period for a maximum of 10 years while away from home on assignment. In other words, those years away would count toward neither the 2-year lived-in-home nor the 5-year period.

Most American homeowners have the opportunity to build equity in their homes and are afforded this great tax benefit to do so. Members of the uniformed and Foreign Service who serve our country are deserving of no less. This should be an easy fix. It is something we can do; we should do; we have all agreed upon many times over. Why can we not do it? I do not want to hear the excuses. And I certainly do not want to present these excuses to my constituents.

Again, under the current law, military personnel located in a combat zone are provided an extension for filing taxes until 180 days after they return from the combat zone. This provision does not currently apply to contingency operations where military personnel are confronted with demanding circumstances similar to those faced by members in a combat zone.

Contingency operations we have seen recently include Operation Just Cause in Panama in 1989, Operation Restore Hope in Somalia in 1992, and Operation Uphold Democracy in Haiti in 1994.

Right now, for example, an airman who is currently deployed overseas in a contingency operation in support of our troops in Afghanistan or Iraq combat zones happens to be left out.

This, again, is a simple fix, something we can do for the hard-working military service men and women who are there serving our Nation, putting their lives on hold here at home to protect our freedoms, and to be a part of the overall war on terrorism. It is something very simple that we could fix if we just took the time to do it.

Some reservists must travel away from home to perform mandatory weekend drill one weekend per month and may incur significant travel and lodging expenses. Under current law,

these are deductible as itemized deductions, as unreimbursed business expenses, to the extent they exceed 2 percent of the member's adjusted gross income. Most lower income, junior reservists do not itemize deductions, so they receive no tax benefit for their expenses. For those who do, the 2 percent floor limits the amount of benefit of the deduction. For young reservists, their expenses may cost them as much as their entire take-home pay for that weekend.

This is a real-life issue for working men and women who are there serving each and every one of us in the military of this great Nation.

Why can't we just get it done? These are issues on which we have all agreed. It makes so much sense for us to come forward now, as we are talking about the issues that affect our service men and women who are stationed abroad. Let us give them the tools to be able to keep their families together here at home, to provide for their children, to make sure their families are going to stay together no matter how long they may be deployed.

Under current law, a veterans organization is exempt from taxation if it meets the requirements of section 501(c)(19) of the Internal Revenue Code. However, this status is in jeopardy. Many of these veterans organizations, such as the American Legion and the Veterans of Foreign Wars, could face losing their tax-exempt status if the Congress and the administration do not act to change the technical requirements of the Internal Revenue Code.

We have to get these things done. We are talking about wrapping up our business here in the next month or so. We have ample opportunity to move these issues. We have come to agreement on all of them. We have moved them in years past. Why can't we make them happen?

I could go on and on, describing all of the varied Tax Code fixes for veterans and military families that should have been enacted months ago. They are all included in this amendment, and I urge my colleagues to support it.

Now is the time to act. We talk about how valuable our service men and women are to us, how much they mean to us, the sacrifices they are making, and how much that means to us as a nation and as individuals. Let's move on our Military Tax Fairness Act now. Let's make sure we see this legislation through and that we enact it before we leave here.

The last provision of this amendment I would like to speak about is something I have talked a great deal about because I feel very strongly about it. I feel strongly about it because I am a mother. I am trying to keep my family together, working hard with my husband as a dual-parent household, recognizing the real challenges that American families face in raising children today. That is the child tax credit, its impact on military families and all of our working families.

The President promised America's families an advanced payment of the \$400 increase in the child tax credit. These checks were sent out to a chosen few Americans earlier this summer. However, for millions of working and military families, this promise was not fulfilled. The families of 12 million children did not receive the full child credit check this summer. By now they all know who they are.

We should extend the child tax credit to the other working families who were left out. These are people who work hard every day to provide for their children and their families, to keep their families together. These are hard-working families who have a family member, a father or mother, who may be stationed abroad or is in training now, someone who is out there who they have been dependent on who we are not going to give the same opportunity to in the refundability of a child tax credit simply because they make less money. Please remember, you are not even eligible for this child credit unless you are working and unless you have children.

This is not a giveaway. These are working families who are paying taxes every day, whether it is sales tax, payroll taxes, excise taxes, to get themselves to and from work. Why wouldn't we want to give these families the same ability, as they are working hard to preserve their families, why wouldn't we want to give them the same advantage we give other higher income working families to take care of their children and families?

I believe we need to extend that child credit to working families, all working families, and we need to do it now. A family with two parents making minimum wage and two children would not receive any increase in the child credit under the bill signed by the President. They would not receive any check this summer. Did they not work hard enough for this Congress? Did they not work hard enough for this administration? Did they not work hard enough to be a part of trying to revive this economy and strengthen the fabric of our Nation?

It isn't just minimum wage workers who were left out. These children in the shadows are living on our military bases as well. Roughly 200,000 military personnel have incomes between \$10,500 and \$26,000, and most of these families will not receive the increased child tax credit. In addition, roughly 100,000 military personnel stationed in combat zones will be ineligible to receive the full credit because they were called to duty. They did not receive a check this summer. Did they not work hard enough? Wherever they were stationed in uniform to protect our freedoms, did they not work hard enough for this Congress and this administration to get the same fair treatment as a working individual in this country to take care of their children and their families? The blue jeans, the milk, the loaf

of bread, or anything else they buy, was it any less expensive than what other working families are dealing with?

I think they worked hard enough. I am ashamed that we have been hiding from these families, hiding behind our rhetoric, hiding behind our process. This great institution is full of processes that are here to make the effort more reasonable, to make sure that what we are doing is right, that it can be dealt with in an appropriate way. But these processes are not here for us to hide behind. These are working families in our military and in our communities that deserve the same fair treatment.

I, for one, am tired of telling them that if they will just wait a little bit longer, we will finally get around to them—maybe somewhere down the road. We could have done this 6 months ago. We could have done it 4 months ago. We could have done it 2 months ago before we left on our break. But we didn't. We have not and we probably will not.

It is so important that we address this issue. It is important we tell these people that they are a priority, not only because they are the fighting military men and women of this country but because they are the salt of the earth, the working families putting the fabric of this Nation back together, one family at a time. We owe it to them to give them the same opportunity to invest in their families, to reinvest in the economy, and to help make us strong so we can be and will remain the superpower of the world that is there to reach out to other nations to help them through liberation and rebuilding and a multitude of other issues. But we are only as strong as each of the individual families of this Nation that make up our whole.

I am ready for the excuses that my colleagues may throw at me. I am sure there are going to be many. I hope those families who got nothing from the trillions of dollars in tax cuts that we have shoved out of the door are listening, too. I hope they are listening, but I doubt that they are. These are the men and women who are too busy, too busy at work, too busy in the trenches and in the desert, too busy raising those children and working hard at one or two jobs to make sure their families will stay home, regardless of whether we find them as a priority in this Nation. They are too busy for our excuses.

I hope for just once my colleagues will join me in doing what is right on behalf of the working families in this great country and the 12 million children who are our future.

Madam President, I call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN] proposes an amendment numbered 1829.

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

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

(The amendment is printed in the RECORD of October 14, 2003 under "Text of Amendments.")

Mrs. LINCOLN. 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. JOHNSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. JOHNSON. Madam President, I rise to express my support for the effort of my colleague from Arkansas relative to the \$87 billion supplemental appropriations request for Iraq that is currently pending before the Senate. I am very supportive of the President's \$65 billion or roughly \$67 billion level of funding for our troops. If we had an up-or-down vote on just that component of the President's request, I have no doubt it would pass 100-0. No question. Regardless of what you think about whether we should be in Iraq, I think this body will overwhelmingly be supportive of making sure our troops in Iraq have all the resources they need to safely and efficiently and properly do the courageous and extraordinary work they have done. We are proud of the members of our United States military who are currently operating under very difficult circumstances, but doing the very best they can and doing a very good job under the circumstances.

The portion of the request from the President, however, for the \$20 billion, roughly, for construction and various needs in Iraq is entirely a different matter. That calls for \$100,000-\$200,000 consultants for tens of millions of dollars of study for the Iraqi postal service; \$10 million for a new ZIP Code; new cities; new high schools, new hospitals—things that never existed in their history. This is not for damage done in the war; this is establishing a whole new infrastructure that never existed before.

It is hard to tell our military veterans that we cannot find \$1.8 billion so everyone gets access to a VA hospital, and then turn around and spend \$20 billion on construction and other needs in Iraq; or tell America's teachers and kids and parents that we cannot find \$8 billion for Leave No Child Behind, but we are going to build a new school system abroad that never existed before, and \$20 billion will go out the door for that.

Now we found this last weekend references in the Washington Post finding that one of the problems the Bush administration is having is physically moving so much American cash to Iraq. They started out putting the money into huge bags and putting it into aircraft at Edwards Air Force

Base, but it got to be so cumbersome to send out these billions of dollars that now they are shrink-wrapping American money into these huge cubes and pushing them into airplanes and sending them to Iraq. But one of the problems we have is we are shrink-wrapping these mountains of American taxpayers' money, and they shift in the plane and sometimes fall apart, and we are having problems physically moving all this American cash to Iraq.

I asked my constituents in South Dakota over the past week what we should be doing about this. A number of suggestions came up from South Dakota constituents. A gentleman from Sioux Falls suggested since the combat phase of the Iraq war is over and we have all these intercontinental ballistic missiles, we ought to load the cash into the warheads of these missiles and fire them into Iraq. Since we are not keeping track of how the money is used there anyway—there is no auditing; we just hand it over to people and hope they spend it right—the missiles could explode and the money would sort of fall all over Iraq. That is one idea. The problem is sometimes these rockets explode on a launch pad, and there is a great risk some of that money might fall on an American school or daycare center. That is a risk the Bush administration would not tolerate. That would probably not work.

Another suggestion was since we take all the oil from the Middle East in the huge tankers to the U.S., perhaps once they come here and unload, they can fill the tankers full of American cash and send that to Iraq. Once again, the ports there are not capable of unloading that massive amount of American cash, and we would probably have ships backed up to Egypt if we did that.

One of the suggestions came from a gentleman from Aberdeen, SD. He suggested we use our B-52 and B-1 fleets to bomb Iraq with American cash—borrow it from the Social Security trust fund, as the President recommended—and drop this money over Iraq; some would land in good places and some in bad, but no doubt it would probably be used as efficiently as what the administration's plan calls for.

There are interesting ideas out there. I hope people will contact the White House with their ideas about how best to disburse these huge mountains of cash—more than any one of us here or any citizen will ever see in a lifetime—\$20 billion. We have been spending \$1 billion a week up until now. That is before you get to this provision. So at a time when we are having a hard time funding our own water projects, our hospitals, and we have nursing homes on the cusp of closure because of Medicare reimbursement problems, at a time when the White House is cutting back on Pell grants, college grants for young people, and nontraditional students who want to go to college, when we are \$1.8 billion short for our vet-

erans to get access to VA hospitals, and when our troops come home, one of the things they will be presented with is the bill for the borrowing that is going into this \$20 billion package.

We are not going to cut and run. We do have a role to play in helping Iraq. No doubt, some expenditure is required. But \$20 billion, when there is very little help coming from our allies at this point, is a massive expenditure.

The newspapers reported we are shoving this money out the door so fast they are unable to audit the disbursement of the money. It goes to a handful of Iraqi leaders and they hope they will get it to the right place. Yes, right. I can imagine where this money is winding up in many instances.

At the same time, to the degree we hire American corporations to do work there, I hope we will end this business of no-bid contracts going to a few well-positioned corporate entities and make sure it is an open, clear, transparent process so the American public at least has the consolation of knowing these tons of dollars going into Iraq are going for some constructive purpose rather than to line the pockets and bolster the profitability of a few. We can at least do that.

Madam President, we have a role to play, that is for certain. But this level of expenditure is almost mind-boggling, breathtaking—\$20 billion. That is on top of the \$79 billion just approved in the supplemental appropriations bill last April, and, heavens knows, this is not the last of it. This could be going on for a long time. We are told the construction projects that have been suggested for Iraq would run easily into the \$50 billion or \$60 billion range and that somehow our allies are going to pay for that. Well, that doesn't appear to be what is happening.

We may very well be seeing future requests as well for this kind of money. We don't have \$20 billion laying around. If we had \$20 billion laying around, that might be another matter. But we will have to borrow it to give to Iraq. Iraq sits on the first or second biggest supply of oil in the world. There is no question that they cannot pump it out quickly enough now because their infrastructure is not what it was 10 years ago; but the oil is still there, there is no question about that.

Why couldn't we come up with a mechanism for helping Iraq borrow against their own oil? Why should they not borrow against one of the world's biggest mountains of gold in the world, as opposed to us borrowing from our Social Security trust fund? This is not rocket science. We have already paid a billion dollars a month for the military operation, with virtually very little help from our allies. We have had some help from the Brits and modest amounts from others. We are paying a dear price for a doctrine of unilateral preemptive war now, but we are in it and we have to find a way to get out.

It seems to me that, while we will support our troops—and there will be

some effort, no doubt, toward reconstruction in Iraq; but \$20 billion, at a time when we are finding ourselves in record budget deficits in the United States, is not a good use of our taxpayers' money. It is a disservice to the American taxpayers, and it is a precedent we will rue for years to come.

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

Mr. STEVENS. Madam President, will the Senator withhold his request for a quorum call?

Mr. JOHNSON. Yes.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I listened with interest to the statement of the Senator from South Dakota. It is a very interesting proposition that we should support the military budget and not support the budget that is designed to bring our troops home. The \$20.3 billion is a lot of money, there is no question about that.

I am informed there are about 22 million people in Iraq. They lived under a despotic regime, and we have destroyed that regime. There are still pockets of terrorists, pockets of resistance to the change to a new form of government. But those who support only the military expenditures are telling us: Let's just occupy Iraq. No one is saying: Let's go home. No one is saying: Let's just bring our forces out and cut and run. We are not going to do that.

If we put in the money, \$66 billion for the year 2004, that is the amount of money that was calculated that we need for the military, provided we start bringing them home—we have already brought some troops home, and I am one who hopes we will be bringing more troops home this year and early next year. But they will be replaced by security forces, those trained in the Iraqi Army, those trained to be security forces. We do not want to train people to be forces of occupation. That has not been our way of life. Even in Bosnia and Kosovo we used forces who were trained combat soldiers, combat personnel to carry out a lot of functions, but we did not train people to just be forces of occupation.

Our people are trained combatants. They proved they are the best in the world in this current Iraq campaign. There are still threats against this country throughout the world. We do not want them left in Iraq in the numbers that are there now. They must start coming back to meet any contingency to defend this country and our interests at home and abroad.

To say we can just get by with the \$66 billion for military begs the question: What do you want us to do? Send more forces over there? Should we increase the cost militarily and send more combat forces over there or should we provide forces, as has been suggested in one amendment, to train constables for maintaining the peace, people in uniform but not trained to be combat forces, not trained to fight wars, but just trained to be policemen

at the corner or to guard schools or guard the churches or guard the shopping centers. We can do that. We have been in Kosovo. We have been in Bosnia for over 4 years doing that. We are trying to avoid that in this country.

I hope everyone in the Senate understands this is a unique, new approach to the concept of changing an administration, a nation-building concept, letting them build their own nation as quickly as possible. The \$20.3 billion is a great deal of money, there is no question about that. It is an enormous amount of money. It represents a cost to this country, however, that is far less than maintaining our forces there for 3, 4, or 5 years at a rate of \$66 billion plus a year for military.

I want to see the scales compared. I want people to understand that the \$20.3 billion is going to mean we do not have to increase the defense costs in the years ahead as we occupy Iraq until they finally find some way to create their own government. We are trying to build up their forces so we can bring our troops home, and I believe we will succeed.

There are some people making a little bit of mirth over some of the problems of dealing with a new country. It has its own currency now, and we are trying to convert our money to their money so they can start spending and generating their economy. It is going to cost a great deal to do that; a lot less, however, than occupying that country for a period of 4 more years. We have not been in any of these countries we have been involved with in recent years less than 4 years. We hope to be out of this situation in less than 4 years, and that is why I support the \$20.3 billion the President requested.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Madam President, the amendment offered by the Senator from Arkansas is a revenue bill. It cannot originate under our constitutional concepts in the Senate. It would create a blue-slip situation in the House of Representatives. I do not want to put the entire bill at risk by trying to include a tax bill in this supplemental appropriations bill.

Therefore, I make the point of order it violates the pay-go provisions of the Budget Act and ask that it be stricken.

Mr. REID. Madam President, I simply wish to say, prior to the Chair ruling, that the Senator from Arkansas is a member of the Finance Committee. She has studied this long and hard. I think it appropriate she brought this before the Senate. I compliment and applaud her for bringing this to the Senate's attention.

Mr. STEVENS. Madam President, there are similar provisions in the

pending bill before the Senate. I renew my point of order.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Making my request more specific, I make the point of order that the amendment of the Senator from Arkansas is in violation of section 302(f) of the Budget Act and I ask that it be stricken.

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

Mr. STEVENS. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 1846

Mr. BYRD. Madam President, I send an amendment to the desk on behalf of myself, Mr. LEVIN, Mr. DORGAN, Mrs. CLINTON, and Ms. LANDRIEU.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. LEVIN, Mr. REED, Mr. CORZINE, Mr. LEAHY, Mr. DORGAN, Mrs. CLINTON, and Ms. LANDRIEU, proposes an amendment numbered 1846.

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

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

The amendment is as follows:

(Purpose: To modify the report requirements with respect to the Coalition Provisional Authority)

At the appropriate place insert the following:

SEC. 2309. (a) REPORTS OF COALITION PROVISIONAL AUTHORITY.—Not later than January 1, 2004, and every 90 days thereafter, the Administrator of the Coalition Provisional Authority (CPA) shall submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a report on all obligations, expenditures, and revenues associated with reconstruction, rehabilitation, and security activities in Iraq during the preceding 90 days, including the following:

(1) Obligations and expenditures of appropriated funds.

(2) A project-by-project and program-by-program accounting of the costs incurred to date for the reconstruction of Iraq, together with the estimate of the Authority of the costs to complete each project and each program.

(3) Revenues attributable to or consisting of funds provided by foreign nations or international organizations, and any obligations or expenditures of such revenues.

(4) Revenues attributable to or consisting of foreign assets seized or frozen, and any obligations or expenditures of such revenues.

(5) Operating expenses of the Authority and of any other agencies or entities receiving funds appropriated by title.

(b) COMPTROLLER GENERAL AUDIT, INVESTIGATIONS, AND REPORTS.—(1) The Comptroller General of the United States shall



conduct an on-going audit of the Coalition Provisional Authority, and may conduct such additional investigations as the Comptroller General considers appropriate, to evaluate the reconstruction, rehabilitation, and security activities in Iraq.

(2) In conducting the audit and any investigations under paragraph (1), the Comptroller General shall have access to any information and records created or maintained by the Authority, or by any other entity receiving appropriated funds for reconstruction, rehabilitation, or security activities in Iraq, that the Comptroller General considers appropriate to conduct the audit or investigations.

(3) Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a report on the audit and any investigations conducted under paragraph (1). The report shall include information as follows:

(A) A detailed description of the organization and authorities of the Authority.

(B) A detailed description of the relationship between the Authority and other Federal agencies, including the Department of Defense, the Department of State, the Executive Office of the President, and the National Security Council.

(C) A detailed description of the extent of the use of private contractors to assist in Authority operations and to carry out reconstruction, rehabilitation, or security activities in Iraq, including an assessment of—

(i) the nature of the contract vehicles used to perform the work, including the extent of competition used in entering into the contracts and the amount of profit provided in the contracts;

(ii) the nature of the task orders or other work orders used to perform the work, including the extent to which performance-based, cost-based, and fixed-price task orders were used;

(iii) the reasonableness of the rates charged by such contractors, including an assessment of the impact on rates of a greater reliance on Iraqi labor or other possible sources of supply;

(iv) the extent to which such contractors performed work themselves and, to the extent that subcontractors were utilized, how such subcontractors were selected; and

(v) the extent to which the Authority or such contractors relied upon consultants to assist in projects or programs, the amount paid for such consulting services, and whether such consulting services were obtained pursuant to full and open competition.

(D) A detailed description of the measures adopted by the Authority and other Federal agencies to monitor and prevent waste, fraud, and abuse in the expenditure of appropriated funds in the carrying out of reconstruction, rehabilitation, and security activities in Iraq.

(E) A certification by the Comptroller General as to whether or not the Comptroller General had adequate access to relevant information to make informed judgments on the matters covered by the report.

(4) The Comptroller General shall from time to time submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a supplemental report on the audit, and any further investigations, conducted under paragraph (1). Each such report shall include such updates of the previous reports under this subsection as the Comptroller General considers appropriate to keep Congress fully and currently apprised on the reconstruction, rehabilitation, and security activities in Iraq.

Mr. BYRD. Madam President, 1 year ago this week, the President signed the congressional resolution authorizing him to go to war against Iraq. That signing was a historic moment for the United States. For the first time in our history, the President asked Congress for authority to launch an invasion against a sovereign nation that did not constitute a clear and imminent threat to the safety of the American people. And for the first time in our history, the President demanded that Congress give him unconditional power to initiate war whenever he wanted, limited by nothing but his own judgment. The President wanted war on his own terms, and Congress granted him everything he asked for.

For the next 5 months, the President and his top advisors turned a deaf ear to growing concerns about the administration's judgment. When intelligence analysts warned that the White House was acting on questionable conclusions, those analysts were ignored. When Members of Congress dared to ask questions about the President's war plans, they were branded as unpatriotic. When our oldest allies disagreed with the argument that immediate war was the only answer, they were dismissed and called irrelevant. Top administration officials who publicly contradicted the President's rosy predictions were fired, and the American public was kept in the dark about what Iraq would look like after the war.

On several occasions, I stood on the floor and asked: After Iraq, what? What shall we expect the morning after the war?

Confident that the reconstruction of Iraq was a job that could be handled without involving Congress too much or the United Nations, President Bush delegated the task to retired GEN Jay Garner, who quietly went to work with support from the Pentagon. The American people were not told much about General Garner or what he was doing in Iraq. Most Members of Congress didn't know anything more about him than what they read in the papers. So when General Garner was given his walking papers and replaced with Ambassador Paul Bremer without explanation or fanfare, Congress had no real information to judge what the shake-up would mean for the United States occupation of Iraq.

In the days after President Bush made his flamboyant landing on the aircraft carrier USS *Abraham Lincoln* to announce to the world that the United States had accomplished its mission in Iraq—that was the banner headline over and above his head—most of the country was too distracted celebrating the military triumph to think much about the President's appointment of Paul Bremer to serve as a Presidential envoy in Iraq. With the President declaring victory and the administration continuing to assure the public that we would be welcomed as liberators—a la Vice President CHE-

NEY—and that Iraq's oil revenues would pay for reconstruction, the administration hoped that no one would bother to notice the management changes it was making in Iraq.

The administration moved quickly to set up a reconstruction team on the ground in Iraq that would answer only to the President and the Secretary of Defense. In May, the President issued a classified National Security Directive creating the Coalition Provisional Authority, CPA. That document remains classified, and the administration has provided very little public information about the powers and authorities of the CPA. All we really know from the White House is that Ambassador Bremer, as administrator of the CPA, reports to the President through the Secretary of Defense. But after the recent announcement that National Security Adviser Condoleezza Rice will be coordinating reconstruction policy from within the White House, who knows what the chain of command looks like today or will look like tomorrow? Getting a clear picture of how the CPA operates has proved to be difficult, but it is clear Ambassador Bremer wields an extraordinary amount of power and independence in Iraq. And, if you don't believe it, listen to this. On May 16, the CPA issued its first regulation in Iraq in which it spelled out its authority in no uncertain terms. Section 1 of that regulation stated:

The CPA is vested with all executive, legislative, and judicial authority necessary to achieve its objectives, to be exercised under relevant U.N. Security Council resolutions, including resolution 1483, and the laws and usages of war. This authority shall be exercised by the CPA Administrator.

That is broad, broad, virtually without limitation, if the reading means what it says. Let's read that again.

The CPA is vested with all executive, legislative, and judicial authority.

Take a look at the Constitution of the United States. Let's see what it says, in the very first article, the very first section of that article, and then compare that authority with the authority I have just read. Here is what article I, section 1, of the Constitution says about the legislative authority.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

That is one sentence, and it vests all legislative powers in a Congress of the United States.

Well, section 1 of the regulation, which I have just read, says it is the CPA that is vested with all executive, legislative, and judicial authority necessary to achieve its objectives. My, what authority that is. It does not stop with just legislative authority. It talks about executive, legislative, and judicial authority.

Read that again.

The CPA is vested with all executive, legislative, and judicial authority necessary to achieve its objectives, to be exercised under



relevant U.N. Security Council resolutions, including resolution 1483, and the laws and usages of war. This authority shall be exercised by the CPA Administrator.

There is a man mountain for you, with all that authority. That is a powerful statement, especially for an agency that has never been authorized by Congress and an administrator who was not confirmed by the Senate for his position. How about that?

The CPA under Paul Bremer has the power to run the Iraqi Government ministries, the power to appoint Iraqi officials, the power to award lucrative private contracts for reconstruction. The CPA also oversees local police and even sets public curfews in Baghdad.

Now the CPA is looking to further consolidate its powers with an unprecedented request to spend over \$20 billion of your money. I say to you out there who are looking at this Chamber through those electronic lenses there: It is your money, your money. But here we are going to consolidate the powers of the CPA with an unprecedented request to spend over \$20 billion of the American taxpayers' money, your money, with little oversight by the Congress.

Until now, the CPA has financed its various activities from a number of different sources, including billions of dollars in seized Iraqi assets. The CPA was not accountable to Congress for much of this spending, and it made very little effort to keep Congress and the public informed about the administration's reconstruction plans.

So, the White House let Paul Bremer maintain a low profile for months in Iraq before the President finally spoke to the American people about what was happening on the ground in Iraq.

But now the President has admitted that rebuilding Iraq will be a much tougher job than he had promised, and it will come with a bigger pricetag. I must say, however, the pricetag had never been mentioned. We attempted to find out from the administration what the pricetag would be, but the administration chose to stay mum about that. But now we find this business of rebuilding Iraq is going to come with a big, big pricetag. That means Paul Bremer needs more money, more of your money. It is your money that Paul Bremer needs. So the administration was forced to loosen its grip of secrecy, just long enough to send Ambassador Bremer to testify before Congress about the need for additional funding. And in one instance, when I asked Mr. Bremer when he was before the Appropriations Committee, "Will you find it possible to appear before this committee again if the chairman so directs," what was Mr. Bremer's answer?

I'm too busy. I am too busy. I'm too busy.

I regret we don't have those hearings printed, but the transcripts are around and those were his words:

I'm too busy.

Don't be fooled. The public relations campaign with Congress will last only as long as it takes to get this massive

bill pushed through both Houses in one piece. In typical fashion, the administration has been willing to say whatever Congress wanted to hear in order to get its way. We heard a lot of talk about plans and accountability, but the information given to Congress was long on rhetoric, short on substance.

After all of the detailed spending requests and so-called plans from the CPA, what we are left with today is a bill before the Senate that gives Paul Bremer a blank check. Did you hear it? Did you hear it? A blank check, that is what it is. Give to Mr. Bremer a blank check, a blank check to spend \$20 billion as a start. However, once this bill leaves Congress, the administration can throw its plans out the window and restore tight controls over information to prevent any meaningful oversight or scrutiny of its activities.

Is that the way you want your money managed? Congress cannot simply trust the CPA to voluntarily cooperate with oversight of reconstruction spending. This administration has a long track record. It would not even take an elephant to remember how long that track record is. It has a long track record of stonewalling Congress. And, so far, Iraq has been no exception. The CPA took over the reins of Iraq's government 5 months ago, yet Congress still has very little useful information to evaluate its progress in Iraq thus far, let alone the merits of future spending needs. If Congress has any hope of holding the administration accountable for the reconstruction plans it is proposing today, Congress needs a mechanism to ensure accountability from the CPA.

Ambassador Bremer testified before Congress that the activities of the CPA will be fully transparent and accountable, but some of his own statements suggested that he was reluctant to cooperate with committee oversight. In particular, I was troubled by comments he made about congressional access to the CPA's financial records. When he testified before the Appropriations Committee, Ambassador Bremer told the committee that the CPA had detailed records of all of its receipts and outlays that could be audited by Congress. However, when he appeared before the Armed Services Committee only 3 days later, he said the Office of Management and Budget was responsible for maintaining those records, and Congress would have to go to the White House for access to the CPA's records.

Throughout my long years in Congress, I have seen the White House occupied by Presidents of both parties, and I know from experience that one needs to be skeptical when referred to the White House for oversight information. There is no reason why any arm of the executive branch charged with making such significant spending decisions should not be working directly with Congress. When we are talking about handing over another \$20 billion to the CPA, there is a real need for

Congress to confirm that the CPA has its finances in order and that the CPA is managing the taxpayers' money—your money—responsibly.

The amendment that I and other Senators are offering will require the Coalition Provisional Authority to report to Congress—how about that? That is not asking too much—on its receipts and expenditures as the reconstruction efforts move forward in Iraq.

Let me say that again.

This amendment will require the Coalition Provisional Authority, the CPA, to report to Congress—yes; the people's branch of government—to report to Congress on the CPA's receipts and expenditures as the reconstruction efforts move forward in Iraq. These reports will be submitted on a quarterly basis beginning on January 1, 2004. Building on the reporting requirements already in the bill, this amendment calls for an accounting of both appropriated funds and other sources, such as oil revenues and foreign contributions. This is information that the CPA is already tracking. So it shouldn't be too much of a burden to share that information with Congress, especially given the CPA's extraordinary flexibility in spending taxpayer dollars. Ambassador Bremer assured the committee during the committee hearing that he would comply with any reporting requirements Congress chose to include in this legislation.

This amendment also directs the Comptroller General of the United States to audit the spending records of the CPA. What is wrong with that? How about that? The amendment also directs the Comptroller General of the United States to audit the spending records of the CPA—we should all be for that—so that the General Accounting Office can provide Congress with a clear understanding of how reconstruction activities are being managed in Iraq. In its report to Congress, the General Accounting Office must outline the authorities and organization of the CPA, the CPA's relationship to the White House and other executive agencies, and the CPA's use of private contractors to perform critical reconstruction services in Iraq.

I think most people would agree with the purpose here. Let me say it again.

In its report to Congress, the GAO must outline the authorities and organizations of the CPA, the CPA's relationship to the White House and other executive agencies—and get this—and the CPA's use of private contractors to perform critical reconstruction services in Iraq.

The most important power vested in Congress by the Constitution is the power over the purse. Englishmen spent centuries and shed blood to wrest that power from tyrannical monarchs and vest it in the people's branch, the House of Commons. And our forbearers in our own country brought with them that legacy, brought with them to these shores that principle, that power over the purse vested in the people's

money—is being spent wisely. Congress must be able to follow that money wherever it goes, but right now our money may soon disappear into a whirling storm of White House rhetoric and wartime profiteering.

Without this amendment, following the money will only get harder as the President continues to reorganize the chain of command in Iraq and avoid straight answers to tough questions about the success of our reconstruction efforts.

If the constitutional power of the purse means anything at all, it must at least require that the people's elected representatives here in Congress have a right to know how the Government is spending the Nation's treasury. I urge the Senate to protect its own powers and live up to its oversight responsibilities, and I urge Senators to support this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Alaska.

Mr. STEVENS. Mr. President, there are a series of reporting requirements in this bill already. I have conferred with the leadership. We don't have any objection to this amendment by the Senator from West Virginia. I am certain that in conference the House is going to insist on consolidating some of these reports. We will be glad to review that matter with the Senator when that occurs. But we are happy to accept the amendment.

Mr. BYRD. I thank the distinguished Senator. May we have a vote on it?

Mr. STEVENS. Does the Senator want a rollcall vote?

Mr. BYRD. Yes. I would like a rollcall. It shows that it is a serious amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, if the Senator wants a vote on this amendment, he is entitled to a vote. I shall not object to that. But I want the Senate to know we have a Boxer amendment to require a report on replacing troops with Iraqi forces or other non-U.S. forces to secure areas in Iraq. We have an amendment by Mr. FEINGOLD to provide transparency and accountability with respect to the Coalition Provisional Authority. He wishes to have an office of inspector general in the Coalition Provisional Authority. As I understand it, he will offer that amendment. We have an amendment offered by Senator MCCAIN and Senator BIDEN. They wish to have a GAO review on the effectiveness of the Coalition Provisional Authority relief and reconstruction activities, and a report quarterly to the congressional committees

on a similar matter to that suggested by Senator BYRD's amendment.

So if the Senator wishes a vote on his amendment, I am prepared to agree to that; that will be the case. It would be my intention to accept all of these amendments and take them to conference and see what we can do to come out with a concept of a process of having adequate information and transparency in the Coalition without burdening the Coalition with a series of different types of reports and different types of officers who will be looking over their shoulders and demanding access to their offices and interviews of their personnel when we are trying to get the business done over there.

I do not think a provisional authority, within an area with the kind of suicide bombers we are seeing there on a daily basis, is something we have to burden with a series of duplicating types of reports and inspectors general and the comptroller general and his people there at the same time.

So again I state to my friend I will not oppose the amendment. I will vote for it. I assume it will get 100 votes. But in conference I intend to see it to these reports are consolidated, and we have a concise—concise—concept of the type of reports Congress needs to oversee the activities of the Provisional Authority.

Does the Senator wish to renew his request for the yeas and nays?

Mr. BYRD. Yes. May I say, prior to doing that, this is not just one more report. It is like the making of our laws, Mr. President. We have the books full of laws, but we always see the need for enacting more and more laws.

There are Ten Commandments. If we listen to the argument of the distinguished Senator from Alaska—and he is a very distinguished Senator—then one Commandment should have been enough; the others would have been repetitive. That is not the case.

This is an important reporting requirement. I hope the Senate will approve it. We are talking about \$20 billion here. So I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I state again, I have serious question of whether the Comptroller General of the United States is a replacement for the Inspector General. That, in effect, is what the Senator's amendment does. It creates the comptroller general as a constant inspector general of everything that is going on under the Coalition Provisional Authority.

I am going to reserve my opportunity to consolidate all of these reports in conference. But I do agree we have the yeas and nays.

Mr. BYRD. Mr. President, the Comptroller General, General Accounting Office is an arm of the Congress. Let the Congress carry out its proper role

of oversight under the Constitution. That is all I am asking for here.

I thank the Senator.

Mr. STEVENS. Mr. President, I do not want to belabor the point. It is an arm of the Congress, but this is an executive function concerning an audit. We have created offices of the inspector general. Two Senators have suggested inspectors general. I do not think this is the place for a continuing presence of an arm of the Congress. But I will vote for the Senator's amendment to take it to conference. As the Chair said, there is a sufficient second.

The PRESIDING OFFICER. There is a sufficient second.

Is there further debate on the amendment? If not, the question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 383 Leg.]

YEAS—97

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

NOT VOTING—3

Edwards Kerry Lieberman

The amendment (No. 1846) was agreed to.

Mr. STEVENS. Mr. President, in view of the vote on the Byrd amendment, I announce that we have a Durbin amendment, a Corzine amendment, a Boxer amendment, and a Feingold amendment that pertain to reporting. If those Senators are willing to offer

them now, I am prepared to accept them, and we will put them all together when we get to conference. They have not been filed.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I ask unanimous consent that the two lists of amendments I now send to the desk be the only remaining first-degree amendments in order to the bill other than those pending at the present time.

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

Mr. STEVENS. And provided that second-degree amendments be in order and they be relevant to the amendment to which they are offered.

Mr. REID. Reserving the right to object, I thought we had on this list—and I may have a different list—Senator LEAHY has an amendment.

Mr. STEVENS. There are two Leahy amendments here.

Mr. REID. We have no objection.

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

Mr. STEVENS. In just a moment we will ask for a rollcall vote on Senator GRAHAM's amendment, but I would like to yield to my friend, Senator FEINGOLD, to introduce an amendment, then to approve a series of reporting amendments.

Mr. REID. Mr. President, through the Chair, to my friend from Wisconsin, it is my understanding the Senator has two amendments.

Mr. FEINGOLD. That is right.

Mr. REID. One is a reporting amendment and one is on another subject. I ask, since he has been waiting for such a long time, that he send his reporting amendment to the desk. Then it is my understanding there are a number of matters you wish to dispose of dealing with reporting amendments. Then he would like to offer his amendment. If there is a vote, we would vote on that and the Graham amendment at the same time.

Mr. STEVENS. I am not sure about voting on his amendment until we know what it is. Is it on the list?

Mr. REID. Yes. At least he could offer it and we could vote later. He has been waiting a long time.

Mr. STEVENS. I have a series of issues I wish to handle before we get to any votes.

Mr. REID. That is fine.

Mr. STEVENS. Let me yield for the Senator to introduce his amendment.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

#### AMENDMENT NO. 1847

Mr. FEINGOLD. Mr. President, I offer an amendment to the bill concerning the inspector general for au-

thority for Iraq. My understanding is it is going to be accepted.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows: The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 1847.

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

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

The amendment is as follows:

(Purpose: To provide transparency and accountability with respect to the Coalition Provisional Authority)

On page 22, between lines 12 and 13, insert the following:

SEC. 316. (a) Of the amounts appropriated by chapter 1 of this title under the heading "OPERATION AND MAINTENANCE, ARMY" and available for the operating expenses of the Coalition Provisional Authority (CPA), \$10,000,000 shall be available for the establishment of the Office of the Inspector General of the Coalition Provisional Authority and for related operating expenses of the Office.

(b) The Office of the Inspector General of the Coalition Provisional Authority shall be established not later than 30 days after the date of the enactment of this Act.

(c)(1) The head of the Office of the Inspector General of the Coalition Provisional Authority shall be the Inspector General of the Coalition Provisional Authority.

(2) The Inspector General shall be appointed by the President in accordance with, and shall otherwise be subject to the provisions of, section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), except that the person nominated for appointment as Inspector General may assume the duties of the office on an acting basis pending the advice and consent of the Senate.

(3) The Inspector General shall have the duties, responsibilities, and authorities of inspectors general under the Inspector General Act of 1978. In carrying out such duties, responsibilities, and authorities, the Inspector General shall coordinate with, and receive the cooperation of, the Inspector General of the Department of Defense.

(d)(1) Except as provided in paragraph (2), not later than 75 days after the date of the enactment of this Act, and every 10 days thereafter, the Inspector General of the Coalition Provisional Authority shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report that sets forth—

(A) an assessment of the financial controls of the Coalition Provisional Authority;

(B) a description of any financial irregularities that may have occurred in the activities of the Authority;

(C) a description of—

(i) any irregularities relating to the administration of laws providing for full and open competition in contracting (as defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6))); and

(ii) any other irregularities related to procurement;

(D) a description of any actions taken by the Inspector General to improve such financial controls or address such financial irregularities;

(E) a description of the programmatic goals of the Coalition Provisional Authority; and

(F) an assessment of the performance of the Coalition Provisional Authority, including progress made by the Coalition Provisional Authority in facilitating a transition to levels of security, stability, and self-government in Iraq sufficient to make the presence of the Coalition Provisional Authority no longer necessary.

(2) The Inspector General of the Department of Defense shall prepare and submit the reports otherwise required to be submitted by the Inspector General of the Coalition Provisional Authority under paragraph (1) until the earlier of—

(A) the date that is 150 days after the date of the enactment of this Act; or

(B) the date on which a determination is made by the Inspector General of the Coalition Provisional Authority that the Office of the Inspector General of the Coalition Provisional Authority is capable of preparing timely, accurate, and complete reports in compliance with the requirements under paragraph (1).

(3) The reports under this subsection are in addition to the semiannual reports required of the Inspector General by section 5 of the Inspector General Act of 1978 and any other reports required of the Inspector General by law.

(4) The Inspector General of the Coalition Provisional Authority (or the Inspector General of the Department of Defense, as applicable) shall publish each report under this subsection on the Internet website of the Coalition Provisional Authority.

(e) The Office of the Inspector General of the Coalition Provisional Authority shall terminate on the first day that both of the following conditions have been met:

(1) the Coalition Provisional Authority has transferred responsibility for governing Iraq to an indigenous Iraqi government; and

(2) a United States mission to Iraq, under the direction and guidance of the Secretary of State, has undertaken to perform the responsibility for administering United States assistance efforts in Iraq.

Mr. FEINGOLD. My understanding is the chairman intends to accept this amendment.

Mr. STEVENS. I yield to the Senator from Nevada to put in an amendment for Senator CORZINE to include in these amendments.

#### AMENDMENT NO. 1851

Mr. REID. I send an amendment to the desk on behalf of Senator CORZINE.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. CORZINE, proposes an amendment numbered 1851.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the President to submit periodic reports to Congress on the total projected costs of United States operations in Iraq, including military operations and reconstruction efforts, through fiscal year 2008)

On page 38, between lines 21 and 22, insert the following new section:

SEC. 3001. Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter until December 31, 2007, the President shall submit to each Member

of Congress a report on the projected total costs of United States operations in Iraq, including military operations and reconstruction efforts, through fiscal year 2008. The President shall include in each report after the initial report an explanation of any change in the total projected costs since the previous report.

AMENDMENTS NOS. 1844, 1847, AND 1851

Mr. STEVENS. I now call up amendments Nos. 1844, 1847, and 1851: Senator FEINGOLD's amendment, the Boxer amendment, and Senator CORZINE's amendment. They are all reporting amendments, requiring reporting. I ask unanimous consent that they be considered en bloc and agreed to en bloc.

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

The amendments were agreed to en bloc.

Amendment No. 1844 is as follows:

(Purpose: To require a report on replacing U.S. troops with Iraqi forces or other non-U.S. forces in secure areas of Iraq)

At the appropriate place, insert the following:

**SEC. . REPORT ON REPLACEMENT OF U.S. TROOPS.**

(a) FINDINGS.—The Senate finds that—

(1) The Coalition Provisional Authority states that 80 percent of Iraq is a permissive environment with people returning to a normal pace of life, while 20 percent is less permissive with entrenched Saddam loyalists, international terrorists and general lawlessness hindering recovery efforts.

(2) On September 9, Deputy Secretary of Defense John Wolfowitz testified, "... the predominantly Shia south [of Iraq] has been stable and I would say far more stable than most pre-war predications would have given you. And the mixed Arab, Turkish, Kurdish north has also been remarkably stable, again, contrary to fears than many of us had that we might face large-scale ethnic conflict."

(3) On September 14, Secretary of State Colin Powell stated, "We see attacks against our coalition on a daily basis ... but in many parts of the country things are quite secure and stable."

(4) The Coalition Provisional Authority states that a major focus of its security efforts has been to increase Iraqi participation in and responsibility for a safe and secure Iraq.

(5) On September 14, Secretary of Defense Donald Rumsfeld stated, "90 percent of the people in Iraq are now living in an area that's governed by a city council, or a village council."

(6) The Coalition Provisional Authority reports that 60,000 Iraqis are now assisting in security, including 46,000 Iraqi police nationwide.

(7) Of the 160,000 coalition military personnel serving in Iraq, 20,000 are comprised of non-U.S. forces.

(b) REPORT.—Beginning 30 days after the enactment of this Act, the President or his designee shall submit a monthly report to Congress detailing—

(1) the areas of Iraq determined to be largely secure and stable; and

(2) the extent to which U.S. troops have been replaced by non-U.S. coalition forces, U.N. forces, or Iraqi forces in the areas determined to be largely secure and stable under this subsection.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1805, AS MODIFIED

Mr. STEVENS. I call up an amendment numbered 1805 introduced by Senator GRAHAM and send a modification of that amendment to the desk.

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

The amendment (No. 1805), as modified, is as follows:

On page 38, between lines 20 and 21, insert the following:

SEC. 2313. (a) Congress finds that—

(1) in a speech delivered to the United Nations on September 23, 2003, President George W. Bush appealed to the international community to take action to make the world a safer and better place;

(2) in that speech, President Bush emphasized the responsibility of the international community to help the people of Iraq rebuild their country into a free and democratic state;

(3) for a plan for Iraq's future to be appropriate, the provisions of that plan must be consistent with the best interests of the Iraqi people;

(4) premature self-government could make the Iraqi state inherently weak and could serve as an invitation for terrorists to sabotage the development of a democratic, economically prosperous Iraq.

(b) It is the sense of Congress that—

(1) arbitrary deadlines should not be set for the dissolution of the Coalition Provisional Authority or the transfer of its authority to an Iraqi governing authority; and

(2) no such dissolution or transfer of authority should occur until the ratification of an Iraqi constitution and the establishment of an elected government in Iraq.

Mr. STEVENS. I ask for adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1805), as modified, was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1836

Mr. STEVENS. I ask that Senator REID's amendment No. 1836 be laid before the Senate.

The PRESIDING OFFICER. The amendment is now pending.

Mr. STEVENS. Mr. President, I ask for the adoption of that amendment. It is a sense-of-the-Senate amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 1836.

The amendment (No. 1836) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1842, AS MODIFIED

Mr. STEVENS. I ask that the Senate consider amendment No. 1842 from Senator BINGAMAN, as modified.

The PRESIDING OFFICER. The amendment is pending.

Mr. STEVENS. I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 1842), as modified, is as follows:

At the end of title I, insert the following:  
SEC. 316. (a) FINDINGS.—Congress makes the following findings:

(1) The National Guard and Reserves have served the Nation in times of national crises for more than 200 years. The National Guard and Reserves are a critical component of homeland security and national defense.

(2) The current deployments of many members of the National Guard and Reserve have made them absent from their communities for an abnormally long time. This has diminished the ability of the National Guard to conduct its State missions.

(3) Many members of the National Guard and Reserves have been on active duty for more than a year, and many more have had their tours of active duty involuntarily extended while overseas.

(b) REPORT ON UTILIZATION OF NATIONAL GUARD AND RESERVES.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the utilization of the National Guard and Reserves in support of contingency operations during fiscal year 2004.

(2) The report under this subsection shall include the following:

(A) Information on each National Guard and Reserve unit currently deployed, including—

(i) the unit name or designation;

(ii) the number of personnel deployed;

(iii) the projected return date to home station; and

(iv) the schedule, if any, for the replacement of the unit with a Regular or multinational unit.

(B) Information on current operations tempo, including—

(i) the length of deployment of each National Guard and Reserve unit currently deployed, organized by unit and by State;

(ii) in the case of each National Guard and Reserve unit on active duty during the two-year period ending on the date of the report, the aggregate amount of time on active duty during such two-year period; and

(iii) the percentage of National Guard and Reserve forces in the total deployed force in each current domestic and overseas contingency operation.

(C) Information on current recruitment and retention of National Guard and Reserve personnel, including—

(i) any shortfalls in recruitment and retention;

(ii) any plans to address such shortfalls or otherwise to improve recruitment or retention; and

(iii) the effects on recruitment and retention over the long term of extended periods of activation of National Guard or Reserve personnel.

(3) The report under this subsection shall be organized in a format that permits a ready assessment of the deployment of the National Guard and Reserves by State, by various geographic regions of the United States, and by Armed Force.

(c) REPORT ON EFFECTS OF UTILIZATION OF NATIONAL GUARD AND RESERVES ON LAW ENFORCEMENT AND HOMELAND SECURITY.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall, in consultation

with the chief executive officers of the States, submit to Congress a report on the effects of the deployment of the National Guard and Reserves on law enforcement and homeland security in the United States.

(2) The report under this subsection shall include the following:

(A) The number of civilian first responders on active duty with the National Guard or Reserves who are currently deployed overseas.

(B) The number of first responder personnel of the National Guard or Reserves who are currently deployed overseas.

(C) An assessment by State of the ability of the States to respond to emergencies without currently deployed National Guard personnel.

Mr. STEVENS. I ask for consideration of the amendment.

Mr. REID. I ask unanimous consent that Senator BYRD be added as a cosponsor of the Bingaman amendment.

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

If there is no further debate, the question is on agreeing to the amendment, as modified.

The amendment (No. 1842), as modified, was agreed to.

#### AMENDMENT NO. 1838

Mr. STEVENS. I ask that the Senate consider Senator REID's amendment numbered 1838.

The PRESIDING OFFICER. The amendment is now pending.

Mr. STEVENS. Mr. President, this amendment offered by my friend from Nevada increases spending by \$3.4 billion that causes the underlying bill to exceed the subcommittee allocation under section 302(b). Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Budget Act.

Mr. REID. Mr. President, before the Chair rules, I would simply say I am willing to let this go without a recorded vote. The reason for that is I have spoken to the chairman of the Armed Services Committee, Senator WARNER, and I have spoken to the ranking member, Senator LEVIN, and Senator WARNER has told me he has had a number of high-level meetings with leadership in the House and people from the Pentagon, and that there is every intention of being able to help American veterans.

There has been in existence now for more than 100 years a law that someone who is disabled as a result of military service and also draws retirement pay from the military cannot draw both. This is unfair.

I have worked on this issue now for several years, and we now have it so people who are Purple Heart veterans are able to draw both their disability and their retirement. What is contemplated by Senator WARNER, Senator LEVIN, and others is that that will be increased to up to 50 percent—those who would be able to draw both their disability and their retirement.

I hope that comes to be, as it is so important to the American veterans. This is something that is bipartisan in nature. This amendment before the Senate is sponsored by the Senator

from Nevada, the senior Senator from Arizona, Mr. MCCAIN, and the senior Senator from Arkansas, Mrs. LINCOLN, and it is an issue that has bipartisan support.

If we had a vote on it here, as we have had on a number of occasions, regardless of the cost, as indicated on a number of other occasions, it would pass. I think the incremental steps are something I do not relish, but I am willing to accept that. And I do hope those who have promised us action will be taken in the immediate future will do so. Otherwise, I will be back with Senator MCCAIN and Senator LINCOLN at a subsequent time and cause a vote to occur on this Senate floor.

Mr. STEVENS. Mr. President, the Senator is correct. In the authorization conference, this matter is being considered. That is one reason I said it is with reluctance I make a point of order. But I ask the Presiding Officer to rule on my point of order.

The PRESIDING OFFICER. The point of order has been made, and the point of order is sustained. The amendment falls.

Mr. STEVENS. Mr. President, I will consult with the distinguished acting leader on the other side. Senator GRAHAM does wish a rollcall vote on his amendment No. 1806.

Mr. REID. I say to my friend, the distinguished Senator from Alaska, I would ask that during the time we review that—it will take just a few minutes—the Senator from Wisconsin be allowed to offer his amendment. He has literally been here for hours.

If I could ask what the subject matter is of the amendment, through the Chair to my friend from Wisconsin.

Mr. FEINGOLD. Absolutely. Extending FMLA benefits to families of National Guard members.

Mr. STEVENS. There are people leaving, and I do wish we would get an agreement on when we could call for a rollcall vote on—

Mr. REID. The Senator from Wisconsin told me earlier today he would take no more than 15 minutes to discuss his amendment.

Mr. STEVENS. Can we establish a vote on the Graham amendment at 6 o'clock?

Mr. REID. The only reason I am stalling a little bit here is I do not know the subject matter of the Graham amendment.

Mr. STEVENS. The amendment was cleared, but because of a change he wishes a rollcall vote.

Mr. REID. Mr. President, we would agree when the Senator from Wisconsin completes his statement, which would be 15 minutes from the time I give the floor to him, that there be a vote in relation to the amendment of the Senator from Wisconsin, with no second-degree amendments in order.

Mr. STEVENS. Senator GRAHAM had a chance to explain the amendment to us, but he has not explained it on the floor yet. He would like 5 minutes before the vote, and I would ask that the

Senator be allowed 5 minutes after the Senator has completed his speech, and then following that, we vote, as indicated by the Senator from Nevada, with no further amendments in order.

Mr. REID. I would ask through the Chair to my friend, the distinguished Senator from Alaska, are we going to vote only on Graham, not on Feingold? Are we going to have two votes now?

Mr. STEVENS. We do not know anything about Senator FEINGOLD's amendment.

Mr. REID. So I would ask that my unanimous consent request apply only to the amendment of the Senator from South Carolina.

Mr. STEVENS. Subject to the 5 minutes.

Mr. REID. We do not want time.

Mr. STEVENS. We join in that request, Mr. President.

The PRESIDING OFFICER. Will the Senator from Alaska state his unanimous consent request?

Mr. STEVENS. Mr. President, I ask unanimous consent that when Senator FEINGOLD has completed his remarks, the Senator from South Carolina be recognized to speak for not more than 5 minutes on his amendment No. 1806, and following that time, there be no further amendments in order, and we have a rollcall vote on amendment No. 1806.

Mr. REID. And I would ask for the modification, the amendment of the Senator from South Carolina, as modified.

#### AMENDMENT NO. 1806, AS MODIFIED

Mr. STEVENS. Mr. President, I send the modification to the desk so there will be no misunderstanding about that.

The PRESIDING OFFICER. Is there objection to the request?

Hearing none, it is so ordered. The amendment is modified.

The amendment (No. 1806), as modified, is as follows:

(Purpose: To express the sense of Congress that the removal of the Government of Saddam Hussein has enhanced the security of Israel and other United States allies)

On page 39, between lines 2 and 3, insert the following:

SEC. 3002. (a) Congress finds that—

(1) Israel is a strategic ally of the United States in the Middle East;

(2) Israel recognizes the benefits of a democratic form of government;

(3) the policies and activities of the Government of Iraq under the Saddam Hussein regime contributed to security concerns in the Middle East, especially for Israel;

(4) the Arab Liberation Front was established by Iraqi Baathists, and supported by Saddam Hussein;

(5) the Government of Iraq under the Saddam Hussein regime assisted the Arab Liberation Front in distributing grants to the families of suicide bombers;

(6) the Government of Iraq under the Saddam Hussein regime aided Abu Abass, leader of the Palestinian Liberation Front, who was a mastermind of the hijacking of the Achille Lauro, an Italian cruise ship, and is responsible for the death of an American tourist aboard that ship; and

(7) Saddam Hussein attacked Israel during the 1990-1991 Persian Gulf War by launching

39 Scud missiles into that country and thereby causing multiple casualties.

(b) It is the sense of Congress that the removal of the Government of Iraq under Saddam Hussein enhanced the security of Israel and other United States allies.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

AMENDMENT NO. 1852

Mr. FEINGOLD. Mr. President, I send an amendment to the desk on behalf of myself, Senator WYDEN, and Senator DAYTON, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside and the clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. WYDEN, and Mr. DAYTON, proposes an amendment numbered 1852.

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

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

The amendment is as follows:

(Purpose: To enable military family members to take leave to attend to deployment-related business and tasks)

On page 38, between lines 20 and 21, insert the following new title:

#### TITLE III—LEAVE FOR MILITARY FAMILIES

##### SEC. 3001. SHORT TITLE.

This title may be cited as the "Military Families Leave Act of 2003".

##### SEC. 3002. GENERAL REQUIREMENTS FOR LEAVE.

(a) ENTITLEMENT TO LEAVE.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(3) ENTITLEMENT TO LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—

"(A) IN GENERAL.—Subject to section 103(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

"(i) on active duty in support of a contingency operation; or

"(ii) notified of an impending call or order to active duty in support of a contingency operation.

"(B) CONDITIONS AND TIME FOR TAKING LEAVE.—An eligible employee shall be entitled to take leave under subparagraph (A)—

"(i) while the employee's spouse, son, daughter, or parent (referred to in the subparagraph as the 'family member') is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

"(ii) only for issues relating to or resulting from such family member's—

"(I) service on active duty in support of a contingency operation; and

"(II) if a member of a reserve component of the Armed Forces—

"(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

"(bb) service on active duty in support of such operation.

"(4) LIMITATION.—No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period."

(b) SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule."

(c) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting "or subsection (a)(3)" after "subsection (a)(1)".

(d) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

"(3) NOTICE FOR LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employer as is practicable."

(e) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) CERTIFICATION FOR LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe."

##### SEC. 3003. LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) ENTITLEMENT TO LEAVE.—Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

"(3)(A) Subject to section 6383(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

"(i) on active duty in support of a contingency operation; or

"(ii) notified of an impending call or order to active duty in support of a contingency operation.

"(B) An eligible employee shall be entitled to take leave under subparagraph (A)—

"(i) while the employee's spouse, son, daughter, or parent (referred to in the subparagraph as the 'family member') is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

"(ii) only for issues relating to or resulting from such family member's—

"(I) service on active duty in support of a contingency operation; and

"(II) if a member of a reserve component of the Armed Forces—

"(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

"(bb) service on active duty in support of such operation.

"(4) No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period."

(b) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule."

(c) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by inserting "or subsection (a)(3)" after "subsection (a)(1)".

(d) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

"(3) An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employing agency as is practicable."

(e) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

"(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe."

Mr. FEINGOLD. Mr. President, my amendment would bring a small measure of relief to the families of our brave military personnel who are being deployed for the ongoing fight against terrorism, the war in Iraq, and other missions in this country and around the world.

The men and women of our Armed Forces undertake enormous sacrifices in their service to our country. They spend time away from home and from their families in different parts of the country and different parts of the world and are placed into harm's way in order to protect the American people and our way of life. And, of course, we owe them a huge debt of gratitude for their dedicated service.

The ongoing deployments for the fight against terrorism and for the campaign in Iraq are turning upside down the lives of thousands of active duty, National Guard, and Reserve personnel and their families as they seek to do their duty to their country and honor their commitments to their families, and, in the case of the Reserve components, to their employers as well. Today, there are more than 164,000 National Guard and Reserve personnel on active duty.

Some of my constituents are facing the latest in a series of activations and deployments for family members who serve our country in the military. Others are seeing their loved ones off on their first deployment. All of these families share in the worry and concern about what awaits their relatives and hope, as we do, for their swift and safe return.

Recently, many of those deployed in Iraq have had their tours extended beyond the time they had expected to stay. This extension has sometimes played havoc with the lives of those deployed and their families. Worried mothers, fathers, spouses, and children expecting their loved ones home before Thanksgiving must now wait until months after Christmas before their loved ones' much-anticipated homecoming. The emotional toll is huge. So is the impact on a family's daily functioning as bills still need to be paid, children need to get to school events, and sick family members must still be cared for.

Our men and women in uniform face these challenges without complaint. But we should do more to help them and their families with the many things that preparing to be deployed requires.

Often, military personnel and their families are given only a couple of days' notice that their units will be deployed. These dedicated men and women then have only a very limited amount of time to get their lives in order. For members of the National

Guard and Reserves, this includes telling their employers that they will be deployed for, in many cases, up to a year and a half. I commend the many employers around the country for their understanding and support when an employee or a family member of an employee is called to active duty.

In preparation for a deployment, military families often have to scramble to arrange for child care, to pay bills, to contact their landlords or mortgage companies, and take care of other things that many of us, of course, deal with on a daily basis.

The amendment I offer today would allow eligible employees whose spouses, parents, sons, or daughters are military personnel who are serving on or called to active duty in support of a contingency operation to use their Family and Medical Leave benefits for issues relating to or resulting from that deployment.

These instances could include preparation for deployment or additional responsibilities that family members take on as a result of a loved one's deployment, such as child care.

Let me make sure there is no confusion about what this amendment does and does not do. This amendment does not expand eligibility for FMLA to employees not already covered by FMLA. It does not expand FMLA eligibility to active duty military personnel. It simply allows those already covered by FMLA to use those benefits in one additional set of circumstances—to deal with issues directly related to or resulting from the deployment of a family member.

I was proud to cosponsor and vote for the legislation that created the landmark Family and Medical Leave Act during the early days of my service to the people of Wisconsin as a Member of this body. This important legislation allows eligible workers to take up to 12 weeks of unpaid leave per year for the birth or adoption of child, the placement of a foster child, to care for a newborn or newly adopted child or newly placed foster child, or to care for their own serious health condition or that of a spouse, a parent, or a child. Some employers offer a portion of this time as paid leave in addition to other accrued leave, while others allow workers to use accrued vacation or sick leave for this purpose prior to going on unpaid leave.

Since its enactment in 1993, the FMLA has helped more than 35 million American workers to balance responsibilities to their families and their careers. According to the Congressional Research Service, between 2.2 million and 6.1 million people took advantage of these benefits in the year 1999–2000.

Our military families sacrifice a great deal. Active duty families often move every couple of years due to transfers and new assignments. The 10 years since FMLA's enactment have also been a time where we as a country have relied more heavily on National Guard and Reserve personnel for more

and more deployments of longer and longer duration. The growing burden on these service members' families must be addressed, and this amendment is one way to do so.

This amendment has the support of a number of organizations, including the Wisconsin National Guard, the Military Officers Association of America, the Enlisted Association of the National Guard of the United States, and the National Partnership for Women and Families.

We owe it to our military personnel and their families to do all we can to support them in this difficult time. I hope that this amendment will bring a small measure of relief to our military families.

I urge my colleagues to support my amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment there is not a sufficient second.

Mr. STEVENS. I need time, I say to my friend, to review this with the Armed Services Committee and the Government Affairs Committee before we can consent to that. I am sure there will be a recorded vote at some time, but I hope the Senator will accept a delay in that request.

The PRESIDING OFFICER. Under the previous unanimous consent agreement, the Senator from South Carolina is recognized for 5 minutes.

AMENDMENT NO. 1806, AS MODIFIED

Mr. GRAHAM of South Carolina. Mr. President, I hope this sense-of-the-Senate resolution will pass unanimously.

The purpose of this resolution is to try to put in perspective what has been achieved by Operation Iraqi Freedom. We have suffered greatly in this country. The Iraqi people have suffered. We have lost soldiers, sailors, airmen, and marines. We have spent a lot of money, but I argue that we are much more secure as a nation; that there is one less dictator in the world to help terrorists; and that dispensing with Saddam Hussein's regime has been of particular benefit to our Nation, the region, and the world.

But there is one nation where this has made a dramatic difference. That is the State of Israel. This resolution says in very simple and strong terms that disposing of the Saddam Hussein government has made the State of Israel a more secure place. Why do we say that? During Saddam Hussein's period of ruling, he paid suicide bombers, homicide bombers, in Palestine money, and families of suicide and homicide bombers, to go in and kill innocent Israeli citizens. So when he left, there is one less person to fund people who are trying to destroy peace.

Israel and the Palestinian people deserve to live side by side in peace with two independent states. Saddam Hussein was providing money to people, the Arab Liberation Front, whose goal was to put Israel in the sea.

There is an element of people in that region who don't want to make peace

with Israel. They want to destroy the State of Israel. Saddam Hussein made that possibility more likely by providing aid and comfort and money. So when we took Saddam Hussein out, we made Israel more secure. That is a good thing. I hope the Senate will join in unanimous support of that concept.

The government under Saddam Hussein gave money to the master mind of the hijacking of the *Achille Lauro*. The government of Saddam Hussein launched 39 Scud missile attacks against the State of Israel. People debate, should we have done it? Was it worth it? I argue strongly that it was worth it, not only for us but for the State of Israel. The men and women who have died to replace Saddam Hussein have died to make the world more secure. It is heartbreaking to lose soldiers, sailors, airmen, and marines, but one of the reasons we have a military is to protect ourselves and our allies.

Every now and then in history people such as Saddam Hussein crop up. If they are left alone, innocent people die unnecessarily. If they are left alone, the forces of evil become stronger.

I admire our President who chose to stand up to Saddam Hussein. For over 12 years he has violated every effort to rein him in. Force was necessary. Force was costly. But the benefits of that force have made the region safer, made the Iraqi people free for the first time in decades, and made the State of Israel a more secure place to live. Israel has been a good ally. I would ask all of my colleagues, if at all possible, to legitimize Operation Iraqi Freedom in terms of making Israel more secure because to say otherwise would be an untruth. Let it be said that the men and women who sacrificed to make the Iraqi people free have sacrificed in a way to make people in Israel and our own country safer, more secure, and their hopes and dreams maybe will be realized.

I ask for the yeas and nays. Senator MCCONNELL would like to speak on the measure, and I ask unanimous consent to make him a cosponsor of the amendment.

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

Does the Senator seek the yeas and nays?

The Senator from Alaska.

Mr. STEVENS. Mr. President, I was not informed about the request for time. The agreement we have pending would say we have a vote following the Senator's remarks. If there are Senators who wish to speak, I would like to know who they are and how much time they want to speak so we could change the agreement, at least have a vote. Members are coming back, thinking they are going to vote in a few minutes.

Mr. REID. Will the Senator yield?

Mr. STEVENS. Yes.

Mr. REID. The unanimous consent agreement said that following the statement of the Senator from Wisconsin, the Senator from South Carolina would be recognized for 5 minutes,



and then we would vote. So we have people coming from all over the city here to vote.

Mr. GRAHAM of South Carolina. If I may, Senator MCCONNELL would like to speak. He is here. You are right. I am sorry about the scheduling problem. I ask the body to let Senator MCCONNELL speak for whatever time he needs on the amendment.

Mr. REID. Is that in the form of a unanimous consent request?

The PRESIDING OFFICER. Five minutes have been consumed. Does the Senator from South Carolina seek consent for additional time?

Mr. GRAHAM of South Carolina. Yes, I ask unanimous consent for an additional 3 minutes for the Senator from Kentucky so he may speak on this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, I have no objection to that request if Senator MCCONNELL can speak and then we can vote.

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

The Senator from Kentucky is recognized for 3 minutes.

Mr. MCCONNELL. Mr. President, I thank the Senator from South Carolina for an excellent amendment. There is no ally of the U.S. and the world that benefits more, as the Senator from South Carolina pointed out, from the fall of Saddam Hussein than our good friends, the Israelis. They have watched over the years during the Saddam Hussein regime when he paid people to go into Israel and engage in suicide bombings. They are extremely grateful that there is one less terrorist state in the region to threaten Israel and the United States. In fact, you could argue that Israel benefits every bit as much, if not more so, from the change of regime in Iraq than we do in the United States.

I think this amendment is extremely important. Remember, Saddam Hussein was launching Scud missiles into Israel during the Persian Gulf war. So by changing the regime in Iraq, we have made the situation in Israel dramatically safer than it would have been on top of all of the other reasons why the change in regime in Iraq was in our own best interests. So I thank the Senator from South Carolina for a very important amendment that illustrates the significance of the fall of Saddam Hussein and peace in the Middle East and a chance down the road for there to be a final settlement between Israel and the Palestinians.

Mr. President, I am happy to yield the floor at this point.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. GRAHAM of South Carolina. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 384 Leg.]

YEAS—95

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

NAYS—2

Bingaman

Chafee

NOT VOTING—3

Edwards

Kerry

Lieberman

The amendment (No. 1806), as modified, was agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, we are seeking to urge Members to raise some of the amendments that they have indicated they want to have considered so we might have some discussion of those amendments and schedule them for a vote early tomorrow morning. I know Senator BYRD is prepared to offer an amendment. But I yield to the leader.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. At this juncture, we have a lot of amendments on both sides of

the aisle. We made progress today, although I think we are going to be able to narrow down the number of amendments that people have come forward with and given to the managers. Last night we made real progress by taking amendments to the floor, debating the amendments, and then voting this morning.

After talking to the Democratic leader and managers, it is very clear that we should be able to do that tonight, if people will come forward with those amendments and then stack those amendments tomorrow morning.

Right now, we cannot say with certainty what time that would be. The goal would be to debate amendments tonight and stack those for an appropriate time tomorrow morning.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, I want to agree with the majority leader. I think we did make progress last night. We had good cooperation. A number of amendments were offered. We had votes on them this morning. We want to replicate that tonight. I will be offering an amendment shortly. I know a number of other Senators are planning to offer amendments on our side.

Our expectation is we will have those votes, plus I think there are five amendments pending that we would like to be able to dispose of, either with a voice vote or a rollcall vote, tomorrow morning as well. The majority leader noted we made a lot of progress today. We have a finite list. I think it is important for Senators to come and limit the amount of time that some of these votes may otherwise take. We can have a good debate, but I think we have to get through a lot of work tomorrow. The only way we can do it is if Senators will come to the floor tonight.

As I say, I will offer an amendment now. Senator FEINSTEIN is ready to go with an amendment after I am finished. I don't know if there are others on the Republican side, but we need to bring up four or five amendments tonight. I think we can give the assurance to the majority leader that we will be prepared to do that.

Mr. REID. Will the distinguished Democratic leader yield?

Mr. DASCHLE. I am happy to yield.

Mr. REID. Did you ask consent that following the offering of your amendment the Senator from California, Mrs. FEINSTEIN, be recognized to offer her amendment?

Mr. DASCHLE. Madam President, I referenced the fact that she was prepared to offer it. I ask consent she be recognized after my amendment has been offered.

Mr. STEVENS. Reserving the right to object, Madam President, we are being asked to consent to an order. We have not even seen these amendments. We don't even know the names on the amendments.

I remember, when the tables were turned, vehement objections to such

procedure. I object until I see the amendment to see whether we want to stack them automatically for a vote tomorrow.

Mr. DASCHLE. Madam President, if I could just clarify, we are not asking for consent that they be voted on tomorrow. I said it would be helpful if they could be voted on tomorrow morning. I was just indicating the sequence tonight and hoping to expedite the consideration of these amendments—that after I lay my amendment down and make comments relating thereto, that Senator FEINSTEIN be recognized so she could do the same. If the Senator from Alaska chooses not to do that, we can accommodate him with whatever suggestions he may have for how we do this.

Mr. STEVENS. Is this the loan amendment of the Senator from California?

Mrs. FEINSTEIN. It is my only amendment.

Mr. STEVENS. Is it on the list?

Mrs. FEINSTEIN. It is the one I had with Senator DOMENICI and which Senator DOMENICI is no longer on.

Mr. STEVENS. It would be nice to see it.

Mrs. FEINSTEIN. It is at the desk.

Mr. STEVENS. I thank the Senator.

Mrs. FEINSTEIN. I would be happy to bring one over.

Mr. STEVENS. I withdraw my objection.

Mr. DASCHLE. Madam President, I renew the request.

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

#### AMENDMENT NO. 1854

Mr. DASCHLE. Madam President, if there are no other Senators seeking recognition, I ask unanimous consent to lay aside the pending amendment, and I send an amendment to the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DASCHLE] proposes an amendment numbered 1854.

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

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

The amendment is as follows:

(Purpose: To achieve the most effective means of reconstructing Iraq and to reduce the future costs to the American taxpayer of such reconstruction by ensuring broad-based international cooperation for this effort)

At the end of title II, add the following:

SEC. 2313. (a) LIMITATION ON AMOUNT OF FUTURE FUNDS AVAILABLE FOR IRAQ RECONSTRUCTION PROGRAMS.—Notwithstanding any other provision of this Act or any other provision of law, the amount of appropriated funds that may be obligated and expended for Iraq reconstruction programs may not exceed the current appropriated amount for Iraq reconstruction programs unless—

(1) the President certifies to Congress that the amount of appropriated funds to be so obligated and expended for Iraq reconstruc-

tion programs is equal to or exceeded by an amount of contributions from the international community for Iraq reconstruction programs; or

(2) the President—

(A) determines that, notwithstanding the lack of contributions by the international community for Iraq reconstruction programs in an amount described in paragraph (1), the obligation and expenditure of appropriated funds for Iraq reconstruction programs in excess of the current appropriated amount for Iraq reconstruction programs is in the national security interests of the United States; and

(B) submits to Congress a written notification on that determination, including a detailed justification for the determination.

(b) CONSTRUCTION WITH LATER ENACTED PROVISIONS OF LAW.—This section may not be superseded, modified, or repealed except pursuant to a provision of law that makes specific reference to this section.

(c) DEFINITIONS.—In this section:

(1) The term “current appropriated amount for Iraq reconstruction programs” means the aggregate amount appropriated or otherwise made available by this Act, and by any Act enacted before the date of the enactment of this Act, for Iraq reconstruction programs.

(2)(A) the term “Iraq reconstruction programs” means programs to address the infrastructure needs of Iraq, including infrastructure relating to electricity, oil production, public works, water resources, transportation and telecommunications, housing and construction, health care, and private sector development.

(B) The term does not include programs to fund military activities, (including the establishment of national security forces), public safety (including border enforcement, police, fire, and customs), and justice and civil society development.

Mr. DASCHLE. Madam President, we have been debating this critical piece of legislation now for over a week. Most of the debate has properly centered on the immediate issues presented by the bill before us: How much of the \$20 billion the President is seeking for reconstruction of Iraq should American taxpayers provide, and under what terms and conditions should they provide it?

We will have an opportunity tomorrow to talk about a number of specific amendments dealing with loan relationships with Iraq and the probability that the debate centering on whether or not Iraq should be required to take some of the assistance in the form of a loan will be resolved before the end of the week.

There are widely divergent and strongly held views within this Chamber about how we should answer the questions involving loans and grants, and what responsibilities Iraq should have.

While Senate passage of \$87 billion to secure and rebuild Iraq seems certain, each of us knows the amount contained in this bill is not sufficient to complete the task. The administration itself has argued that we may need another \$55 billion beyond the request made in this appropriations bill today. We don't know how we will do in the donors' conference. But I am told the best we can expect at this point is about \$3 billion from the international community. If it is still accurate that \$55 bil-

lion may be required, and that \$3 billion of that may be provided today at least—and that is over a period of time, and in some cases we are told that it could be 4 or 5 years before some of that \$3 billion is actually committed—then obviously rebuilding Iraq would take many more years and many tens of billions of dollars in addition to what is now being considered within this legislation.

The amendment I am offering tonight simply requires that the President do what he said he will do—work with the international community to ensure that the American taxpayer does not continue to act alone or largely alone in picking up future reconstruction costs. The amendment simply seeks to ensure that the international community is an equal partner in any future reconstruction costs beyond those contained in the bill before us.

Basically, what we are saying is we will make our decision about the \$87 billion, but we recognize this may not be the last request; that there will be additional needs. This amendment simply says that as we consider those additional needs, we ask the President to certify that other nations are paying their fair share of any future costs beyond the \$87 billion for the occupation and rebuilding of Iraq before he uses additional American taxpayer dollars to finance these efforts.

I want to emphasize that it doesn't touch one dime of the \$87 billion request. Other amendments will seek to address those concerns, and obviously I intend to support them. This pending amendment simply says to the President: You must provide some assurance that the international community will support our efforts to expend additional funds beyond the \$87 billion for Iraq's reconstruction.

This amendment will not affect security-related expenditures. No limitations are placed on the President's ability to expend funds for our troops, Iraqi troops, or for Iraqi public safety programs such as border enforcement, police, fire and customs. And no limitations are placed on the President's ability to commit funds to develop Iraq's justice system.

If the President is unable to get the international community to pay its fair share of future Iraqi construction costs, the amendment permits the President to expend still more taxpayer dollars on Iraq's reconstruction with one provision. That provision is that he certify to Congress that additional U.S. expenditures on Iraq's reconstruction are in our national security interests. We don't tie the President's hands. We permit him to get everything he is asking for today—enough to stabilize and rebuild Iraq for a year according to the administration's estimates. It gives him time to round up additional support for our efforts in Iraq should he deem it necessary to ask America's taxpayers to provide additional funds. And we give

him a waiver if he fails to secure the additional international support.

More than 6 months after the end of the Hussein regime, the cost of rebuilding and securing Iraq, both in the lives lost and in money now expended, appear without end. Now more than ever, we need to engage the support of the international community prior to the donors' conference, and this amendment would allow us to do that. The entire world will benefit from a democratic and prosperous Iraq. The entire world has an obligation to help us build a better future for the Iraqi people.

As the President noted just last month in his address about his administration's efforts in Iraq, "we are committed to expanding international cooperation in the reconstruction and security of Iraq." This amendment provides the President the leverage to make that promise a reality.

I hope our colleagues will endorse this amendment on a bipartisan basis. This is simply an opportunity for us to say from here on out, regardless of what you may think of the \$87 billion, the time has come for the international community to participate, and it is critically important that we send that message to the donors' conference when we have that occasion to do so later on this month.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized.

Mrs. FEINSTEIN. Thank you very much, Madam President.

AMENDMENT NO. 1848

Mrs. FEINSTEIN. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mrs. BOXER, Mrs. CLINTON, Mr. DURBIN, Mr. JOHNSON, and Mrs. MURRAY, proposes an amendment numbered 1848.

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

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

The amendment is as follows:

(Purpose: To require reports on the United States strategy for relief and reconstruction efforts in Iraq, and to limit the availability of certain funds for those efforts pending determinations by the President that the objectives and deadlines for those efforts will be substantially achieved)

Strike section 2309 and insert the following:

SEC. 2309. (a) LIMITATION ON AVAILABILITY OF FUNDS FOR RELIEF AND RECONSTRUCTION IN IRAQ PENDING DETERMINATIONS BY THE PRESIDENT.—Notwithstanding any other provision of this Act, of the amount appropriated by this title under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND"—

(1) \$6,770,000,000 shall be available 120 days after the date of the enactment of this Act, but only if the President determines under subsection (b)(1) that the objectives and associated deadlines referred to in that subsection have been substantially met; and

(2) \$6,770,000,000 shall be available 240 days after the date of the enactment of this Act,

but only if the President determines under subsection (b)(2) that the objectives and associated deadlines referred to in that subsection have been substantially met.

(b) DETERMINATIONS.—(1) Not later than 120 days after the date of the enactment of this Act, the President shall determine whether or not the objectives, and associated deadlines, for relief and reconstruction efforts in Iraq, as specified in the report under subsection (c), have been substantially met.

(2) Not later than 240 days after the date of the enactment of this Act, the President shall determine whether or not the objectives, and associated deadlines, for relief and reconstruction efforts in Iraq, as specified in the most current report under subsection (d), have been substantially met.

(c) INITIAL REPORT ON RELIEF AND RECONSTRUCTION.—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report on the United States strategy for activities related to post-conflict security, humanitarian assistance, governance, and reconstruction to be undertaken as a result of Operation Iraqi Freedom. The report shall include information on the following:

(1) The distribution of duties and responsibilities regarding such activities among the agencies of the United States Government, including the Department of State, the United States Agency for International Development, and the Department of Defense.

(2) A plan describing the roles and responsibilities of foreign governments and international organizations, including the United Nations, in carrying out such activities.

(3) A strategy for coordinating such activities among the United States Government, foreign governments, and international organizations, including the United Nations.

(4) A strategy for distributing the responsibility for paying costs associated with reconstruction activities in Iraq among the United States Government, foreign governments, and international organizations, including the United Nations, and for actions to be taken by the President to secure increased international participation in peacekeeping and security efforts in Iraq.

(5) A comprehensive strategy for completing the reconstruction of Iraq, estimated timelines for the completion of significant reconstruction milestones, and estimates for Iraqi oil production.

(d) SUBSEQUENT REPORTS ON RELIEF AND RECONSTRUCTION.—(1) Not later than 60 days after the submittal of the report required by subsection (c), and every 60 days thereafter until all funds provided by this title are expended, the President shall submit to Congress a report that includes information as follows:

(A) A list of all activities undertaken related to reconstruction in Iraq, and a corresponding list of the funds obligated in connection with such activities, during the preceding 60 days.

(B) A list of the significant activities related to reconstruction in Iraq that the President anticipates initiating during the ensuing 60-day period, including—

(i) the estimated cost of carrying out the proposed activities; and

(ii) the source of the funds that will be used to pay such costs.

(C) Updated strategies, objectives, and timelines if significant changes are proposed regarding matters included in the report required under subsection (c), or in any previous report under this subsection.

(2) Each report under this subsection shall include information on the following:

(A) The expenditures for, and progress made toward, the restoration of basic services in Iraq such as water, electricity, sewer,

oil infrastructure, a national police force, an Iraqi army, and judicial systems.

(B) The significant goals intended to be achieved by such expenditures.

(C) The progress made toward securing increased international participation in peacekeeping efforts and in the economic and political reconstruction of Iraq.

(D) The progress made toward securing Iraqi borders.

(E) The progress made toward securing self-government for the Iraqi people and the establishment of a democratically elected government.

(F) The progress made in securing and eliminating munitions caches, unexploded ordnance, and excess military equipment in Iraq.

(G) The measures taken to protect United States troops serving in Iraq, and an estimated schedule of United States troop strengths in Iraq for each ensuing 120-day period.

Mrs. FEINSTEIN. Madam President, I believe this amendment to this supplemental would provide some additional transparency and oversight as to how the \$20.3 billion in reconstruction funding is spent. The amendment essentially releases the appropriation of the \$20.3 billion in three tranches. These tranches are not fenced, but they are conditioned on the President presenting a reconstruction plan to Congress with specific goals and timetables, and reporting to Congress on how that plan is being implemented.

The amendment began as a bipartisan amendment. Unfortunately, at this stage it is not, but it is cosponsored by Senators MURRAY, DURBIN, JOHNSON, CLINTON, and BOXER.

Specifically, the amendment would provide for the immediate release of one-third of the \$20.3 billion for reconstruction in Iraq—that is \$6.77 billion—with the President required to provide Congress with a comprehensive plan for Iraqi reconstruction. The plan would include goals and timetables for specific reconstruction activities.

Second, it would provide for the release of the remaining \$13.54 billion requested in two equal disbursements of \$6.77 billion, the second tranche after 120 days—or 4 months—and the final after 240 days. Both disbursements would be subject to a Presidential determination that the goals and timetables spelled out in these detailed reports are being met.

Third, this would require that the President submit reports to Congress every 60 days about how the money is spent.

What is the purpose of this? This is a lot of money. The American public are divided on whether we should spend \$20 billion reconstructing Iraq or we should give it for deficit reduction or to priorities in this country. There is no plan. We do not know exactly how this money is going to be spent.

What this amendment aims to do is provide a mechanism for both a certification process by the President that the goals and timetables are being met and for regular reports to this Congress about how that is taking place. That does not seem to me to be too much to ask.

In doing so, it also gives us the ability to review how the money is being spent, what costs are being incurred, who else is contributing, and what progress is being made in meeting important security, political, and economic reconstruction milestones. These are significant improvements.

It is hard for me to understand why the administration does not want this to be done, why the administration expects to be given a blank check, and this body that is charged with the purse strings is not able to carry out diligent oversight.

There may be a significant disagreement among Members of the Senate about the wisdom of a course of action which has led us to this point in Iraq. But now that the United States is in Iraq, it is clear to me we must stay the course. We must rebuild the infrastructure. We must prevent civil war. We must see to it that Iraq does not become a base for terror and instability throughout the region.

Indeed, from a national security perspective, I strongly believe the United States cannot turn tail and run. Instead, we must see to it that a stable governmental structure and a viable economy, apart from Saddam's tyrannical dictatorship, can in fact be put in place. If the United States were to pull out without completing the job—which rejection of the supplemental would mean—I believe Iraq would inevitably see civil war and a return to the Baathist regime, perhaps headed by someone as bad as or worse than Saddam Hussein. If the United States were to cut and run, as we did in Lebanon, or more recently in Somalia, we would send precisely the wrong message to both our friends and our foes around the world.

For many, the challenges we now face in Iraq illustrate the shortcomings of a doctrine of unilateral preemption and preventive war to deal with an asymmetrical threat. When we use force against a state to seek regime change, we are left with the inescapable reality and role that we have today, and that is nation building. There is no other way to put it. But once there, we must complete the task.

As much as I may wish we could structure this package as loans, that there be greater international contributions to the reconstruction effort, that Iraqi oil could be quickly brought on line to underwrite costs, that some of the funds earmarked to be spent in Iraq could be spent on domestic priorities instead, or that we pay for this supplemental by deferring a large tax cut for Americans earning more than \$340,000 a year, thus far, all those options have been debated and voted down in this body. I voted for all these amendments, both in committee and on the floor.

But today the United States has an inescapable responsibility in Iraq. It is clear to me that now we are there, we must win the peace. However, we, as a Senate, also have a responsibility, to

know what the plan is, to be able to buy into that plan, to understand the goals and the timetables of this reconstruction effort, to know when a constitution will be written, to know when a government can be turned over, and to understand what specific projects are going to be undertaken.

This amendment asks for nothing more than that. It is justified, I believe, because it does just that. I had five Republican sponsors. Apparently they were weaned off by the White House. But this resolution was carefully crafted not to create a problem for the administration but to say, as a Senate, we have an absolute right to know the details, to know the timelines, to know the plans, and you, Mr. President, have an obligation to report to us on what they are and to certify that what you say is actually happening. That is all this amendment does. It does not fence funds. It does not require another vote by this body. But it does say, if we support you, you have an obligation to let us know what you are doing, how you are doing it, and the timelines of completing the mission. I don't think that is too much to ask.

Along with my prior cosponsors, before they dropped off, we worked hard on this. This was negotiated not to present an encumbrance but to present a justifiable reporting requirement with certification by the President. The only thing was that the money would be released in three equal tranches 4 months apart.

I have a very hard time, unless people do not want to say what they are doing, as to why this amendment would not be acceptable to the other side of this aisle as well as to this side of this aisle. It is my sincere hope that by some miracle we could get that concurrence.

The work we have yet to do in Iraq is consequential. How do we stabilize Iraq? It is a nation with a long and bloody history of tribal rivalries. It has known only despotism and tyranny. How do we plant the seeds of democracy? What is the timeline for that? This country has never known democracy. How do we rebuild an economy shattered by years of neglect, repression, and war? I believe we can accomplish this job. Iraq could well become a beacon of stability in this volatile area. But it is a tall order.

In conclusion, I believe the amendment is a well-thought-out approach that gives Congress and the American people a more meaningful and substantive oversight role in the reconstruction of Iraq and it says to this administration, we will work with you, we will stay the course, but the American people must know where that course will lead us and how we are going to get there. This amendment asks for no more and no less.

I yield the floor.

Mr. STEVENS. Will the Senator respond to a question?

Mrs. FEINSTEIN. I would be happy to.

Mr. STEVENS. Is it the Senator's intention that the money, one-third, be available at the end of 120 days?

Mrs. FEINSTEIN. No; the first one-third right away; the second third 4 months later; the third third in another 4 months. At 120, 240 days.

Mr. STEVENS. I thank the Senator.

Mrs. FEINSTEIN. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. I state for the information of Senators, we will make some agreements concerning time for the vote to take place tomorrow on the Senator's amendment.

I will oppose the amendment. It is an amendment that would limit the discretion and use of these funds. These funds are designed to as quickly as possible bring about the reconstruction of Iraq and the training of Iraqis to take over their own affairs, to defend themselves, to provide their own security, provide their own water, provide their own electricity, run their own schools—a whole series of things to have this money available, as the Senator says, in the tranches. We can do so much for 120 days. You have to wait for another 120 days before you can have the next money, and another 120 days for the next money.

Now, when you look at that, what it really means is you are going to have to decide we are going to be there for at least a year just doing what is designed in this process to be an upfront program to move quickly as possible to turn this government back to them.

I think that is a restriction on the use of these funds that would hamper the ability of Ambassador Bremer and General Abizaid to carry out their instructions they have already received from the Congress and the instructions that are generally contained in this bill.

It is my intention to speak further on the amendment tomorrow, but just so there would be no question about it, I will oppose the Senator's amendment and urge that it be defeated. It remains to be seen whether I will ask to table the amendment or to just have a vote on it. We will determine that tomorrow.

But I do thank the Senator for her response to my question, and I yield the floor on this matter.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I believe the yeas and nays were granted, so there will be a vote; is that not correct?

Mr. STEVENS. There will be a vote, but we will confer with the Senator when that vote will occur sometime tomorrow. Last-vote notices have gone out for tonight.

Mrs. FEINSTEIN. I thank the Senator.

Mr. President, I would like to make one further point, just to debate this.

There are many of us who believe the very size of the supplemental means we are going to be in Iraq for a substantial period of time, and, most probably, the supplemental is meant to run through the election. That is the inescapable real life that we live.

So we look at this effort as one that is a joint effort between the White House and this Senate and this House in the sense that we are prepared to stay the course provided you share with us what the plan is, what the goals are, what the timetables for achieving the mission, in effect, are.

It is hard for me to understand how more than \$6 billion could be used in a 4-month period. So nothing is held up. It is three equal tranches. I have a hard time, with what I do know about it, envisioning more than \$6 billion being spent in a 4-month period.

So I do not believe this amendment is any kind of an encumbrance on the administration at all. It is simply a request for oversight, which I believe is our constitutional duty.

Mr. STEVENS. 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. NELSON of Florida. 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. NELSON of Florida. Mr. President, I ask unanimous consent to set aside the pending amendment.

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

#### AMENDMENT NO. 1858

Mr. NELSON of Florida. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 1858.

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

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

The amendment is as follows:

(Purpose: To set aside from certain amounts available for the Iraq Relief and Reconstruction Fund, \$10,000,000 for the Family Readiness Program of the National Guard)

At the end of title II, add the following:

SEC. 2313. Of the amounts appropriated by chapter 2 of this title under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT" under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND", other than amounts available under such heading for security (including public safety requirements, national security, and justice), \$10,000,000 shall be available only for the Family Readiness Program of the National Guard.

Mr. NELSON of Florida. Mr. President, as many of our colleagues are aware, the National Guard has undergone a difficult year with their rapid

mobilization and deployment to Iraq and a redeployment date that continues to slip. This has happened to the National Guard in State after State. It has particularly happened with regard to Florida. Florida was actually mobilized the day after Christmas. They went into the armories and started packing their gear. Many, of course, thought it was going to be a very short war, as it was. The military conflict was successfully prosecuted by General Tommy Franks. But all of them were clearly understanding there was the likely possibility they were going to be gone for a year. What they did not expect, with the occupation having been as difficult as it has, was that they were going to be extended, in some cases, up to 16, 17, and perhaps even 18 months from when they first came in to start packing up at the armory of their National Guard unit.

In State after State, these National Guard units have been so effectively trained and, given the adequate and up-to-date equipment in the field, they have performed so admirably. That is clearly the case with the 124th Infantry, which consists of three battalions from Florida. They are so good, they want to continue to keep them. That is like a double-edged sword. Our Guard is so good, and yet they have families, they have employers, and they are making a financial sacrifice. They are prepared to do that. Now that we are offering these supplemental appropriations for Iraq, there is something we can do.

It is my hope we are going to get to the point that the managers will accept this amendment. I have offered this amendment. I may not have to call for a vote because I think it might be accepted.

This amendment provides \$10 million for the Family Readiness Program. Right now that program does not have any funding. This program for the National Guard has 396 family assistance centers around the United States. These assistance centers are the primary point of assistance to the families on items such as unit information—this is the National Guard; this is not the regular Army—on referral to medical, financial, social services, and counseling for the families.

Why do families need this assistance? Because often those families are suffering financial hardship. Their loved one as a civilian was earning a certain salary, and when they go on active duty, they are earning, in many cases, a much lower salary. Or, goodness gracious, let's not hope they are self-employed and that business is not being tended to while they are being extended. They all understood the sacrifice they were going to make, and they were willing to make that sacrifice because they are loyal citizens ready to fight for the interests of their country.

The simple fact is, they need some assistance through these family assistance centers, and there is no funding set aside for this critical task.

Out of the \$15 billion—not the \$20 billion because \$5 billion of that is going to assist in building up an Iraqi security and police force—but out of the remaining \$15 billion of the \$87 billion supplemental appropriations, that is going to reconstruction, the infrastructure needs in Iraq, I respectfully suggest to our colleagues that we need to put some money into these family assistance centers through the Family Readiness Program of the National Guard.

In August and just recently during the last recess when I was home, I ended up having 25 town hall meetings. I met with innumerable families. I am telling you, the support from these family assistance centers is often their Rock of Gibraltar, where they get information, where they share with each other, where, if they are in financial distress, they can get counseling, and if the financial distress leads to medical problems, they can get the right medical referrals. This is the least we can do for our people whose loved ones back home are often taking the brunt.

Today I seek support for those soldiers in the National Guard who have supported our mission in Iraq so bravely and are serving far from home and their loved ones.

I will stop my comments right there. I could go on. Does the manager of the bill have any questions for me? I will be happy to respond. I yield to the manager, the Senator from Montana.

Mr. BURNS. The Senator from Florida has explained his amendment very well. I have no questions.

Mr. NELSON of Florida. Then, Mr. President, I yield the floor and, at the appropriate time, I will call for the vote, unless it is the pleasure of the managers of the bill that they want to accept the amendment as part of a package.

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

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

Mr. REID. Mr. President, I ask that the pending amendment be set aside.

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

#### AMENDMENT NO. 1859

Mr. REID. I send an amendment to the desk on behalf of Senator LANDRIEU.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Ms. LANDRIEU, proposes an amendment numbered 1859.

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

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

The amendment is as follows:

(Purpose: To promote the establishment of an Iraq Reconstruction Finance Authority and the use of Iraqi oil revenues to pay for reconstruction in Iraq)

On page 38, between lines 20 and 21, insert the following new section:

SEC. 2313. (a) The President shall direct the head of the Coalition Provisional Authority in Iraq, in coordination with the Governing Council of Iraq or a successor governing authority in Iraq, to establish an Iraq Reconstruction Finance Authority. The purpose of the Iraq Reconstruction Finance Authority shall be to obtain financing for the reconstruction of the infrastructure in Iraq by collateralizing the revenue from future sales of oil extracted in Iraq. The Iraq Reconstruction Finance Authority shall obtain financing for the reconstruction of the infrastructure in Iraq through—

(1)(A) issuing securities or other financial instruments; or

(B) obtaining loans on the open market from private banks or international financial institutions; and

(2) to the maximum extent possible, securitizing or collateralizing such securities, instruments, or loans with the revenue from the future sales of oil extracted in Iraq.

(b) It is the policy of the United States that payment of the cost of reconstruction in Iraq, other than payment made with funds made available in this title under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND" under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT" or made available by a foreign country or an appropriate international organization, should be the responsibility of the Iraq Reconstruction Finance Authority.

Ms. LANDRIEU. Mr. President, the amendment establishes the Iraq Reconstruction Finance Authority. The amendment states the United States will not commit further grants toward Iraq's reconstruction beyond the \$20.3 billion requested by the President. Any further monetary commitments by the United States should be secured through the Iraq Reconstruction Finance Authority using Iraq's revenues from oil production. This amendment does not cut the \$20.3 billion requested by President Bush.

There can be no doubt that America must participate in Iraq's reconstruction. However, direct grants are not the only means of providing reconstruction dollars.

RAND reports that U.S. post-war reconstruction efforts in seven conflicts since World War II have averaged 7 years in duration. We must develop a sustainable means of financing Iraq's reconstruction. The American people will not support giving money to Iraq for 7 years when Iraq possesses well over 112 billion barrels of oil, valued at least \$2.5 trillion at \$22 a barrel, that could be used to finance Iraq's reconstruction. RAND and the World Bank report Iraq's reconstruction will cost at least another \$36 billion. The Institute of International Finance says the price tag will hit \$75 billion. Ambassador Bremer testified before the Appropriations Committee that the administration will ask for little or no money next year for Iraq's reconstruction, yet non-partisan studies indicate more funding will be necessary.

Conservative estimates say Iraq has 112 billion barrels of oil in its reserve, with possibly the same amount undiscovered. Conservative estimates say Iraq will generate \$28 billion in oil revenues in 2004, 3.5 million barrels at \$22 a barrel. Oil closed at \$32 a barrel last night. Iraq is capable of generating billions in revenue each year so that Iraq can be a partner with the United States and the international community in its own reconstruction.

What worked in the Marshall plan should work in Iraq's reconstruction. Germany's vast coal resources were pledged to secure the matching requirements of the U.S. Government contained in the Marshall plan.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business with Senators permitted to speak for up to 10 minutes each.

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

#### NOTICE OF PROPOSED RULEMAKING—OFFICE OF COMPLIANCE

Mr. STEVENS. Mr. President, I ask unanimous consent the attached statement I send to the desk from the Office of Compliance be printed in the RECORD today pursuant to section 303(b) of the Congressional Accountability Act of 1995, 2 U.S.C. 1383(b).

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

U.S. CONGRESS,  
OFFICE OF COMPLIANCE,  
Washington, DC, October 15, 2003.

Hon. TED STEVENS,  
President pro tempore, U.S. Senate,  
Washington, DC.

DEAR MR. PRESIDENT: A Notice of Proposed Rulemaking (NPR) for proposed amendments to the Procedural Rules of the Office of Compliance was published in The Congressional Record dated September 4, 2003. The period for submission of comments announced in that NPR ended on October 6, 2003.

A Notice of Proposed Rulemaking—Extension of Period for Comment was published in The Congressional Record dated October 2, 2003. That Notice extended the period for submission of comments announced in the NPR to and including October 20, 2003.

The Board of Directors of the Office of Compliance will hold a hearing regarding the comments which have been submitted during the comment period. The hearing will be open to the public. The hearing will take place on Tuesday, December 2, 2003, at 10 a.m. in room SD-342 of the Dirksen Office Building. Individuals or organizations who have submitted written comments during the comment period may supplement those comments by an oral presentation at the

hearing. Individuals or organizations who have timely submitted comments during the comment period which ends on October 20, 2003, and who wish to make an oral presentation at the hearing, must submit a written request to William W. Thompson II, Executive Director, Office of Compliance, 110 2nd Street, SE., Washington, DC on or before Friday, November 14, 2003. Oral presentations are limited to 20 minutes per commenter, unless extended by the Board.

We request that this Notice of Hearing be published in the Congressional Record. Any inquiries regarding this Notice should be addressed to the Office of Compliance at the above address, or by telephone: 202-724-9250, TTY 202-426-1665.

Sincerely,

SUSAN S. ROBFOGEL,  
Chair.

#### REMEMBERING KENTUCKY GOVERNOR NED BREATHITT

Mr. BUNNING. Mr. President, the Commonwealth of Kentucky lost one of its greatest statesmen on October 14, 2003. Former Gov. Ned Breathitt left us last night and is on his way to a better place.

Governor Breathitt left a great imprint on Kentucky's history and his bloodline ran deep in Kentucky's heritage. There is even a Breathitt County which is named after his distant uncle who was also a Governor of Kentucky.

Kentuckians elected Ned Breathitt as their Governor in 1963. He served until 1967 with great leadership and accomplishment. The 1960s were somewhat and sometimes tumultuous for the South. Governor Breathitt's progressive politics and compassion for all enabled him to be one of the true civil rights leaders in Kentucky. With conviction and purpose, he fought racial discrimination and ushered in a lasting equality for Kentuckians.

Governor Breathitt also worked tirelessly to help improve our schools and education system in Kentucky. He truly believed that Kentucky's pride and best assets were its citizens. This led him to create and implement the community college system under the University of Kentucky, and to this day it is one of the best systems around. Besides wanting to ensure Kentuckians a strong education, he also was deeply concerned about their health and environment. This led him to help strengthen our conversation and environmental laws, and ensuring that our pristine treasures and waters were protected and preserved for generations to come.

But aside from him being my Governor, he was also my friend. When I first arrived in Congress in 1987, Ned and his wife Lucy were living in Washington, DC. They welcomed my wife Mary and me with open arms. We were newcomers to the area and Ned and Lucy had moved out a few years before we did. We became good friends. We played bridge together, dined out and socialized together. We all laughed a lot. Mary and I enjoyed their company so much.

Our prayers and thoughts go out to Lucy and her family. We all know it is

difficult to lose a loved one. But Lucy is strong. I know she is left with the comfort that Ned is in a better place, that his life was extraordinary in the way it touched others, and that he loved her and their family and Kentucky so dearly. Ned Breathitt was as good as they come. He was Kentucky at its best.

#### CRISIS IN ZIMBABWE

Mr. FEINGOLD. Mr. President, I want to call the Senate's attention to the ongoing crisis in Zimbabwe. For years now, the Government of Zimbabwe, led by President Robert Mugabe, has pursued policies characterized by repression, brutality, corruption and mismanagement. The costs to the people of Zimbabwe have been terribly steep. Alongside intimidation and repression, Zimbabweans must contend with the economic consequences of this disaster. According to *The Economist* magazine, the country's GDP has shrunk by a third in the past 3 years; inflation has surged over 420 percent and 70 percent of the population lives in poverty. A country that should be an engine of growth in the region has instead become an anchor, dragging down the prospects for increased investment and prosperity. A people that should have been able to unite and focus their energies on fighting the AIDS pandemic that threatens their society is instead coping with the systematic destruction of the rule of law within their borders.

Mugabe's government would like the world to believe that it is pursuing a policy of defiance, charting an independent course, and refusing to be bullied by westerners. But this is a smokescreen, a distraction from the fact that when voters are intimidated, it is not the West that is defied, it is the will of the Zimbabwean people. When journalists are tortured and independent media outlets—most recently the popular *Daily News*—shut down, the bully is not the West, it is the Government of Zimbabwe. There is nothing heroic or revolutionary about the policies pursued by Mugabe's government. Sadly, they are taken from the familiar playbook used for decades by self-serving, dictatorial governments around the world.

Secretary of State Powell was right to call on African leaders, and especially South African President Thabo Mbeki, to take a stronger position on the crisis and to re-energize their efforts to help resolve it. Make no mistake, these leaders are not indifferent to the problem. They are coping with waves of Zimbabwean migrants fleeing persecution and the hopelessness of complete economic collapse. They are struggling against the downward force of the economic maelstrom across their borders. But quiet diplomacy is not working, and Zimbabweans continue to suffer. I urge African leaders to tell it like it is, and to express their solidarity with the Zimbabwean people,

not the disgraced and corrupt Zimbabwean Government.

#### AGRICULTURAL CONCENTRATION

Mr. FEINGOLD. Mr. President, increased consolidation and market concentration are, without question, prevalent concerns throughout the Nation. In particular, I am deeply disappointed to learn that the pork division of Farmland Foods has been sold to Smithfield Foods in a bankruptcy auction. Acquisition of Farmland Foods by either of the auction's bidders, Smithfield Foods and Cargill, has significant potential to lessen competition, harming both farmers and consumers. In this and many other cases, the Department of Justice has looked the other way in enforcing antitrust law, failing to maintain competitive markets.

As I travel around my home State of Wisconsin, agricultural concentration is raised by farmers and growers on a consistent basis. I am greatly concerned that industry trends toward consolidation and concentration are causing great disruption, and sometimes ruin, for our Nation's small- and medium-sized producers. It is my understanding that this acquisition would give Smithfield control of a significant portion of the pork processing industry in the U.S. market access for small and independent pork producers is already inadequate, and this merger will only exacerbate the problems of discrimination, a lack of negotiating power, and the low prices that farmers face.

While this acquisition would reduce competition among purchasers of live hogs, I am also concerned about the lack of benefit to consumers. At the other end of the food marketing chain, consumers are not seeing any decreases in the price they pay at the grocery store for these products. Having fewer competitors providing pork products to American consumers is unlikely to result in lower prices in the supermarket.

I am disappointed that the Department of Justice did not choose to enforce antitrust laws regarding the acquisition of Farmland Foods by either Cargill or Smithfield Foods. The lack of action by the Department does a disservice to the hard working men and women in the agricultural industry and only functions to increase the mounting obstacles to garner a fair price for their product.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Okinawa,

Japan. On October 27, 1992, Terry Helvey brutally murdered Navy Seaman Allen R. Schindler, Jr., his ship mate. Helvey beat and stomped Schindler to death because Schindler was gay. Helvey's attack was so vicious that he destroyed every organ in Schindler's body. Schindler was so badly beaten that he could hardly be identified afterward. Schindler's mother, Dorothy Hajdys-Holman, could only identify her son by the remains of a tattoo on his arm. The medical examiner compared Schindler's injuries to those sustained by victims of fatal airplane crashes.

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.

#### A TRAGEDY IN GAZA

Mr. SMITH. Mr. President, this morning, we awoke to the tragic news of what happened to the convoy of United States personnel traveling in Gaza. My condolences go out to their families, loved ones and colleagues.

These brave Americans were accompanying United States diplomats going to interview young Palestinians for the opportunity to study in this great country on Fulbright scholarships—offering them a chance for a better life. These fallen men were the 48th through 51st American victims of Palestinian Arab terrorism since the signing of the Oslo accords in 1993 alone.

Several of my colleagues have made mention of the fact today that Saddam Hussein rewarded terrorists who carried out suicide bombings in Israel. We must not forget that dozens of Americans were among their victims, and that many who planned and orchestrated these horrific acts remain at large today.

The deplorable attack on the U.S. convoy sickens me, but it does not surprise me. It should have not been allowed to come to this. For far too long, the State Department has done little to bring the murderers of Americans in certain regions and incidents to justice.

For the other 48 Americans, the wheels of justice have been virtually non-existent. This is because every step of an investigation abroad must be cleared by and coordinated with the Department of State. For too many years, and for too many American families, adequate consent and opportunity to pursue has simply not been forthcoming due to "diplomatic" considerations.

This is wrong. The families who have lost loved ones should not have their grief compounded by a lack of justice from our own system. The virtual impunity afforded certain terrorists sends the wrong foreign policy signal to



would-be terrorists around the globe. If we are indeed engaged in a global war on terrorism, then why is justice not pursued to its fullest extent when the terrorists are Palestinian or citizens of countries, such as Indonesia or Yemen, with which we are keen to maintain good relations?

We must send the message that we, as a country, are no less than 100 percent committed in our resolve to investigate and prosecute the murder of innocent Americans abroad, whether they be high-level diplomats, school teachers on a picnic, or children whose lives are cut short.

We have sent precisely the wrong message to would-be terrorists in certain regions of the world for far too long. This culminated in today's tragic events in Gaza. The State Department obviously maintains considerable influence in the investigation of the cases of official and non-official Americans who have been killed abroad.

But the pursuit of justice should not primarily be an issue of diplomacy, but of justice. The return address for this entire issue of Americans who have been killed by terrorists abroad simply belongs in the Justice Department.

That is why I call upon you today to join me and almost two dozen other Senators in cosponsoring the Koby Mandell Act of 2003. The act calls for transferring the lead responsibility for the investigation and prosecution of terrorists who have killed Americans abroad into its rightful destination, the Department of Justice.

I urge you to cosponsor S. 684, the Koby Mandell Act of 2003, and to send a message to terrorists that we have their number, and that one day, hopefully sooner than later, their number will be up.

#### CELEBRATING HISPANIC HERITAGE MONTH

Mr. DOMENICI. Mr. President, I rise today to pay tribute to the contributions of Hispanic Americans to New Mexico and our country. I would like to focus my remarks today particularly on the representation of Hispanic Americans in the Federal judiciary.

Hispanics are currently dramatically underrepresented in our Nation's judiciary, making up only 3.8 percent of Federal judges while comprising 14 percent of our country's population. New Mexico leads the Nation with the highest Hispanic population percentage of any State, nearly 43 percent. As New Mexico's senior Senator, I am proud to have played a strong role in recommending Hispanic nominees for the Federal bench, and am even prouder that these recommendations have been accepted. Soon, three of the seven judges serving on U.S. District Court for the District of New Mexico will be Hispanic. Of the last five nominations made by President Bush to this court, all based on my recommendations, two were Hispanic women: Judge Christina Armijo, confirmed in November 2001,

and Judith Herrera, nominated last month.

Judge Armijo, formerly a judge on the New Mexico Court of Appeals, brings a great deal of judicial experience and a history of public service to the Federal bench in New Mexico. A 1975 graduate of the UNM School of Law, she was an attorney and public defender before joining the Court of Appeals.

Ms. Herrera, a distinguished attorney from Santa Fe, has experience in the public sector as a University of New Mexico regent from 1999 to 2003, a Santa Fe City Councilor from 1981 to 1986, and as an assistant district attorney. She has been an attorney with the Herrera, Long, Pound & Komer firm in Santa Fe since 1987. She was a member of the New Mexico Economic Development Commission from 1998 to 2000, and is a current member of the Federal Magistrate Merit Selection Commission. She also served as the Chairman of the Board of Trustees of St. Vincent Hospital from 1991 to 2000. I know that she will serve her country well, and that her appointment is a step in the right direction to ensure that New Mexico's Federal bench better reflects the composition of our population. I have great hope that the Senate Judiciary Committee and then the full Senate will confirm her expeditiously.

While New Mexico's Federal courts present a stronger-than-average picture of Hispanic representation, there is another story with a more dismal ending in the case of Miguel Estrada, who if confirmed, would have been the first Hispanic judge on the DC Circuit Court of Appeals. It was a sad day for our Federal judiciary and for Hispanic Americans when Mr. Estrada decided to withdraw his nomination after Senate Democrats prevented an up-or-down vote, despite seven attempts by Republican leadership to end debate. I am still outraged that a purely partisan filibuster prevented this well-qualified Hispanic American from serving his country on the Federal bench.

At this time when we seek to honor Hispanic heritage, I invite my Senate colleagues to send the right message to all those who aspire to public service or seek to achieve their goals in this country: through hard work, honesty, and integrity, it is possible to overcome any barrier and succeed on your own merit. To me, this means giving qualified nominees a fair chance to succeed. I appreciate the qualified Hispanic Americans leading the way through their service on the Federal bench in New Mexico, and look forward to greater representation of Hispanics throughout the Federal judiciary.

#### HONORING TED KOCH OF BOISE, ID

Mr. CRAPO. Mr. President, I give a well-deserved "thank you" to a member of my staff who recently left the U.S. Senate. Ted Koch was with me a short time as a congressional fellow on leave from U.S. Fish and Wildlife Serv-

ice, and has since returned to Idaho. During this experience here, I benefited from his expertise and abilities, and wanted to let him know how much I have appreciated his contributions.

Ted stepped into the breach upon the departure of my staff director at the Senate Environment and Public Works Subcommittee on Fisheries, Wildlife, and Water. He filled the role expertly and with great enthusiasm. I appreciate that Ted aspires to principles embodied by another "Ted," President Theodore Roosevelt. He deeply enjoys and understands the ecology of hunting and fishing. He strives to make progress. Ted and I both believe that the best hope for people and wildlife in Idaho is to defend property rights. With greater certainty about the inherent value of property, landowners have the confidence and freedom to advance their own ideas for conservation. These qualities and beliefs make Ted a valuable spokesman for intelligent conversation in Idaho. He has made himself a friend of Idaho through his friendships in the State and here in Washington. I appreciate his invaluable participation on my staff, and wish him well in future endeavors. I have no doubt about his continued success.

#### COMMENDING DENNIS HERTEL

Mr. LEVIN. Mr. President, I commend the services of Dennis Hertel, who is retiring after 6 years as a director of the Northeast-Midwest Institute. Dennis has ably served as chairman of the Institute's policy committee.

Dennis, as all my colleagues know, also is a former Congressman from Michigan. He served with distinction on both the Armed Services and Merchant Marine and Fisheries Committees.

I serve as a cochair of the Northeast-Midwest Senate Coalition's Great Lakes Task Force. For many years, the bipartisan Coalition and the Institute have provided valuable services to the State of Michigan and the entire Northeast-Midwest region. Dennis Hertel has been particularly effective in ensuring that the Institute's work is relevant to policymakers. He also has been a valued champion of protecting and restoring the Great Lakes. I am pleased to commend his leadership at the Northeast-Midwest Institute.

#### ADDITIONAL STATEMENTS

##### PHYLLIS COLE BADER

• Mrs. BOXER. Mr. President, I call the Senate's attention to my extraordinary constituent, Phyllis Bader, who is celebrating her 90th birthday today in California with her children, grandchildren, and great-grandchildren.

Though she might take the day off, Phyllis is not resting on her laurels. At an age when most of us might be at least thinking of slowing down, she is

still going strong, still working, and still doing good work to benefit her community.

For the past two decades, Phyllis Bader has served as a volunteer and employee at The Shop, a nonprofit thrift store operated by the Junior League of Palo Alto—Mid Peninsula. Proceeds from sales at The Shop are used to fund the League's charitable and educational projects in the community.

Shortly after Phyllis moved to California to be near her family, she joined The Shop team as a volunteer at the suggestion of her daughter, Junior League supporter Lorinda Reichert. When The Shop moved to Menlo Park, the League asked Phyllis to join the staff. She has been there ever since, taking good care of customers and encouraging donations of sale items.

Noting that her work with the public has contributed to her longevity and good health, Phyllis has "never given a thought to retiring." She says that "It's important for old people to be around young people; they keep you on your toes."

Asked what lessons she has learned in 90 years, Phyllis Bader advises us to "Keep a positive attitude. Laugh at yourself. Don't be too sensitive about what people say. Be tolerant of others' ideas. Try to lift someone's spirits each day. Find something every day to be grateful for."

We would all do well to heed Phyllis Bader's advice. I thank her for her wisdom and her service to the community, and I send her my very best wishes on her 90th birthday.●

#### 50TH ANNIVERSARY OF THE AMERICAN CANCER SOCIETY'S CHICAGO WOMEN'S BOARD

● Mr. DURBIN. Mr. President, today I am pleased to recognize the 50th anniversary of the Chicago Women's Board of the American Cancer Society's Illinois Division.

Since its inception, in 1913, the American Cancer Society has been widely regarded as one of our Nation's leaders in public health. Even as the ACS expanded to become a nationwide community-based volunteer, health organization, they have remain dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from this disease through research, education, advocacy, and service.

Founded in 1953, the Women's Board of the American Cancer Society has served as dedicated volunteers in the fight against cancer. In the beginning, the original members worked diligently canvassing neighborhoods, knocking on doors, requesting donations while also delivering important cancer information.

Today, the board raises over \$250,000 each year through their signature fundraising event, the Spring Fashion Show and Luncheon. They have also expanded their fundraising efforts to

include pediatric cancer patients through their annual American Girl Fashion Show. Through their Teen-In-Training program, a commitment has been made by the Chicago Women's Board to share their knowledge and experience to enable young girls and women to become aware of cancer issues, philanthropy, and service, paving the way for another 50 years of dedicated service.

The American Cancer Society has set important nationwide goals for the year 2015: to reduce cancer incidence rates by 25 percent, to reduce cancer mortality rates by 50 percent, and to improve the overall quality of life for cancer patients.

Clearly, the Women's Board is critical to achieving these goals, and it is for these reasons that I proudly stand here today, congratulating the Chicago Women's Board on its 50th anniversary. I know my fellow Senators will join me in applauding them for their dedication, and I extend my best wishes for the future.●

#### IN MEMORY OF JOHN BAILEY

● Mr. DODD. Mr. President, I rise to honor the memory of an outstanding public servant and a dear friend, John Michael Bailey, who passed away on September 23 at the age of 59.

My friendship with Jack Bailey was long and deep. Our families were close friends, and we knew each other as children. We ran against each other for Congress in 1974, and I will always remember his civility during that campaign. We stayed friends during the campaign, and we remained close until his untimely passing.

Jack served as the chief State's attorney in Connecticut for 9 years—the longest tenure of anyone to hold that office. With his cigars, dark suits, and slicked-back hair, he outwardly resembled a figure out of a Hollywood crime drama. But his success as a lawyer, and his integrity as a human being, were no fictions.

He spent 27 years as a criminal prosecutor, and his tireless work earned him the respect of political leaders in both parties. He was tough on crime, but also fair. He was truly a pioneer in law enforcement in Connecticut, leading the fight to get violent offenders off the streets and to crack down on the abuse of senior citizens. A number of his initiatives and methods have been adopted by law enforcement officials across America.

Jack Bailey's influence in Connecticut will be felt for years to come. Not only did he set up units and institutions that will serve as his legacy; he also was a mentor to many of the younger attorneys and officers who are now the new faces of law enforcement in our state.

But for his debilitating illness, Jack Bailey would still be serving the people of Connecticut. As his sister, former Congresswoman Barbara Kennelly, said, "He thought he had the best job

in the world." He stayed in his office as long as he could taking two medical leaves of absence—before finally resigning a year ago. The only thing that kept Jack from his job was a terrible disease that has no cure.

I join all of Connecticut's citizens in expressing my deep gratitude to Jack for spending so many years making our lives safer, and better. He served us with dignity, class, and great honor.

My deepest sympathies go out to Jack's wife Dee, to his sons John and Brian, and to all who knew and loved him.●

#### TRIBUTE TO DR. BILL SHIPP

● Mr. CRAPO. Mr. President, I rise today to acknowledge the recently announced decision of Dr. Bill Shipp to retire as president and laboratory director of the Idaho National Engineering and Environmental Laboratory, INEEL. After over 4 years as laboratory director and 3 years as president of Bechtel BWXT Idaho, the company that manages and operates the INEEL for the U.S. Department of Energy, Dr. Shipp is retiring to pursue other endeavors. Knowing him as I do, hunting and fishing will be high on the list of "other endeavors."

Dr. Shipp came to Idaho as part of the Bechtel team that won the contract to manage the INEEL in 1999. He had previously served with distinction as an associate lab director of the Pacific Northwest National Laboratory.

His years at the INEEL have been filled with accomplishment, leadership, and an ability to adapt to ever-changing circumstances. Under his leadership, the INEEL met critical cleanup milestones to cleanup the site and ship waste out of Idaho. The leadership he has provided at the INEEL has resulted in the growth of both the funding and respect for the INEEL's research and development capabilities. Within the Department of Energy's National Laboratory network he is respected by his peers.

In 1999, Idaho Governor Dirk Kempthorne named Dr. Shipp as Idaho's first Science and Technology Advisor to the Governor. In that capacity, he made important recommendations to the State and the Governor regarding the Idaho education system.

Dr. Shipp's record of leadership and accomplishment was recognized by Purdue University when it named him one of the institution's distinguished alumni in 2002. He returned to West Lafayette, IN, to receive that award, and I know that was a special moment for Dr. Shipp, his wife Linda and their children, Jennifer and John.

I enjoyed meeting with Dr. Shipp when he has come by my office to update me on how things are going at the INEEL. During these meetings, one of us would ask if the other had been hunting. As I think back, I realize lab directors get to hunt more than Senators, but what I remember most is Dr. Shipp and I always made plans to hunt

quail together at a mutual friend's ranch. One season, our plans were cancelled because he broke his leg while hunting. I am sorry we never did go quail hunting together, but I want him to know the offer still stands.

Within the DOE system, laboratory directors serve as stewards of national assets. These are difficult jobs where mistakes are not tolerated and success is expected. Within these demanding constraints, Dr. Shipp set the standard for performance and accomplishment with a commitment to safety and people. More than that, Bill Shipp is a man who others look to for guidance and support. I am pleased to call Bill Shipp a friend and I want to say thank you for your service to Idaho, the DOE and the Nation.●

#### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

#### 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-4662. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: (Including 2 Regulations); [COTP San Francisco Bay 03-003], [COTP San Francisco Bay 03-002]" (RIN1625-AA00) received on October 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4663. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Regatta and Marine Parade Regulation; Special Local Reg.: [CGD05-03-124], Choptank River, Cambridge, MD" (RIN1625-AA08) received on October 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4664. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: (Including 5 Regulations); [COTP San Francisco Bay 03-024], [CGD05-03-099], [COTP San Diego 03-027], [COTP San Diego 03-030], [CGD08-02-045]" (RIN1625-AA00) received on October 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4665. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area: (Including 2 Regulations); [CGD08-

03-029], [CGD09-03-241]" (RIN1625-AA11) received on October 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4666. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations [CGD09-03-215] Milwaukee, Menomonee, Kinnickinnic Rivers and South Menomonee and Burnham Canals, Milwaukee, WI" (RIN1625-AA09) received on October 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4667. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations (Including 2 Regulations): [CGD11-03-001], [CGD07-03-131]" (RIN1625-AA09) received on October 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4668. A communication from the Senior Legal Adviser to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cotulla and Diley, Texas)" (MB Doc. No. 03-27) received on October 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4669. A communication from the Senior Legal Adviser to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Estelline, Texas)" (MB Doc. No. 03-55) received on October 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4670. A communication from the Senior Legal Adviser to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Anchorage, AK" (MM Doc. No. 00-99) received on October 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4671. A communication from the Senior Legal Adviser to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Remedial Steps for Failure to Comply With Digital Television Construction Schedule" (FCC03-77) received on October 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4672. A communication from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting, pursuant to law, a report entitled "Study of Technology Protection Measures in Section 1703 of the Children's Internet Protection Act"; to the Committee on Commerce, Science, and Transportation.

EC-4673. A communication from the Regulatory Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Motor Carrier Safety Regulations; Final Rule; Miscellaneous Technical Amendments" received on October 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4674. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Aviation and International Affairs, Department of Transportation, received on October 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4675. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure; Prohibiting Directed Fishing

for Species that Comprise the Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska, Except for Vessels Fishing for Pollock Using Pelagic Trawl Gear in Those Portions of the GOA Open to Directed Fishing for Pollock" received on October 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4676. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure; Prohibited Directed Fishing for Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska" received on October 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4677. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Prohibition of Retention of Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska" received on October 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4678. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of Fishing with Trawl Gear in the Chum Salmon Savings Area of the Bering Sea and Aleutian Islands Management Area" received on October 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4679. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of the Commercial Fishery for King Mackerel in the Exclusive Economic Zone in the Western Zone of the Gulf of New Mexico" received on October 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4680. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Reallocation of Pacific Sardine" received on October 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4681. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #3—Closure and Reopening of the Recreational Fishery from Cape Falcon, Oregon to Humboldt Mountain, Oregon" (ID082503A) received on October 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4682. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Amendment 17" (RIN0648-AQ68) received on October 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4683. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled

"American Lobster Fishery; Modify Trap Gear Requirements for Black Sea Bass Fishers Under American Lobster Fishery Requirements" (RIN0648-AO58) received on October 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4684. A communication from the Under Secretary and Director, Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act" (RIN0651-AB45) received on October 7, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4685. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; [CGD01-02-026], Charles River, Dorchester Bay, and Saugus River, MA" (RIN1625-AA09) received on October 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4686. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; [CGD08-03-017], Outer Continental Shelf Facility in the Gulf of Mexico in Mississippi Canyon 243" (RIN1625-AA72) received on October 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4687. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; [COTP San Francisco Bay 03-023], Suisun Bay, Concord, California" (RIN1625-AA00) received on October 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4688. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; [CGD08-03-026], Illinois Waterway, Illinois" (RIN1625-AA09) received on October 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4689. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Regatta and Marine Parade Regulation; Special Local Reg.: [CGD08-036], Ohio River, Miles 467.0 to 475.0 and Licking River, Miles 0.0 to 0.5; Cincinnati, OH" (RIN1625-AA08) received on October 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4690. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Regatta and Marine Parade Regulation; Special Local Reg.: [CGD05-03-062], [CGD05-03-031]" (RIN1625-AA08) received on October 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4691. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney PW4000 Series Turbofan Engines Doc. No. 200-NE-47" (RIN2120-AA64) received on October 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4692. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B4-600, B4600R, and F4600R (Collectively Called A300-600) Series Airplanes, and Airbus Model A310 Series Air-

planes Doc. No. 2003-NM0206" (RIN2120-AA64) received on October 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4693. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Burkhart Grob Luft- Und Raumfahrt GmbH and CO KG Models G103 Twin Astir, G103 Twin II, G103A Twin II Acro, and G103C Twin III Acro Sailplanes; Doc. No. 2003-CE-35" (RIN2120-AA64) received on October 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4694. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328-300 Series Airplanes Equipped With Certain Pratt and Whitney PW306B Engines Nacelles; Doc. No. 2001-NM-319" (RIN2120-AA64) received on October 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4695. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GROB-WERKE Model G102A Airplanes Doc. No. 2003-CE-26" (RIN2120-AA64) received on October 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4696. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (56) Amendment No. 3079" (RIN2120-AA65) received on October 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4697. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities" (CC Doc. No. 98-67) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4698. A communication from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 15 of the Commission's Rules Regarding Ultra-Wideband Transmission Systems" (ET Doc. No. 98-153) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4699. A communication from the Assistant Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Rice Cap Incumbent Local Exchange Carriers and Interexchange Carriers; Federal-State Joint Board on Universal Service" (FCC 03-106) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4700. A communication from the Associate Chief, Competition Policy Division, Wireline Competition Bureau, transmitting, pursuant to law, the report of a rule entitled "Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996" (FCC03-025) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4701. A communication from the Associate Chief, Competition Policy Division,

Wireline Competition Bureau, transmitting, pursuant to law, the report of a rule entitled "Provision of Directory Listing Information Under the Communications Act of 1934, as Amended" (FCC01-27) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4702. A communication from the Associate Chief, Competition Policy Division, Wireline Competition Bureau, transmitting, pursuant to law, the report of a rule entitled "Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements" (FCC02-336) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4703. A communication from the Associate Chief, Competition Policy Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers" (CC Doc. No. 94-129) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4704. A communication from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Amendments of Parts 2 and 25 to Implement the Global Mobile Personal Communications by Satellite (GMPCS) Memorandum of Understanding and Arrangements; Petition of the National Telecommunications and Information Administration to Amend Part 25 of the Commission's Rules to Establish Emission Limits for Mobile and Portable Earth Stations Operating in the 1610-1660.5 MHz Band" (IB Doc. No. 99-67) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4705. A communication from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Blanket Licensing for Small Aperture Terminals in the C-Band and Routine Licensing of 3.7 Meter Transit and Receive Stations at C-Band" (IB Doc. No. 00-203) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4706. A communication from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Rules to Redesignate the 27.5-29.5 GHz Frequency Band, To Reallocate the 29.5-30.0 GHz Frequency Band, To Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services" (CC Doc. No. 92-297) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4707. A communication from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Amendment of the Commission's Space Station Licensing Rules and Policies—2000 Biennial Regulatory Review—Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations" (IB Doc. No. 02-34) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4708. A communication from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Rulemaking of Amend. Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to Establish Rules and Policies

for Local Multipoint Distribution Service and for Fixed Satellite Services" (CC Doc. No. 92-297) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4709. A communication from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Amendment of Parts 1, 43, and 63 of the Commission's Rules" (DA 01-2825) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4710. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "16 CFR Part 305—'Appliance Labeling Rule' [dishwasher label change]" (RIN3084-AA74) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4711. A communication from the Chief Counsel, Wireless Telecommunications Bureau, Federal Communications Bureau, transmitting, pursuant to law, the report of a rule entitled "Public Mobile Services and Personal Communications Services" (FCC02-229) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4712. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Grant and Cooperative Agreement Handbook—Format and Numbering" (RIN2700-AC62) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4713. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations Based on the 2002 Missile Technology Control Regime Plenary Agreements" (RIN0694-AC51) received on October 8, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4714. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Indian Incentive Program" (DFARS Case 2002-D033) received on October 7, 2003; to the Committee on Armed Services.

EC-4715. A communication from the Staff Attorney, Tort Claims and Litigation Division, Air Force Legal Services Agency, transmitting, pursuant to law, the report of a rule entitled "Tort Claims" received on October 7, 2003; to the Committee on Armed Services.

EC-4716. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report on the amount of Department of Defense purchases from foreign entities in Fiscal Year 2002; to the Committee on Armed Services.

EC-4717. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, the government-wide progress report and the Department of Defense supplement that section 5 of the Federal Financial Assistance Management Improvement Act of 1999 requires each agency to submit to Congress; to the Committee on Armed Services.

EC-4718. A communication from the Deputy Under Secretary of Defense for Installations and Environment, transmitting, pursuant to law, the Fiscal Year 2002 Defense Environmental Technology Program Annual

Report; to the Committee on Armed Services.

EC-4719. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-4720. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a report relative to those units of the Ready Reserve of the Armed Forces that remained on active duty under the provisions of section 12302 of United States Code as of July 1, 2003; to the Committee on Armed Services.

EC-4721. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-4722. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-4723. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-4724. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Approval of Service Contracts and Task Orders" (DFARS Case 2002-D024) received on October 8, 2003; to the Committee on Armed Services.

EC-4725. A communication from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products: Test Procedure for Dishwashers" (RIN1904-AB10) received on October 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4726. A communication from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: Motor Vehicle Fleet Fuel Efficiency" (RIN1991-AB59) received on October 7, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4727. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt; Regulated Areas" (Doc. No. 02-037-2) received on October 3, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4728. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Viruses, Serums, and Toxins, and Analogous Products; Determination of Moisture Content in Desiccated Biological Products" (Doc. No. 01-067-2) received on October 3, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4729. A communication from the Administrator, Livestock and Seed Program, Agricultural Marketing Service, transmitting, pursuant to law, the report of a rule entitled "Soybean Production and Research: Amend Order to Adjust Representation on the United Soybean Board" (Doc. No. LS-03-03) received on October 14, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4730. A communication from the Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan, et al.; Increased Assessment Rate"

(Doc. No. FV03-930-3 FR) received on October 14, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4731. A communication from the Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, transmitting, pursuant to law, the report of a rule entitled "Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Fiscal Period Change" (Doc. No. FV03-956-1 FR) received on October 14, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4732. A communication from the Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Temporary Suspension of the Prune Reserve and the Voluntary Producer Prune Plum Diversion Provisions" (Doc. No. FV03-993-2 FIR) received on October 14, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4733. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR Part 1778, Emergency and Imminent Community Water Assistance Grants" (RIN0572-AB90) received on October 3, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4734. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the 2002 Status Report for Congress for the Herger-Feinstein Quincy Library Group Forest Recovery Act of 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4735. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Vinclozolin; Time-Limited Pesticide Tolerances" (FRL#7327-6) received on October 8, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4736. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "National Flood Insurance Program; Assistance to Private Sector Property Insurers; Extension of Term of Arrangement" (RIN1660-AA29) received on October 7, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-4737. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Doc. No. FEMA-7815) received on October 7, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-4738. A communication from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Required Conversion of Developments From Public Housing Stock" (RIN2577-AC01) received on October 8, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-4739. A communication from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Housing Choice Voucher Program Homeownership Option: Eligibility of Units Owned or Controlled By a Public Housing Agency" (RIN2577-AC39) received on October 8, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-4740. A communication from the Counsel for Legislation and Regulations, Office of

Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Voluntary Conversion of Developments From Public Housing Stock" (RIN2577-AC02) received on October 8, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-4741. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Interim Capital Treatment of Consolidated Asset-Backed Commercial Paper Program Assets" (RIN1557-AC76) received on October 14, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-4742. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered on Colombia that was declared in Executive Order 12978 of October 21, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC-4743. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the 2002 Annual Report of the Securities Investor Protection Corporation (SIPC); to the Committee on Banking, Housing, and Urban Affairs.

EC-4744. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of vacancy for the position of Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development, received on October 8, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-4745. A communication from the Chairman, Federal Deposit Insurance Corporation, transmitting, a report relative to the third meeting of the Corporation's Committee on Banking Policy; to the Committee on Banking, Housing, and Urban Affairs.

EC-4746. A communication from the Administrator, Research and Promotion Branch, Agricultural Marketing Service, transmitting, pursuant to law, the report of a rule entitled "Mango Promotion, Research, and Information Order: Referendum Procedures" (RIN0581-AC05) received on October 14, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4747. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revised MOBILE6-based Motor Vehicle Emission Budget for the Pennsylvania Portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area" (FRL#7570-4) received on October 14, 2003; to the Committee on Environment and Public Works.

EC-4748. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Mexico; Revision to Motor Vehicle Emission Budgets in Bernalillo County, New Mexico Carbon Monoxide Air Quality Maintenance Plan Using MOBILE6" (FRL#7571-1) received on October 14, 2003; to the Committee on Environment and Public Works.

EC-4749. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implemen-

tation Plans; State of Iowa" (FRL#7569-9) received on October 14, 2003; to the Committee on Environment and Public Works.

EC-4750. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of Authority to the Washington State Department of Ecology, Benton Clean Air Authority, Olympic Regional Clean Air Agency, Puget Sound Clean Air Agency, Spokane County Air Pollution Control Authority, and Southwest Clean Air Agency for New Source Performance Standards" (FRL#7567-8) received on October 14, 2003; to the Committee on Environment and Public Works.

EC-4751. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the California State Implementation Plan, El Dorado County Air Pollution Control District and Santa Barbara County Air Pollution Control District" (FRL#7567-2) received on October 14, 2003; to the Committee on Environment and Public Works.

EC-4752. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Virginia: Approval of Financial Assurance Regulations for the Commonwealth's Municipal Solid Waste Landfill Permitting Program" (FRL#7569-4) received on October 14, 2003; to the Committee on Environment and Public Works.

EC-4753. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Utah; State Implementation Plan Corrections" (FRL#7573-8) received on October 14, 2003; to the Committee on Environment and Public Works.

EC-4754. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerator Units; Control of Emissions from Existing Large Municipal Waste Comustors; Nevada; American Samoa; Northern Mariana Islands" (FRL#7572-5) received on October 14, 2003; to the Committee on Environment and Public Works.

EC-4755. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Municipal Solid Waste Landfill Location Restrictions for Airport Safety" (FRL#7573-6) received on October 14, 2003; to the Committee on Environment and Public Works.

EC-4756. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "West Virginia: Final Authorization of State Hazardous Waste Management Program Revision" (FRL#7575-1) received on October 14, 2003; to the Committee on Environment and Public Works.

EC-4757. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, a document related to the Agency's regulatory programs with respect to asbestos; to the Committee on Environment and Public Works.

EC-4758. A communication from the Director, Office of Congressional Affairs, Nuclear Material Safety and Safeguards, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage

Casks: Standardized NUHOMS -24P, -24PHB, -32PT, -52B, and -61B" (RIN3150-AH32) received on October 14, 2003; to the Committee on Environment and Public Works.

EC-4759. A communication from the Acting Administrator, Environmental Protection Agency, transmitting, a report entitled "Annual Report to Congress on Implementation of Public Law 106-107"; to the Committee on Environment and Public Works.

EC-4760. A communication from the Acting Assistant Secretary for Fish and Wildlife, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Permits: Regulations for Double-crested Cormorant Management" (RIN1018-AI39) received on October 7, 2003; to the Committee on Environment and Public Works.

EC-4761. A communication from the Acting Assistant Secretary for Fish and Wildlife, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Removing *Eriastrum hooveri* (Hoover's wooly-star) from the Federal List of Endangered and Threatened Species" (RIN1018-AG41) received on October 7, 2003; to the Committee on Environment and Public Works.

EC-4762. A communication from the Deputy Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Delisting of the *Berberis* (=Mahonia) *sonnei* (Truckee barberry)" (RIN1018-AH47) received on October 7, 2003; to the Committee on Environment and Public Works.

EC-4763. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Proposed Revenue Procedure Regarding Home-Care Service Procedures" (Notice 2003-70) received on October 2, 2003; to the Committee on Finance.

EC-4764. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Disallowance of Certain Entertainment, Etc. Expenses" (Rev. Rule 2003-109) received on October 2, 2003; to the Committee on Finance.

EC-4765. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "United States Income Tax Treaties that Meet the Requirements of Section 1(h)(11)(C)(i)(II)" (Notice 2003-68) received on October 2, 2003; to the Committee on Finance.

EC-4766. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "United States Income Tax Treaties that Meet the Requirements of Section 1(h)(11)(C)(i)(II)" (Notice 2003-68) received on October 2, 2003; to the Committee on Finance.

EC-4767. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Michael and Nancy B. McNamara v. Commissioner" (AOD) received on October 2, 2003; to the Committee on Finance.

EC-4768. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Stock that is Considered Readily Tradable on an Established Securities Market in the United States for Purposes" (Notice 2003-71)



received on October 2, 2003; to the Committee on Finance.

EC-4769. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the reports of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-4770. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the reports of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-4771. A communication from the Secretary of State, transmitting, a copy of the Agency for International Development Strategic Plan for FY 2004 to 2009; to the Committee on Foreign Relations.

EC-4772. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report of the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad to The Netherlands and Denmark; to the Committee on Foreign Relations.

EC-4773. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad to Japan; to the Committee on Foreign Relations.

EC-4774. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 706 of the Foreign Relations Authorization Act, the report of Presidential Determination 2003-38 relative to Afghanistan, The Bahamas, Bolivia, Brazil, Burma, China, Colombia, Dominican Republic, Ecuador, Guatemala, Haiti, India, Jamaica, Laos, Mexico, Nigeria, Pakistan, Panama, Paraguay, Peru, Thailand, Venezuela, and Vietnam; to the Committee on Foreign Relations.

EC-4775. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Anglo-Irish Agreement Support Act of 1986, the report of an extension of Presidential Determination 2003-34 relative to Ireland; to the Committee on Foreign Relations.

EC-4776. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the aggregate number, locations, activities, and lengths of assignment for all temporary and permanent U.S. military personnel and U.S. individual civilians retained as contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC-4777. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, ten quarterly exception Selected Acquisition Reports (SARs) for the quarter ending June 30, 2003; to the Committee on Foreign Relations.

EC-4778. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's Report to Congress on Arms Control, Nonproliferation, and Disarmament Studies Completed in 2002; to the Committee on Foreign Relations.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment:

S. 1146. A bill to implement the recommendations of the Garrison Unit Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota (Rept. No. 108-165).

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

\*Peter Lichtenbaum, of Virginia, to be an Assistant Secretary of Commerce.

\*Harvey S. Rosen, of New Jersey, to be a Member of the Council of Economic Advisers.

Kristin J. Forbes, of Massachusetts, to be a Member of the Council of Economic Advisers.

\*Julie L. Myers, of Kansas, to be an Assistant Secretary of Commerce.

By Mr. INHOFE for the committee on Environment and Public Works.

\*Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### 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. CORNYN (for himself and Mrs. HUTCHISON):

S. 1731. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to designate the La Entrada al Pacifico Corridor in the State of Texas as a high priority corridor on the National Highway System; to the Committee on Environment and Public Works.

By Mr. DOMENICI:

S. 1732. A bill to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents; to the Committee on Energy and Natural Resources.

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

S. 1733. A bill to authorize the Attorney General to award grants to States to develop and implement State court interpreter programs; to the Committee on the Judiciary.

By Mrs. LINCOLN (for herself, Mr. LUGAR, and Mr. BINGAMAN):

S. 1734. A bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to expand or add coverage of pregnant women under the medicaid and State children's health insurance programs, and for other purposes; to the Committee on Finance.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. GRAHAM of South Carolina, Mr. CHAMBLISS, and Mr. CAMPBELL):

S. 1735. A bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to

deter and punish violent gang crime, to protect law abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes; to the Committee on the Judiciary.

By Mr. ENZI (for himself, Mr. DORGAN, Mr. CHAFEE, Mr. HAGEL, Mrs. HUTCHISON, Mr. VOINOVICH, Mr. THOMAS, Mr. BREAUX, Mr. BINGAMAN, Mr. GRAHAM of Florida, Mr. JOHNSON, Mr. NELSON of Nebraska, and Mr. ROCKEFELLER):

S. 1736. A bill to promote simplification and fairness in the administration and collection of sales and use taxes; to the Committee on Finance.

By Mr. WYDEN:

S. 1737. A bill to amend the Clayton Act to enhance the authority of the Federal Trade Commission or the Attorney General to prevent anticompetitive practices in tightly concentrated gasoline markets; to the Committee on the Judiciary.

By Mr. DODD:

S. 1738. A bill to reauthorize the Defense Production Act of 1950, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. REED (for himself, Mr. BAYH, Mr. BIDEN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. CARPER, Mr. CHAFEE, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HAGEL, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REID, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TALENT, and Mr. THOMAS):

S. Res. 243. A resolution designating the week of October 19, 2003, through October 25, 2003, as "National Childhood Lead Poisoning Prevention Week"; considered and agreed to.

By Mrs. FEINSTEIN (for herself and Mr. KYL):

S. Con. Res. 73. A concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 480

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.



S. 560

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

S. 854

At the request of Mr. COLEMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 854, a bill to authorize a comprehensive program of support for victims of torture, and for other purposes.

S. 985

At the request of Mr. DODD, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 992

At the request of Mr. NICKLES, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 992, a bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policyholder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions.

S. 1037

At the request of Ms. SNOWE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1037, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 1172

At the request of Mr. FRIST, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1172, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

S. 1250

At the request of Mr. BURNS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1250, a bill to improve, enhance, and promote the Nation's homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 services, to further upgrade Public Safety Answering Point capabilities and related functions in receiving E-911 calls, and to support the construction and operation of a ubiquitous and reliable citizen activated system and other purposes.

S. 1369

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1369, a bill to ensure that prescription drug benefits offered to medicare eligible enrollees in the Federal Employees Health Benefits Pro-

gram are at least equal to the actuarial value of the prescription drug benefits offered to enrollees under the plan generally.

S. 1380

At the request of Mr. SMITH, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1545

At the request of Mr. HATCH, the names of the Senator from Florida (Mr. GRAHAM) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1557

At the request of Mr. MCCONNELL, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1570

At the request of Mr. SANTORUM, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1570, a bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs.

S. 1612

At the request of Ms. COLLINS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1612, a bill to establish a technology, equipment, and information transfer within the Department of Homeland Security.

S. 1622

At the request of Mr. GRAHAM of Florida, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1622, a bill to amend title 10, United States Code, to exempt certain members of the Armed Forces from the requirement to pay subsistence charges while hospitalized.

S. 1637

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Mr. KERRY) was withdrawn as a cosponsor of S. 1637, a bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

S. 1659

At the request of Mr. SCHUMER, the name of the Senator from New York

(Mrs. CLINTON) was added as a cosponsor of S. 1659, a bill to designate the facility of the United States Postal Service located at 57 Old Tappan Road in Tappan, New York, as the "John G Dow Post Office Building."

S. 1660

At the request of Mr. CAMPBELL, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1660, a bill to improve water quality on abandoned and inactive mine land, and for other purposes.

S. 1693

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Mr. BREAU) was added as a cosponsor of S. 1693, a bill to amend section 35 of the Internal Revenue Code of 1986 to allow individuals receiving unemployment compensation to be eligible for a refundable, advanceable credit for health insurance costs.

S. 1704

At the request of Ms. COLLINS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1704, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 1709

At the request of Mr. CRAIG, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1709, a bill to amend the USA PATRIOT ACT to place reasonable limitations on the use of surveillance and the issuance of search warrants, and for other purposes.

S. 1716

At the request of Mr. CHAFEE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1716, a bill to amend the Federal Water Pollution Control Act to authorize the use of funds made available for nonpoint source management programs for projects and activities relating to the development and implementation of phase II of the storm water program of the Environmental Protection Agency.

S. CON. RES. 58

At the request of Mr. DEWINE, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. Con. Res. 58, a concurrent resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of stalking in the United States and supporting the goals and ideals of National Stalking Awareness Month.

AMENDMENT NO. 1798

At the request of Mr. CRAIG, his name was withdrawn as a cosponsor of amendment No. 1798 intended to be proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year

ending September 30, 2004, and for other purposes.

## AMENDMENT NO. 1806

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of amendment No. 1806 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

## AMENDMENT NO. 1807

At the request of Mr. CHAFEE, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of amendment No. 1807 intended to be proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

## AMENDMENT NO. 1818

At the request of Mr. BYRD, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of amendment No. 1818 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

## AMENDMENT NO. 1825

At the request of Mr. BOND, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 1825 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

## AMENDMENT NO. 1834

At the request of Mr. CORZINE, his name and the name of the Senator from Florida (Mr. GRAHAM) were added as cosponsors of amendment No. 1834 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

At the request of Mr. BIDEN, his name was added as a cosponsor of amendment No. 1834 proposed to S. 1689, supra.

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 1834 proposed to S. 1689, supra.

## AMENDMENT NO. 1836

At the request of Mrs. MURRAY, her name was added as a cosponsor of amendment No. 1836 proposed to S. 1689, an original bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 1732. A bill to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I rise today to introduce a bill that is critical to rural America and long overdue. My bill would help to ensure that our rural communities continue to thrive and flourish by guaranteeing a safe, reliable water supply.

There is no comprehensive program in existence that rural communities can tap into to meet increasing demands for rural water infrastructure. My bill will remedy this problem by creating such a program within the Department of the Interior, specifically in the Bureau of Reclamation. My bill authorizes the Secretary of the Interior to undertake a competitive program to plan, design, and construct rural water supply projects in conjunction with non-Federal local entities.

To date, there is no Federal program specifically in place with the purpose of meeting the rural water needs of communities and tribes. As a result, we either offer piece meal help through EPA grants or communities turn to other programs that were originally designed for other purposes.

In the State of New Mexico alone, there are numerous projects that would benefit from a program such as the one I propose in this bill. Let me just share one example with you—the community of Chimayo, NM. Chimayo is in northern New Mexico tucked in the foothills of the beautiful Sangre de Cristo Mountains. This historic and picturesque community is over 400 years old. Today, the small community of less than 3000 people is forced to haul water because they lack adequate infrastructure to service their homes. I know that other States in the west have communities with similar needs.

My bill requires the Secretary to look at whether or not a community has an urgent and compelling need, whether construction of a rural water system would help alleviate future water supply shortages, whether it would help improve health of water quality to name just a few. Additionally, my bill is based on the communities capability to pay. Again, I will speak about New Mexico where many of these communities are among the poorest. Yet, I don't believe that should preclude them from the most basic resource—a safe and reliable drinking water supply.

I know that many are aware of the on-going drought conditions in the west. Our best experts have predicted that this will only get worse. Many of America's rural communities are being hit the hardest by these worsening drought conditions. I believe my bill goes a long way in helping these al-

ready struggling communities. This issue is of such huge importance to me, that I intend to ask Senator MURKOWSKI to hold a Water and Power Subcommittee hearing on this bill as early as next week. We have critical needs that need to be addressed and I urge my fellow Senators to help ensure that we can indeed meet them.

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. 1732

*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 Reclamation Rural Water Supply Act of 2003”.

## SEC. 2. DEFINITIONS.

In this Act:

(1) CONSTRUCT.—The term “construct” means to—

(A) install new infrastructure; and  
(B) upgrade or replace existing facilities that are associated with the new infrastructure authorized under this Act.

(2) INDIAN TRIBE.—The term “Indian tribe” means any Indian entity that is—

(A) included on the list of recognized tribes that the Secretary publishes in the Federal Register in accordance with section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a-1); and  
(B) recognized by the Secretary as eligible to receive services from the Federal Government.

(3) NON-FEDERAL PROJECT ENTITY.—The term “non-Federal project entity” means a State, regional, or local authority, Indian tribe, or other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association.

(4) PROGRAM.—The term “program” means the rural water supply program established under section 3(a).

(5) PROJECT.—

(A) IN GENERAL.—The term “project” means a water supply project for communities, an Indian tribe, or dispersed homesites with domestic or rural water.

(B) INCLUSION.—The term “project” includes incidental livestock watering.

(6) RECLAMATION LAW.—The term “Reclamation law” means the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(7) RECLAMATION STATE.—The term “Reclamation State” means each of the States identified in the first section of the Act of June 17, 1902 (43 U.S.C. 391).

(8) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

## SEC. 3. RURAL WATER SUPPLY PROGRAM.

(a) IN GENERAL.—The Secretary, in cooperation with non-Federal project entities, may carry out a rural water supply program to plan, design, and construct projects in Reclamation States.

(b) ELIGIBILITY CRITERIA.—

(1) IN GENERAL.—The Secretary shall develop and publish in the Federal Register criteria for determining the eligibility of a project for assistance under the program.

(2) CONSIDERATIONS.—The criteria developed under paragraph (1) shall take into account such factors as—

(A) whether a project serves—  
(i) rural areas and communities; or  
(ii) Indian tribes;

(B) whether there is an urgent and compelling need for a project that would—

- (i) result in continuous, measurable, and significant water quality benefits;
  - (ii) address current or future water supply shortages; or
  - (iii) improve the health or aesthetic quality of water;
- (C) whether a project helps meet any applicable legal requirements;
- (D) whether a project—
- (i) promotes and applies a regional or watershed perspective to water resource management or cross-boundary issues;
  - (ii) implements an integrated resources management approach;
  - (iii) increases water management flexibility; or
  - (iv) forms a partnership with other entities; and

(E) whether a project provides benefits outside the region in which the project is carried out.

**(C) COST-SHARING REQUIREMENT.—**

(1) **FEDERAL SHARE.**—The Federal share of the cost of the planning and construction of a project shall be the amount established by the Secretary in the feasibility report for the project under section 5(c)(1)(D)(i).

**(2) NON-FEDERAL SHARE.—**

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the non-Federal share shall be not less than 25 percent of the cost of planning and construction of the project, but not more than the amount established by the Secretary in the feasibility report for the project under section 5(c)(1)(D)(i).

(B) **REDUCED NON-FEDERAL SHARE.**—The Secretary may reduce the non-Federal share of the cost of the planning and construction of a project under subparagraph (A) if the Secretary determines that the amount of the non-Federal share required by that subparagraph would result in economic hardship for the non-Federal project entity.

(C) **LIMITATION.**—Grants from other Federal sources shall not be credited toward the non-Federal share required by this paragraph.

**SEC. 4. APPRAISAL INVESTIGATIONS.**

(a) **IN GENERAL.**—On request of a non-Federal project entity, the Secretary, in cooperation with the non-Federal project entity and in consultation with appropriate State, regional, local, and tribal authorities, may conduct an appraisal investigation of a project to determine whether—

- (1) the project meets the criteria developed under section 3(b); and
- (2) the Secretary should initiate a feasibility study under section 5(a).

(b) **REPORT.**—On completion of the investigation under subsection (a), the Secretary shall prepare an appraisal report that includes any recommendations of the Secretary with respect to whether a feasibility study should be initiated for the project under section 5(a).

(c) **COSTS.**—The Secretary shall pay the costs of any appraisal investigations conducted under this section.

**SEC. 5. FEASIBILITY STUDIES.**

(a) **IN GENERAL.**—The Secretary, in cooperation with a non-Federal project entity, may carry out studies to determine the feasibility of rural water supply systems recommended for study under section 4(b).

(b) **STUDY CONSIDERATIONS.**—In conducting a feasibility study under this section, the Secretary shall consider—

- (1) the need for the proposed project;
- (2) short- and long-term water demand and supplies in the study area;
- (3) an evaluation of whether the resources in the study area are capable of providing a safe and reliable source of potable water to the communities and rural areas to be served;

(4) any reasonable alternatives to the proposed project (including nonstructural alternatives) that satisfy the need for action, including an alternative that is within the ability of the non-Federal project entity to pay operation, maintenance, and repair costs of the proposed project;

(5) the economic feasibility and cost effectiveness of the proposed project;

(6) impacts of the proposed project on the natural and human environment;

(7) appropriate water conservation measures; and

(8) the financial ability of the non-Federal project entity to pay—

(A) the non-Federal share of any planning and construction costs of the proposed project; and

(B) 100 percent of the operation, maintenance, and replacement costs allocated under subsection (c)(1)(C)(i).

**(C) REPORT.—**

(1) **IN GENERAL.**—On completion of a feasibility study under subsection (a), the Secretary shall prepare a report that—

(A) describes the engineering, environmental, and economic activities of the Secretary carried out under the study;

(B) takes into consideration—

- (i) the range of potential solutions for, and the circumstances and needs of, the area to be served by the proposed project;
- (ii) the potential benefits to the people of the study area; and
- (iii) appropriate water conservation measures;

(C) includes a schedule that identifies—

- (i) the amount of operation, maintenance, and replacement costs that should be allocated to each non-Federal project entity participating in the project; and
- (ii) the current and expected financial ability of each non-Federal project entity to pay the allocated operation, maintenance, and replacement costs;

(D)(i) specifies the Federal and non-Federal share of the planning and construction costs of the project; and

(ii) allocates the non-Federal share among project beneficiaries; and

(E) includes the recommendations of the Secretary as to whether the project should be carried out under this Act.

(2) **SUBMISSION TO CONGRESS.**—With respect to any project that the Secretary recommends under paragraph (1)(E), the Secretary shall submit to Congress—

(A) the feasibility report for the proposed project prepared under paragraph (1);

(B) any environmental reports associated with the proposed project; and

(C) a request to develop and construct the proposed project, as appropriate.

(d) **PRIORITIES.**—The Secretary shall establish priorities for carrying out projects under this Act based on—

(1) the extent to which the project takes advantage of—

- (A) economic incentives; and
- (B) the use of market-based mechanisms;

(2) the cost benefit of the project versus other alternatives such as desalination;

(3) whether non-Federal project entities have adequate fiscal controls in place to manage the project; and

(4) the extent to which the project involves partnerships.

**(e) COST-SHARING REQUIREMENT.—**

(1) **FEDERAL SHARE.**—The Federal share of the cost of a feasibility study carried out under this section shall not exceed 50 percent of the study costs.

(2) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the study.

(f) **REIMBURSEMENT OF COSTS.**—If a project is constructed under the program, the Federal share of feasibility studies shall be—

- (1) considered to be project costs; and
- (2) reimbursed in accordance with Reclamation law.

**SEC. 6. OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.**

(a) **IN GENERAL.**—To be eligible to carry out a project under this Act, a non-Federal project entity shall establish, to the satisfaction of the Secretary, that the non-Federal project entity has the ability to pay all operation, maintenance, and replacement costs of the project facilities.

(b) **PLAN.**—The non-Federal project entity, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan to provide the necessary framework to assist the non-Federal project entity in establishing rates and fees for project beneficiaries.

**SEC. 7. MISCELLANEOUS PROVISIONS.**

(a) **AUTHORITY OF SECRETARY.**—The Secretary may enter into contracts, financial assistance agreements, and such other agreements, and promulgate such regulations, as are necessary to carry out this Act.

(b) **LIMITATION ON USE OF FUNDS.**—None of the funds made available to the Secretary for planning or construction of a rural water supply project developed under the program may be used to plan or construct facilities used to supply water for irrigation.

(c) **TITLE TO PROJECTS.**—Title to the components of rural water supply projects planned, designed, and constructed under the program shall be held by the non-Federal project entity.

**SEC. 8. EFFECT ON FEDERAL RECLAMATION LAW.**

Nothing in this Act supersedes or amends—

- (1) Reclamation law; or
- (2) any Federal law associated with a project, or portion of a project constructed under Reclamation law.

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this Act \$70,000,000 for fiscal year 2004 and each fiscal year thereafter.

**(b) CONSTRUCTION COST INDEXING.—**

(1) **IN GENERAL.**—Any amounts appropriated for the planning and construction of projects under this Act shall include such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after the completion date of the applicable feasibility report, to remain available until expended.

(2) **COST SHARING.**—The Federal and non-Federal share of cost increases due to inflation shall be allocated in amounts that are proportionate to the allocation determined under section 3(c).

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

S. 1733. A bill to authorize the Attorney General to award grants to States to develop and implement State court interpreter programs; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the State Court Interpreters Grant Program Act of 2003. This bill would create a modest Federal grant program to support the State court interpreter services. Currently, court interpreting services vary greatly by State—some States have highly developed programs, others are trying to get programs running but lack adequate funds, and still others have no program at all. This inconsistency creates the potential for poorly

translated court proceedings, or court proceedings that are not translated at all. It is critical that we protect the constitutional right to a fair trial by funding State court interpreter programs.

According to the 2000 Census, 18 percent of the population over age five speaks a language other than English at home. As these individuals with limited English proficiency come into the court system to seek redress or to defend themselves against allegations of civil or criminal wrongdoing, it is critical to the fair administration of justice that they be able to understand their court proceedings.

At the Federal level, court interpreting services are provided as needed by trained and certified interpreters. Similarly, some States have robust and effective court interpreter programs in their State courts. These States recruit, train, test and certify individuals in all necessary languages. However, many States have limited programs which may test and certify interpreters for only one language. Such States may have only a small number of interpreters certified to interpret courtroom proceedings. Still other States have no program at all. We have heard horror stories of "amateur" interpreters attempting to translate courtroom events. For example, the Philadelphia Inquirer reports: "In one juvenile court, a juvenile defendant had to interpret for his parents. In a Monroe County [Pennsylvania] court, a member of an anti-domestic violence group was asked to interpret for an alleged victim, despite having a clear bias."

The skills required of a court interpreter differ significantly from those required of other interpreters or translators. Legal English is a highly particularized area of the language, and requires special training. Although anyone with fluency in a foreign language could attempt to translate a court proceeding, the best interpreters are those that have been tested and certified as official court interpreters.

A lack of qualified interpreters can create serious problems in the justice system. For example, a poorly interpreted trial may be appealed on the grounds that justice was not administered fairly. Those appeals clog up the courts. In addition, where there are inadequate resources available, interpreters may not be able to keep up with the caseload and trials may be delayed unreasonably and in violation of a defendant's right to a speedy trial.

This is not just a State issue. First and foremost, the right to a fair trial is a federally protected right under the Constitution. The Federal Government therefore has a role to play in ensuring that State courts are holding fair trials. In addition, State budget crises have reduced the ability of the courts to pay for interpreter services. At the same time, requests for interpreter services have skyrocketed over the past several years all around the coun-

try. Although Spanish is by far the most requested language to be translated in courtrooms, court officials report regular or occasional need for Russian, German, French, Mandarin, Cantonese, Japanese, Taiwanese, Korean, Vietnamese, Afghani, Armenian, Punjabi, Hindi, Arabic, Somali, Polish and many other languages. The coincidence of budget cuts and increased demand threatens federally-guaranteed due process and justifies Federal assistance.

This legislation addresses this problem by authorizing \$15 million for each of the next five fiscal years for a grant program to the States. Those States that apply would be eligible for a \$100,000 base grant allotment. In addition, \$5 million would be set aside for States that demonstrate extraordinary need. The remainder of the money would be distributed on a formula basis determined by the percentage of persons in that State over the age of five who speak a language other than English at home.

Support for this legislation comes from State court administrators across the country. In fact, the Conference of Chief Justices and Conference of State Court Administrators this summer adopted a resolution urging Congress to establish a national program to assist State courts in providing court interpreters services.

I hope my colleagues will help the court systems in their States to provide critical court interpreting services to their constituents.

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. 1733

*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 "State Court Interpreter Grant Program Act".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) the fair administration of justice depends on the ability of all participants in a courtroom proceeding to understand that proceeding, regardless of their English proficiency;

(2) 18 percent of the population of the United States over 5 years of age speaks a language other than English at home;

(3) only qualified court interpreters can ensure that persons with limited English proficiency comprehend judicial proceedings in which they are a party;

(4) the knowledge and skills required of a qualified court interpreter differ substantially from those required in other interpretation settings, such as social service, medical, diplomatic, and conference interpreting;

(5) the Federal Government has demonstrated its commitment to equal administration of justice regardless of English proficiency;

(6) Executive Order 13166, issued August 11, 2000, requires Federal Agencies, including courts, to improve access for persons who have limited English proficiency;

(7) 29 States have developed, or are developing, court interpreting programs;

(8) robust, effective court interpreter programs—

(A) actively recruit skilled individuals to be court interpreters;

(B) train those individuals in the interpretation of court proceedings;

(C) develop and use a thorough, systematic certification process for court interpreters;

(D) have sufficient funding to ensure that a qualified interpreter will be available to the court whenever necessary; and

(9) Federal funding is necessary to—

(A) encourage States that do not have court interpreter programs to develop them;

(B) assist States with nascent court interpreter programs to implement them;

(C) assist States with limited court interpreter programs to enhance them; and

(D) assist States with robust court interpreter programs to make further improvements and share successful programs with other States.

#### SEC. 3. STATE COURT INTERPRETER PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Administrator of the Office of Justice Programs of the Department of Justice (referred to in this section as the "Administrator") shall make grants, in accordance with such regulations as the Attorney General may prescribe, to States to develop and implement programs to assist individuals with limited English proficiency to access and understand State court proceedings in which they are a party.

(2) TECHNICAL ASSISTANCE.—The Administrator shall allocate, for each fiscal year, \$500,000 of the amount appropriated pursuant to section 4 to be used to establish a court interpreter technical assistance program to assist States receiving grants under this Act.

(b) USE OF GRANTS.—Grants awarded pursuant to subsection (a) may be used by States to—

(1) assess regional language demands;

(2) develop a court interpreter program for the State;

(3) develop, institute, and administer language certification examinations;

(4) recruit, train, and certify qualified court interpreters;

(5) pay for salaries, transportation, and technology necessary to implement the court interpreter program developed pursuant to paragraph (2); and

(6) engage in other related activities, as prescribed by the Attorney General.

(c) APPLICATION.—Each State desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(d) STATE ALLOTMENTS.—

(1) BASE ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 4, the Administrator shall allocate \$100,000 to each State, which has an application approved under subsection (c).

(2) DISCRETIONARY ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 4, the Administrator shall allocate a total of \$5,000,000 to the States that have extraordinary needs that must be addressed in order to develop, implement, or expand a State court interpreter program.

(3) ADDITIONAL ALLOTMENT.—In addition to the allocations made under paragraphs (1) and (2), the Administrator shall allocate to each State, which has an application approved under subsection (c), an amount equal to the product reached by multiplying—

(A) the unallocated balance of the amount appropriated for each fiscal year pursuant to section 4; and

(B) the ratio between the number of people over 5 years of age who speak a language other than English at home in the State and the number of people over 5 years of age who speak a language other than English at home in all the States that receive an allocation under paragraph (1), as those numbers are determined by the Bureau of the Census.

#### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$15,000,000 for each of the fiscal years 2005 through 2008 to carry out this Act.

By Mrs. LINCOLN (for herself,  
Mr. LUGAR, and Mr. BINGAMAN):

S. 1734. A bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to expand or add coverage of pregnant women under the Medicaid and State children's health insurance programs, and for other purposes; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I am pleased to introduce the Prevent Prematurity and Improve Child Health Act of 2003, which seeks to reduce the incidence of prematurity and improve the health of women of childbearing age and children. I am joined in this effort today by my colleagues Senators RICHARD LUGAR and JEFF BINGAMAN.

The number of premature births is increasing at an alarming rate. According to data from the National Center for Health Statistics, more than 476,000 infants were born prematurely in 2001—a 27 percent increase since 1981 and the highest level ever reported in the United States. Prematurity, which is defined as birth at less than 37 completed weeks of gestation, is the leading cause of infant death in the first month of life. Today, one in eight infants is born too early. Unfortunately, in my own State of Arkansas, the problem of preterm births is even more astounding. In 2001, more than 13 percent of births were preterm, ranking Arkansas 43rd in the Nation. This is a clear wake-up call: we must take action to reduce the number of premature births, improving the health of hundreds of thousands of infants born each year. Not to mention the cost savings that will result from bringing healthy babies into the world.

This legislation I introduced today gives States increased flexibility and the Federal resources needed to improve access to prenatal care for low-income pregnant women. Specifically, it will give States new options to cover pregnant women under the State Children's Health Insurance Program (CHIP) and to cover low-income legal immigrant pregnant women and children under Medicaid and SCHIP. At least one in eight pregnant women are uninsured, according to a 1999 study conducted by Emory University professor Ken Thorpe for the March of Dimes. Uninsured women receive fewer prenatal services and report greater difficulty in obtaining needed care than women with insurance, an Institute of Medicine study concluded. The National Center for Health Statistics reports that infants born to mothers

who received late or no prenatal care in 2000 were about twice as likely to be low birthweight, less than 5½ pounds, as infants born to mothers who received early prenatal care—9.9 percent compared with 5.5 percent. Timing of entry into prenatal care often reflects factors also associated with low birthweight, including maternal age and poverty. Increased access to prenatal care will give women greater access to screening and diagnostic tests as well as education, counseling, and referral services to reduce risky behaviors like substance abuse and poor nutrition. Such care may thus help improve the health of both mothers and their infants.

Premature birth can happen to any family. In fact, nearly half of premature births have no known cause, but we do know that a whole host of factors are associated with increased risk, including maternal age, multiple births, a history of preterm delivery, stress, infection, smoking and drug use.

Additionally, this bill tackles a major prematurity risk factor—maternal smoking—by improving and expanding coverage for pharmaceuticals and counseling that will help income-eligible pregnant women enrolled in the program quit smoking. Almost 20 percent of pregnant women ages 15 to 44 smoke, according to the Centers for Disease Control and Prevention. But pregnancy is a powerful motivator to help women stop smoking. Women who smoke are more likely to stop during pregnancy, both spontaneously and with assistance, than at any other time. According to the Surgeon General, programs to help pregnant women quit smoking can increase cessation rates, benefiting infant health, and are cost-effective. Yet many States' Medicaid programs do not reimburse counseling services aimed at helping pregnant smokers understand the medical consequences their smoking can have on their unborn child and giving them the tools they need to quit. For some pregnant women, counseling is not enough and a physician may prescribe pharmaceuticals. At least 35 States already include at least one type of smoking cessation pharmaceutical in their Medicaid programs. This bill will require all States to include these drugs that, when prescribed by a physician, can help pregnant women stop smoking.

The bill also contains a provision directing the Administrator of the Health Resources and Services Administration (HRSA) to review the core performance measures in the Maternal and Child Health block grant and determine if there are sufficient prematurity-related measures, including the percentage of infants born to mothers that smoke while pregnant.

This bill also gives States the tools they need to help low-income women enrolled in Medicaid avoid another risk factor for premature birth—spacing pregnancies too close together. In re-

cent years, a number of States, including Arkansas, have sought and received Federal permission in the form of waivers to provide Medicaid-financed family planning services and supplies to income-eligible uninsured residents whose incomes are above the state's regular Medicaid eligibility ceilings. This bill would make it possible for States to extend Medicaid coverage for family planning services without having to obtain a federal waiver.

Finally, the bill will improve the health care of some infants and children with disabilities, such as those born prematurely, who have private health insurance with limited benefits that do not meet their health needs. Currently, infants and children must be uninsured to be eligible for SCHIP. However, this provision will give states the ability to use federal funds available under SCHIP to include income-eligible underinsured infants and children in SCHIP, as is currently permitted in Medicaid. This secondary payer provision will allow children to continue to be enrolled in their family's private health policy, and at the same time obtain the full spectrum of health services they need.

I encourage my colleagues to join us as supporters of this important legislation to give states the tools they need to reduce the rate of premature births and improve the health care of pregnant women, infants and children across the nation.

Mr. President, I ask unanimous consent that the full text of the Prevent Prematurity and Improve Child Health Act be printed in the RECORD.

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

S. 1734

*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 "Prevent Prematurity and Improve Child Health Act of 2003".

#### SEC. 2. STATE OPTION TO EXPAND OR ADD COVERAGE OF CERTAIN PREGNANT WOMEN UNDER MEDICAID AND SCHIP.

(a) MEDICAID.—

(1) AUTHORITY TO EXPAND COVERAGE.—Section 1902(l)(2)(A)(i) of the Social Security Act (42 U.S.C. 1396a(l)(2)(A)(i)) is amended by inserting "(or such higher percentage as the State may elect for purposes of expenditures for medical assistance for pregnant women described in section 1905(u)(4)(A))" after "185 percent".

(2) ENHANCED MATCHING FUNDS AVAILABLE IF CERTAIN CONDITIONS MET.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in the fourth sentence of subsection (b), by striking "or subsection (u)(3)" and inserting ", (u)(3), or (u)(4)"; and

(B) in subsection (u)—

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

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

"(4) For purposes of the fourth sentence of subsection (b) and section 2105(a), the expenditures described in this paragraph are the following:

“(A) CERTAIN PREGNANT WOMEN.—If the conditions described in subparagraph (B) are met, expenditures for medical assistance for pregnant women described in subsection (n) or under section 1902(l)(1)(A) in a family the income of which exceeds 185 percent of the poverty line, but does not exceed the income eligibility level established under title XXI for a targeted low-income child.

“(B) CONDITIONS.—The conditions described in this subparagraph are the following:

“(i) The State plans under this title and title XXI do not provide coverage for pregnant women described in subparagraph (A) with higher family income without covering such pregnant women with a lower family income.

“(ii) The State does not apply an effective income level for pregnant women that is lower than the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) that has been specified under the State plan under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902, as of January 1, 2003, to be eligible for medical assistance as a pregnant woman.

“(C) DEFINITION OF POVERTY LINE.—In this subsection, the term ‘poverty line’ has the meaning given such term in section 2110(c)(5).”.

(3) PAYMENT FROM TITLE XXI ALLOTMENT FOR MEDICAID EXPANSION COSTS; ELIMINATION OF COUNTING MEDICAID CHILD PRESUMPTIVE ELIGIBILITY COSTS AGAINST TITLE XXI ALLOTMENT.—Section 2105(a)(1) of the Social Security Act (42 U.S.C. 1397ee(a)(1)) is amended—

(A) in the matter preceding subparagraph (A), by striking “(or, in the case of expenditures described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)))”; and

(B) by striking subparagraph (B) and inserting the following new subparagraph:

“(B) for the provision of medical assistance that is attributable to expenditures described in section 1905(u)(4)(A);”.

(b) SCHIP.—

(1) COVERAGE.—Title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new section:

**“SEC. 2111. OPTIONAL COVERAGE OF TARGETED LOW-INCOME PREGNANT WOMEN.**

“(a) OPTIONAL COVERAGE.—Notwithstanding any other provision of this title, a State may provide for coverage, through an amendment to its State child health plan under section 2102, of pregnancy-related assistance for targeted low-income pregnant women in accordance with this section, but only if—

“(1) the State has established an income eligibility level for pregnant women under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902 that is at least 185 percent of the income official poverty line; and

“(2) the State meets the conditions described in section 1905(u)(4)(B).

“(b) DEFINITIONS.—For purposes of this title:

“(1) PREGNANCY-RELATED ASSISTANCE.—The term ‘pregnancy-related assistance’ has the meaning given the term child health assistance in section 2110(a) as if any reference to targeted low-income children were a reference to targeted low-income pregnant women, except that the assistance shall be limited to services related to pregnancy (which include prenatal, delivery, and postpartum services and services described in section 1905(a)(4)(C)) and to other conditions that may complicate pregnancy.

“(2) TARGETED LOW-INCOME PREGNANT WOMAN.—The term ‘targeted low-income pregnant woman’ means a woman—

“(A) during pregnancy and through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends;

“(B) whose family income exceeds the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) that has been specified under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902, as of January 1, 2003, to be eligible for medical assistance as a pregnant woman under title XIX but does not exceed the income eligibility level established under the State child health plan under this title for a targeted low-income child; and

“(C) who satisfies the requirements of paragraphs (1)(A), (1)(C), (2), and (3) of section 2110(b).

“(c) REFERENCES TO TERMS AND SPECIAL RULES.—In the case of, and with respect to, a State providing for coverage of pregnancy-related assistance to targeted low-income pregnant women under subsection (a), the following special rules apply:

“(1) Any reference in this title (other than in subsection (b)) to a targeted low-income child is deemed to include a reference to a targeted low-income pregnant woman.

“(2) Any such reference to child health assistance with respect to such women is deemed a reference to pregnancy-related assistance.

“(3) Any such reference to a child is deemed a reference to a woman during pregnancy and the period described in subsection (b)(2)(A).

“(4) In applying section 2102(b)(3)(B), any reference to children found through screening to be eligible for medical assistance under the State medicaid plan under title XIX is deemed a reference to pregnant women.

“(5) There shall be no exclusion of benefits for services described in subsection (b)(1) based on any preexisting condition and no waiting period (including any waiting period imposed to carry out section 2102(b)(3)(C)) shall apply.

“(6) Subsection (a) of section 2103 (relating to required scope of health insurance coverage) shall not apply insofar as a State limits coverage to services described in subsection (b)(1) and the reference to such section in section 2105(a)(1)(C) is deemed not to require, in such case, compliance with the requirements of section 2103(a).

“(7) In applying section 2103(e)(3)(B) in the case of a pregnant woman provided coverage under this section, the limitation on total annual aggregate cost-sharing shall be applied to such pregnant woman.

“(8) The reference in section 2107(e)(1)(D) to section 1920A (relating to presumptive eligibility for children) is deemed a reference to section 1920 (relating to presumptive eligibility for pregnant women).

“(d) AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING PREGNANCY-RELATED ASSISTANCE.—If a child is born to a targeted low-income pregnant woman who was receiving pregnancy-related assistance under this section on the date of the child’s birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan or to have applied for medical assistance under title XIX and to have been found eligible for such assistance under such title, as appropriate, on the date of such birth and to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the child health or medical assistance eligibility identification number of the mother shall also

serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).”.

(2) ADDITIONAL ALLOTMENTS FOR PROVIDING COVERAGE OF PREGNANT WOMEN.—

(A) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by inserting after subsection (c) the following new subsection:

“(d) ADDITIONAL ALLOTMENTS FOR PROVIDING COVERAGE OF PREGNANT WOMEN.—

“(1) APPROPRIATION; TOTAL ALLOTMENT.—For the purpose of providing additional allotments to States under this title, there is appropriated, out of any money in the Treasury not otherwise appropriated, for each of fiscal years 2004 through 2007, \$200,000,000.

“(2) STATE AND TERRITORIAL ALLOTMENTS.—In addition to the allotments provided under subsections (b) and (c), subject to paragraphs (3) and (4), of the amount available for the additional allotments under paragraph (1) for a fiscal year, the Secretary shall allot to each State with a State child health plan approved under this title—

“(A) in the case of such a State other than a commonwealth or territory described in subparagraph (B), the same proportion as the proportion of the State’s allotment under subsection (b) (determined without regard to subsection (f)) to the total amount of the allotments under subsection (b) for such States eligible for an allotment under this paragraph for such fiscal year; and

“(B) in the case of a commonwealth or territory described in subsection (c)(3), the same proportion as the proportion of the commonwealth’s or territory’s allotment under subsection (c) (determined without regard to subsection (f)) to the total amount of the allotments under subsection (c) for commonwealths and territories eligible for an allotment under this paragraph for such fiscal year.

“(3) USE OF ADDITIONAL ALLOTMENT.—Additional allotments provided under this subsection are not available for amounts expended before October 1, 2003. Such amounts are available for amounts expended on or after such date for child health assistance for targeted low-income children, as well as for pregnancy-related assistance for targeted low-income pregnant women.

“(4) NO PAYMENTS UNLESS ELECTION TO EXPAND COVERAGE OF PREGNANT WOMEN.—No payments may be made to a State under this title from an allotment provided under this subsection unless the State provides pregnancy-related assistance for targeted low-income pregnant women under this title, or provides medical assistance for pregnant women under title XIX, whose family income exceeds the effective income level applicable under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902 to a family of the size involved as of January 1, 2003.”.

(B) CONFORMING AMENDMENTS.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(i) in subsection (a), in the matter preceding paragraph (1), by inserting “subject to subsection (d),” after “under this section.”;

(ii) in subsection (b)(1), by inserting “and subsection (d)” after “Subject to paragraph (4);” and

(iii) in subsection (c)(1), by inserting “subject to subsection (d),” after “for a fiscal year.”.

(3) ADDITIONAL CONFORMING AMENDMENTS.—(A) NO COST-SHARING FOR PREGNANCY-RELATED BENEFITS.—Section 2103(e)(2) of the Social Security Act (42 U.S.C. 1397cc(e)(2)) is amended—



(i) in the heading, by inserting "OR PREGNANCY-RELATED SERVICES" after "PREVENTIVE SERVICES"; and

(ii) by inserting before the period at the end the following: "or for pregnancy-related services".

(B) NO WAITING PERIOD.—Section 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(i) in clause (i), by striking "and" at the end and inserting a semicolon;

(ii) in clause (ii), by striking the period at the end and inserting "and"; and

(iii) by adding at the end the following new clause:

"(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income pregnant woman."

(C) AUTHORITY FOR STATES THAT PROVIDE MEDICAID OR SCHIP COVERAGE FOR PREGNANT WOMEN WITH INCOME ABOVE 185 PERCENT OF THE POVERTY LINE TO USE PORTION OF SCHIP FUNDS FOR MEDICAID EXPENDITURES.—Section 2105(g) of the Social Security Act (42 U.S.C. 1397ee(g)), as added by section 1(b) of Public Law 108-74, is amended—

(1) in the subsection heading, by inserting "AND CERTAIN PREGNANCY COVERAGE EXPANSION STATES" after "QUALIFYING STATES";

(2) by adding at the end the following:

"(4) SPECIAL AUTHORITY FOR CERTAIN PREGNANCY COVERAGE EXPANSION STATES.—

"(A) IN GENERAL.—In the case of a State that, as of the date of enactment of the Prevent Prematurity and Improve Child Health Act of 2003, has an income eligibility standard under title XIX or this title (under section 1902(a)(10)(A) or under a statewide waiver in effect under section 1115 with respect to title XIX or this title) that is at least 185 percent of the poverty line with respect to pregnant women, the State may elect to use not more than 20 percent of any allotment under section 2104 for any fiscal year (insofar as it is available under subsections (e) and (g) of such section) for payments under title XIX in accordance with subparagraph (B), instead of for expenditures under this title.

"(B) PAYMENTS TO STATES.—

"(i) IN GENERAL.—In the case of a State described in subparagraph (A) that has elected the option described in that subparagraph, subject to the availability of funds under such subparagraph and, if applicable, paragraph (1)(A), with respect to the State, the Secretary shall pay the State an amount each quarter equal to the additional amount that would have been paid to the State under title XIX with respect to expenditures described in clause (ii) if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)).

"(ii) EXPENDITURES DESCRIBED.—For purposes of this subparagraph, the expenditures described in this clause are expenditures, made after the date of the enactment of this paragraph and during the period in which funds are available to the State for use under subparagraph (A), for medical assistance under title XIX for pregnant women whose family income is at least 185 percent of the poverty line.

"(iii) NO IMPACT ON DETERMINATION OF BUDGET NEUTRALITY FOR WAIVERS.—In the case of a State described in subparagraph (A) that uses amounts paid under this paragraph for expenditures described in clause (ii) that are incurred under a waiver approved for the State, any budget neutrality determinations with respect to such waiver shall be determined without regard to such amounts paid.";

(3) in paragraph (3), by striking "and (2)" and inserting "(2), and (4)".

(d) OTHER AMENDMENTS TO MEDICAID.—

(1) ELIGIBILITY OF A NEWBORN.—Section 1902(e)(4) of the Social Security Act (42 U.S.C. 1396a(e)(4)) is amended in the first sentence by striking "so long as the child is a member of the woman's household and the woman remains (or would remain if pregnant) eligible for such assistance".

(2) APPLICATION OF QUALIFIED ENTITIES TO PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN UNDER MEDICAID.—Section 1920(b) of the Social Security Act (42 U.S.C. 1396r-1(b)) is amended by adding after paragraph (2) the following flush sentence:

"The term 'qualified provider' includes a qualified entity as defined in section 1920A(b)(3)."

(e) EFFECTIVE DATE.—The amendments made by this section apply to items and services furnished on or after October 1, 2003, without regard to whether regulations implementing such amendments have been promulgated.

### SEC. 3. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER THE MEDICAID PROGRAM AND SCHIP.

(a) MEDICAID PROGRAM.—Section 1903(v) of the Social Security Act (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (4)"; and

(2) by adding at the end the following new paragraph:

"(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) and who are otherwise eligible for such assistance, within any of the following eligibility categories:

"(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

"(ii) CHILDREN.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).

"(B)(i) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.

"(ii) The provisions of sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not apply to a State that makes an election under subparagraph (A)."

(b) TITLE XXI.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended by adding at the end the following new subparagraph:

"(E) Section 1903(v)(4) (relating to optional coverage of permanent resident alien pregnant women and children), but only with respect to an eligibility category under this title, if the same eligibility category has been elected under such section for purposes of title XIX."

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2003, and apply to medical assistance and child health assistance furnished on or after such date.

### SEC. 4. PROMOTING CESSATION OF TOBACCO USE UNDER THE MEDICAID PROGRAM.

(a) DROPPING EXCEPTION FROM MEDICAID PRESCRIPTION DRUG COVERAGE FOR TOBACCO CESSATION MEDICATIONS.—Section 1927(d)(2) of the Social Security Act (42 U.S.C. 1396r-8(d)(2)) is amended—

(1) by striking subparagraph (E);

(2) by redesignating subparagraphs (F) through (J) as subparagraphs (E) through (I), respectively; and

(3) in subparagraph (F) (as redesignated by paragraph (2)), by inserting before the period at the end the following: "except agents approved by the Food and Drug Administration for purposes of promoting, and when used to promote, tobacco cessation".

(b) REQUIRING COVERAGE OF TOBACCO CESSATION COUNSELING SERVICES FOR PREGNANT WOMEN.—Section 1905 of the Social Security Act (42 U.S.C. 1396d(a)(4)) is amended—

(1) in subsection (a)(4)—

(A) by striking "and" before "(C)"; and

(C) by inserting before the semicolon at the end the following new subparagraph: "and (D) counseling for cessation of tobacco use (as defined in subsection (x)) for pregnant women"; and

(2) by adding at the end the following:

"(x)(1) For purposes of this title, the term 'counseling for cessation of tobacco use' means therapy and counseling for cessation of tobacco use for pregnant women who use tobacco products or who are being treated for tobacco use that is furnished—

"(A) by or under the supervision of a physician; or

"(B) by any other health care professional who—

"(i) is legally authorized to furnish such services under State law (or the State regulatory mechanism provided by State law) of the State in which the services are furnished; and

"(ii) is authorized to receive payment for other services under this title or is designated by the Secretary for this purpose.

"(2) Subject to paragraph (3), such term is limited to—

"(A) therapy and counseling services recommended in 'Treating Tobacco Use and Dependence: A Clinical Practice Guideline', published by the Public Health Service in June 2000, or any subsequent modification of such Guideline; and

"(B) such other therapy and counseling services that the Secretary recognizes to be effective.

"(3) Such term shall not include coverage for drugs or biologicals that are not otherwise covered under this title."

(c) REMOVAL OF COST-SHARING FOR TOBACCO CESSATION COUNSELING SERVICES FOR PREGNANT WOMEN.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended in each of subsections (a)(2)(B) and (b)(2)(B) by inserting "and counseling for cessation of tobacco use (as defined in section 1905(x))" after "complicate the pregnancy".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after the date that is 1 year after the date of enactment of this Act.

### SEC. 5. PROMOTING CESSATION OF TOBACCO USE UNDER THE MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT PROGRAM.

(a) QUALITY MATERNAL AND CHILD HEALTH SERVICES INCLUDES TOBACCO CESSATION COUNSELING AND MEDICATIONS.—

(1) IN GENERAL.—Section 501 of the Social Security Act (42 U.S.C. 701) is amended by adding at the end the following new subsection:

"(c) For purposes of this title, counseling for cessation of tobacco use (as defined in section 1905(x)), drugs and biologicals used to promote smoking cessation, and the inclusion of antitobacco messages in health promotion counseling shall be considered to be part of quality maternal and child health services."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 1 year after the date of enactment of this Act.



(b) EVALUATION OF NATIONAL CORE PERFORMANCE MEASURES.—

(1) IN GENERAL.—The Administrator of the Health Resources and Services Administration shall assess the current national core performance measures and national core outcome measures utilized under the Maternal and Child Health Block Grant under title V of the Social Security Act (42 U.S.C. 701 et seq.) for purposes of expanding such measures to include some of the known causes of low birthweight and prematurity, including the percentage of infants born to pregnant women who smoked during pregnancy.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Health Resources and Services Administration shall submit to the appropriate committees of Congress a report concerning the results of the evaluation conducted under paragraph (1).

**SEC. 6. STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES TO INDIVIDUALS WITH INCOMES THAT DO NOT EXCEED A STATE'S INCOME ELIGIBILITY LEVEL FOR MEDICAL ASSISTANCE.**

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) by redesignating section 1935 as section 1936; and

(2) by inserting after section 1934 the following new section:

**“STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES**

**“SEC. 1935. (a) IN GENERAL.—**Subject to subsections (b) and (c), a State may elect (through a State plan amendment) to make medical assistance described in section 1905(a)(4)(C) available to any individual whose family income does not exceed the greater of—

“(1) 185 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved; or

“(2) the eligibility income level (expressed as a percentage of such poverty line) that has been specified under a waiver authorized by the Secretary or under section 1902(r)(2), as of October 1, 2003, for an individual to be eligible for medical assistance under the State plan.

“(b) COMPARABILITY.—Medical assistance described in section 1905(a)(4)(C) that is made available under a State plan amendment under subsection (a) shall—

“(1) not be less in amount, duration, or scope than the medical assistance described in that section that is made available to any other individual under the State plan; and

“(2) be provided in accordance with the restrictions on deductions, cost sharing, or similar charges imposed under section 1916(a)(2)(D).

“(c) OPTION TO EXTEND COVERAGE DURING A POST-ELIGIBILITY PERIOD.—

“(1) INITIAL PERIOD.—A State plan amendment made under subsection (a) may provide that any individual who was receiving medical assistance described in section 1905(a)(4)(C) as a result of such amendment, and who becomes ineligible for such assistance because of hours of, or income from, employment, may remain eligible for such medical assistance through the end of the 6-month period that begins on the first day the individual becomes so ineligible.

“(2) ADDITIONAL EXTENSION.—A State plan amendment made under subsection (a) may provide that any individual who has received medical assistance described in section 1905(a)(4)(C) during the entire 6-month period described in paragraph (1) may be extended

coverage for such assistance for a succeeding 6-month period.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 2003.

**SEC. 7. STATE OPTION TO EXTEND THE POSTPARTUM PERIOD FOR PROVISION OF FAMILY PLANNING SERVICES AND SUPPLIES.**

(a) IN GENERAL.—Section 1902(e)(5) of the Social Security Act (42 U.S.C. 1396a(e)(5)) is amended—

(1) by striking “eligible under the plan, as though” and inserting “eligible under the plan—

“(A) as though”;

(2) by striking the period and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(B) for medical assistance described in section 1905(a)(4)(C) for so long as the family income of such woman does not exceed the maximum income level established by the State for the woman to be eligible for medical assistance under the State plan (as a result of pregnancy or otherwise).”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 2003.

**SEC. 8. STATE OPTION TO PROVIDE WRAP-AROUND SCHIP COVERAGE TO CHILDREN WHO HAVE OTHER HEALTH COVERAGE.**

(a) IN GENERAL.—

(1) SCHIP.—

(A) STATE OPTION TO PROVIDE WRAP-AROUND COVERAGE.—Section 2110(b) of the Social Security Act (42 U.S.C. 1397jj(b)) is amended—

(i) in paragraph (1)(C), by inserting “, subject to paragraph (5),” after “under title XIX or”; and

(ii) by adding at the end the following:

“(5) STATE OPTION TO PROVIDE WRAP-AROUND COVERAGE.—A State may waive the requirement of paragraph (1)(C) that a targeted low-income child may not be covered under a group health plan or under health insurance coverage, if the State satisfies the conditions described in subsection (c)(8). The State may waive such requirement in order to provide—

“(A) services for a child with special health care needs; or

“(B) all services.

In waiving such requirement, a State may limit the application of the waiver to children whose family income does not exceed a level specified by the State, so long as the level so specified does not exceed the maximum income level otherwise established for other children under the State child health plan.”.

(B) CONDITIONS DESCRIBED.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)) is amended by adding at the end the following:

“(8) CONDITIONS FOR PROVISION OF WRAP-AROUND COVERAGE.—For purposes of section 2110(b)(5), the conditions described in this paragraph are the following:

“(A) INCOME ELIGIBILITY.—The State child health plan (whether implemented under title XIX or this XXI)—

“(i) has the highest income eligibility standard permitted under this title as of January 1, 2003;

“(ii) subject to subparagraph (B), does not limit the acceptance of applications for children; and

“(iii) provides benefits to all children in the State who apply for and meet eligibility standards.

“(B) NO WAITING LIST IMPOSED.—With respect to children whose family income is at or below 200 percent of the poverty line, the

State does not impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan.

“(C) NO MORE FAVORABLE TREATMENT.—The State child health plan may not provide more favorable coverage of dental services to the children covered under section 2110(b)(5) than to children otherwise covered under this title.”.

(C) STATE OPTION TO WAIVE WAITING PERIOD.—Section 2102(b)(1)(B) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(B)), as amended by section 2(b)(3)(B), is amended—

(i) in clause (ii), by striking “, and” at the end and inserting a semicolon;

(ii) in clause (iii), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following new clause:

“(iv) at State option, may not apply a waiting period in the case of a child described in section 2110(b)(5), if the State satisfies the requirements of section 2105(c)(8).”.

(2) APPLICATION OF ENHANCED MATCH UNDER MEDICAID.—Section 1905 of the Social Security Act (42 U.S.C. 1396d), as amended by section 2(a)(2), is amended—

(A) in subsection (b), in the fourth sentence, by striking “or (u)(4)” and inserting “(u)(4), or (u)(5)”; and

(B) in subsection (u)—

(i) by redesignating paragraph (5) as paragraph (6); and

(ii) by inserting after paragraph (4) the following:

“(5) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for items and services for children described in section 2110(b)(5), but only in the case of a State that satisfies the requirements of section 2105(c)(8).”.

(3) APPLICATION OF SECONDARY PAYOR PROVISIONS.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)), as amended by section 3(b), is amended by adding at the end the following:

“(F) Section 1902(a)(25) (relating to coordination of benefits and secondary payor provisions) with respect to children covered under a waiver described in section 2110(b)(5).”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2003, and shall apply to child health assistance and medical assistance provided on or after that date.

Mr. LUGAR. Mr. President, I am pleased to introduce with my colleagues Senator LINCOLN and Senator BINGAMAN, the Prevent Pre-maturity and Improve Child Health Act.

Pre-maturity has been escalating steadily and alarmingly over the past two decades. Between 1981 and 2001, the rate of premature births rose from 9.4 percent to 11.9 percent, an increase of more than 27 percent. In 2001, more than 476,000 babies were born prematurely.

Pre-maturity is the leading cause of infant death in the first month of life. Babies born too early are more likely than full-term infants to face serious multiple health problems following delivery. The health problems facing many of these children include cerebral palsy, mental retardation, chronic lung disease, and vision and hearing loss. If we are able to reduce the number of premature births we will be able to improve the health of hundreds of thousands of infants born each year.

The goal of the “Prevent Pre-maturity and Improve Child Health Act” is

to give States increased flexibility and the Federal resources needed to improve access to prenatal care for low-income pregnant women and their children.

Among other things, the bill allows States the option of covering legal immigrant pregnant women under Medicaid. It also promotes new programs and more coverage for tobacco cessation in Medicaid, and Maternal Child Health block grant programs, and allows States the option of providing wrap-around SCHIP coverage for special needs children who have another source of health insurance.

Our bill has the potential to make a real difference in many lives. I am pleased that we are able to introduce this bill in conjunction with the March of Dimes kick off of their new campaign on pre-maturity awareness and hope that our colleagues will consider joining us in this effort.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. GRAHAM of South Carolina, Mr. CHAMBLISS, and Mr. CAMPBELL):

S. 1735. A bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce with my colleague, Senator FEINSTEIN, a comprehensive bipartisan bill to increase gang prosecution and prevention efforts.

This legislation, the Gang Prevention and Effective Deterrence Act of 2003, authorizes approximately \$650 million over the next 5 years to support law enforcement and prevention efforts. Of the \$650 million, \$450 million would be used to support Federal, State and local law enforcement efforts against violent gangs, and \$200 million would be used for intervention and prevention programs for at-risk youth. The bill also increases funding for the Federal prosecutors and FBI agents needed to conduct coordinated enforcement efforts against violent gangs.

Additionally, this bill will create new criminal gang prosecution offenses, enhance existing gang and violent crime penalties to deter and punish illegal street gangs, enact violent crime reforms needed to prosecute effectively gang members, and implement a limited reform of the juvenile justice system to facilitate Federal prosecution of 16 and 17-year-old gang members who commit serious violent felonies.

I want to take a moment here and commend my dear friend Senator FEINSTEIN for her long-time commitment to this issue. She has been a leader in

California and in the Senate in the war against gangs and gang violence. She and I have worked together for many years on this important issue, and I look forward to our joint effort to enact meaningful legislation.

The problem of gang violence in America is not a new one, nor is it a problem that is limited to major urban areas. Once thought to be only a problem in our Nation's largest cities, gangs have invaded smaller communities.

The problem of gang violence is of great concern to the citizens of my State. According to the Salt Lake Area Gang Project, a multi-jurisdictional task force created in 1989 to fight gang crime in the Salt Lake area, there are at least 250 identified gangs in our region with over 3,500 members. What is perhaps most troubling, the juvenile gang members in Utah account for over one-third of the total gang membership.

Gangs now resemble organized crime syndicates who readily engage in gun violence, illegal gun trafficking, illegal drug trafficking and other serious crimes. All too often we read in the headlines about gruesome and tragic stories of rival gang members gunned down, innocent bystanders—adults, teenagers and children—caught in the crossfire of gangland shootings, and family members crying out in grief as they lose loved ones to the gang wars plaguing our communities.

Recent studies confirmed that gang violence is an increasing problem in all of our communities. Based on the latest available National Youth Gang Survey, it is now estimated that there are more than 25,000 gangs, and over 750,000 gang members who are active in more than 3,000 jurisdictions across the United States. The most current reports indicate that in 2002 alone, after five years of decline, gang membership has spiked nationwide.

While we are all committed to fighting the global war on terrorism, we must redouble our efforts to ensure that we devote sufficient resources to combating this important national problem—the rise in gangs and gang violence in America. I have been—and remain—committed to supporting Federal, State and local task forces as a model for effective gang enforcement strategies. Working together, these task forces have demonstrated that they can make a difference in our communities.

In Salt Lake City, the Metro Gang Multi-Jurisdiction Task Force has for years demonstrated its critical role in fighting gang violence in Salt Lake City. We must act in a bipartisan fashion to ensure that adequate resources are available to all of our communities to expand and fund these critical task force operations to fight gang violence.

I also am mindful of the fact that to be successful in reducing gang violence, we must address not only effective law enforcement strategies, but we must also take steps to protect our

youth—so that the next generation does not all into the abyss of gang life, which so often includes gun violence, drug trafficking, and other serious crimes. The young people of our cities need to be steered away from gang involvement. We need to ensure that there are sufficient tools to intervene in the lives of these troubled youth. Federal involvement is crucial to control gang violence and to prevent new gang members from replacing old gang members.

We must take a proactive approach and meet this problem head on if we wish to defeat it. If we really want to reduce gang violence, we must ensure that law enforcement has adequate resources and legal tools and that our communities have the ability to implement proven intervention and prevention strategies, so that gang members who are removed from the community are not simply replaced by the next generation of new gang members.

I strongly urge my colleagues to join with me and Senator FEINSTEIN in promptly passing this important legislation.

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

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

#### SECTION-BY-SECTION ANALYSIS OVERVIEW

The Gang Prevention and Effective Deterrence Act of 2003 is a comprehensive bill to increase gang prosecution and prevention efforts. The bill authorizes approximately \$650 million over the next 5 years, \$450 million of which would be used to support Federal, State and local law enforcement efforts against violent gangs, and \$200 million of which would be used for intervention and prevention programs for at-risk youth. In support of this effort, the bill increases funding for federal prosecutors and FBI agents to increase coordinated enforcement efforts against violent gangs.

The Act also creates new criminal gang prosecution offenses, enhances existing gang and violent crime penalties to deter and punish illegal street gangs, proposes violent crime reforms needed to prosecute effectively gang members, and proposes a limited reform of the juvenile justice system to facilitate federal prosecution of 16 and 17 year old gang members who commit serious acts of violence.

#### TITLE I—CRIMINAL STREET GANG ABATEMENT ACT

Sec. 101. Solicitation or Recruitment of Persons in Criminal Street Gang Activity. This section creates a new criminal offense to prohibit recruitment of a person in a criminal street gang. The penalty for such a violation is a maximum of 10 years imprisonment, or if the violation involves the recruitment of a minor, a mandatory minimum penalty of not less than 3 years and a maximum of 10 years imprisonment.

Sec. 102. Criminal Street Gangs. This section revises existing section 521 of title 18, United States Code, to prohibit illegal participation in a criminal street gang. A "criminal street gang" is defined to mean a formal or informal group, club, organization or association of 3 or more persons who act in concert to commit gang crimes. The term "gang crime" is defined to include violent

and other serious State and Federal felony crimes. Subsection (b) prohibits participation in a criminal street gang either by (1) committing, conspiring or attempting to commit, 2 or more predicate gang crimes related to the gang activity; or (2) to employ, use or command, counsel persuade, induce, entice or coerce another individual to commit a gang crime. The maximum penalties for a violation of subsection (b)(1) is 30 years imprisonment and for subsection (b)(2) is 20 years imprisonment, or a mandatory minimum of 10 years imprisonment if the violation of subsection (b)(2) involves a minor. Additional penalties, including the death penalty, are authorized for gang crimes depending on whether the violation results in the taking of a life, attempted murder, the violator is an organizer, leader, supervisor, or manager, or the violator is a repeat offender.

Sec. 103. Violent Crimes in Furtherance or in Aid of Criminal Street Gangs. This section creates a new criminal offense for murder, kidnapping, sexual assaults, maiming, assaults with a dangerous weapon, or assaults resulting in serious bodily injury, which are committed in furtherance or in aid of a criminal street gang. The penalties for such violations range from a maximum of 10 years to death depending on the nature of the offense.

Sec. 104. Interstate and Foreign Travel or Transportation in Aid of Criminal Street Gangs. This section amends existing section 1952 of title 18, United States Code, to increase penalties and expand the prohibition to include efforts to obstruct justice, intimidate or retaliate against witnesses, jurors, informants or victims.

Sec. 105. Amendments Relating to Violent Crime in Areas of Exclusive Federal Jurisdiction. This section amends criminal statutes relating to assault (section 113(a)(3)), conspiracy (section 371), manslaughter (section 1112(b)), offenses committed within Indian country (section 1153(a)), racketeering (section 1961(l)), carjacking (section 2119), illegal gun transfers to drug traffickers or violent criminals (section 924(h)), special sentencing provisions (section 3582(d)), and application of the two strikes provision in Indian country (section 3559(e)).

Sec. 106. Increased Penalties for Use of Interstate Commerce Facilities in the Commission of Murder-For-Hire and Other Felony Crimes of Violence. This section amends existing section 1958 of title 18, United States Code, to increase penalties for hiring an individual to kill another person and prohibits a fine in lieu of a sentence for conduct resulting in death.

Sec. 107. Increased Penalties for Violent Crimes in Aid of Racketeering Activity. This section amends existing section 1959(a) of title 18, United States Code, to increase penalties and expand the prohibition to include sexual assault.

Sec. 108. Murder and Other Violent Crimes Committed During and In Relation to a Drug Trafficking Crime. This section creates a new criminal offense for murder, kidnapping, sexual assaults, maiming, assaults with a dangerous weapon, or assaults resulting in serious bodily injury, which are committed during and in relation to drug trafficking crimes. The penalties for such violations range from a maximum of 10 years to death depending on the nature of the offense.

Sec. 109. Sentencing Guidelines for Gang Crimes, Including an Increase in Offense Level for Participation in Crime as a Gang Member. This section directs the United States Sentencing Commission to amend the Federal Sentencing Guidelines to reflect the newly created offenses of: (1) solicitation or recruitment or persons in criminal street gang activity; (2) criminal street gangs; and

(3) violent crimes in furtherance of criminal street gangs to reflect the seriousness of the offenses.

Sec. 110. Designation of and Assistance for "High Intensity" Interstate Gang Activity Areas. This section requires the Attorney General, after consultation with the Governors of appropriate States, to designate certain locations as high intensity interstate gang activity areas and provides assistance in the form of criminal street gang enforcement teams made up of local, State and Federal law enforcement authorities to investigate and prosecute criminal street gangs in each high intensity interstate gang activity area. Subsection (c) authorizes funding of \$100 million for each fiscal year 2004 through 2008. Sixty percent, or \$60 million, will be used to support the criminal gang enforcement teams and 40 percent, or \$40 million, will be used to make grants available for community-based programs to provide for crime prevention and intervention services for gang members and at-risk youth in areas designated as high intensity interstate gang activity areas.

Sec. 111. Enhancement of Project Safe Neighborhoods Initiative to Improve Enforcement of Criminal Laws Against Violent Gangs. Subsection (a) expands the Project Safe Neighborhood program to require United States Attorneys to identify and prosecute significant gangs within their district; coordinate such prosecutions among all local, State, and Federal law enforcement; and coordinate criminal street gang enforcement teams in designated high intensity interstate gang activity areas. Subsection (b) authorizes the hiring of 94 additional Assistant United States Attorneys and funding of \$7.5 million for each fiscal year 2004 to 2008 to carry out the provisions of this section.

Sec. 112. Additional Resources Needed by the Federal Bureau of Investigation to Investigate and Prosecute Violent Criminal Street Gangs. This section requires the Federal Bureau of Investigation to increase funding for the Safe Streets Program and to support the criminal street gang enforcement teams in designated high intensity interstate gang activity areas. Subsection (b) authorizes \$5 million for each fiscal year 2004 to 2008 to expand the FBI's Safe Streets Program.

Sec. 113. Grants to States and Local Prosecutors to Combat Violent Crime and to Protect Witnesses and Victims of Crime. This section authorizes \$20 million for each of the fiscal years 2004 to 2008 to allow for the hiring of additional State and local prosecutors, the funding of gang prevention and community prosecution programs, the purchasing of technological equipment to increase the accurate identification and prosecution of violent offenders, and the creation and expansion of witness protection programs to prevent witness intimidation and retaliation.

#### TITLE II—VIOLENT CRIME REFORMS NEEDED TO DETER AND PREVENT ILLEGAL GANG CRIME

Sec. 201. Multiple Interstate Murder. This section creates a new criminal offense for traveling in or causing another to travel in interstate or foreign commerce or to use any facility in interstate or foreign commerce with the intent that 2 or more murders be committed in violation of the laws of any State or the United States. The penalties for such violations range from a maximum of 20 years to death depending on the nature of the offense.

Sec. 202. Expansion of Rebuttable Presumption Against Release of Persons Charged with Firearms. This section applies the rebuttable presumption in pre-trial release detention hearings to cases in which a defendant is charged with firearms offenses after having previously been convicted of a

prior crime of violence or a serious drug offense.

Sec. 203. Venue in Capital Cases. This section amends section 3235 of title 18 to clarify venue in capital cases where murder, or related conduct, occurred. The existing venue provision restricts venue in criminal cases where murder occurs in relation to racketeering, drug conspiracy, or criminal street gang.

Sec. 204. Statute of Limitation for Violent Crime. This section extends the statute of limitations for violent crime cases from 5 years to 10 years after the offense occurred or the continuing offense was completed, and from 5 years to 8 years after the date on which the violation was first discovered.

Sec. 205. Predicate Crimes for Authorization of Interception of Wire, Oral and Electronic Communications. This section adds the new criminal offenses to the surveillance predicates listed in section 2516 of title 18, United States Code.

Sec. 206. Clarification of Crime of Violence. This section amends the definition of a crime of violence in response to recent restrictive court decisions excluding violent acts committed with a reckless or negligent mens rea.

Sec. 207. Clarification to Hearsay Exception for Forfeiture by Wrongdoing. This section codifies the holding in *United States v. Cherry*, 217 F.3d 811 (10th Cir. 2000), which permits admission of statements of a murdered witness to be introduced against the defendant who caused a witness' unavailability and the members of the conspiracy if such actions were foreseeable to the other members of the conspiracy.

Sec. 208. Clarification of Venue for Retaliation Against a Witness. This section clarifies the venue statute for crimes involving the retaliation against a witness to allow for prosecution in the district where the official proceeding which gave rise to the retaliation occurred or where the act of retaliation occurred.

Sec. 209. Amendment of Sentencing Guidelines Relating to Certain Gang and Violent Crimes. This section directs the United States Sentencing Commission to review and, if appropriate, amend its guidelines and policy statements in order to implement new or revised criminal offenses created by this legislation.

Sec. 210. Increased Penalties for Criminal Use of Firearms in Crimes of Violence and Drug Trafficking. This section increases the penalty for the use or discharge of a firearm in a crime of violence or drug trafficking crime. The penalties are increased further if the firearm injures or causes the death of another.

#### TITLE III—JUVENILE CRIME REFORM FOR VIOLENT OFFENDERS

Sec. 301. Treatment of Federal Juvenile Offenders. This section authorizes the United States Attorney to charge in federal court a juvenile who is 16 years or older and committed a serious violent felony, as defined in section 3559(c)(2) or (c)(3). Technical changes are made to existing statute, section 5032 of title 18, United States Code, to conform with limited authorization for United States Attorney filings.

Sec. 302. Notification After Arrest. This section modifies existing section 5033 of title 18 to ensure notification of United States Attorney after arrest of juvenile offender.

Sec. 303. Release and Detention Prior to Disposition. This section makes technical changes to existing statute, 5034 of title 18, and makes conforming changes to ensure consideration of release conditions for juveniles charged as adults.

Sec. 304. Speedy Trial. This section modifies existing speedy trial statute to require

trial within 70 days from detention of juvenile who is charted as an adult and applies existing exclusions from section 3161(h) of title 18.

Sec. 305. Use of Juvenile Records. This section ensures that juvenile records relating to a case in which a juvenile is charged as an adult are made available in the same manner as adult cases.

Sec. 306. Directive to United States Sentencing Commission. This section directs the Sentencing Commission to develop new guidelines applicable to juvenile offenders who are charged as adults.

Mrs. FEINSTEIN. Mr. President, I am pleased to join Chairman HATCH in introducing the Gang Prevention and Effective Deterrence Act of 2003, a bill to give law enforcement additional tools to fight the scourge of gang violence and to fund prevention programs to stop the cycle of gang violence.

I thank and commend my good friend and colleague, Chairman HATCH, for his hard work in helping to develop this legislation. Since 1996, he and I have worked together to address the problem of gang violence in this country.

We have now introduced legislation in each of the last four Congresses—the 104th, 105th, 106th, and 107th. None of that legislation became law. But we have not given up.

The legislation we are introducing today addresses the many aspects of gang violence by focusing on new criminal offenses and increased penalties for individuals who engage in gang violence. Specifically, this legislation targets gang members who participate in criminal street gang by committing gang crimes like murder, sexual assault, robbery, and drug offenses to name a few, or by employing others to do so; recruit and use minors in gang crimes; commit violent crimes in furtherance of gang or drug trafficking activity; or travel in interstate commerce to intimidate and retaliate against witnesses.

This legislation also makes it easier to prosecute certain 16 and 17-year-olds as adults if they are engaging in violent gang activity.

We have also worked to provide for more cooperation between Federal and local law enforcement officials, and to make it easier for prosecutors to go after gang members who commit serious or violent crimes on behalf of their gangs.

We offer this comprehensive legislation because the problem of gang violence continues to get worse. I concur in the sentiments expressed by Los Angeles Police Department Chief William Bratton when he stated, "There is nothing more insidious than these gangs. They are worse than the Mafia. Show me a year in New York where the Mafia indiscriminately killed 300 people. You can't."

In 2002, there were over 650 homicides in Los Angeles, half of which were gang related. This year the Los Angeles Police Department reports approximately 400 murders and almost one-half of those murders are the result of gang violence.

The United States Attorney in Los Angeles testified before the Judiciary Committee last month about the gang problem in her city. She stated that in Los Angeles County alone, conservative estimates put street gangs at about 1,000 in number. The number of individual gang members in those street gangs is 150,000.

In addition, there are approximately another 20,000 gang members in Orange County, Ventura and San Bernardino Counties.

I am often struck by how vicious gang crimes can be, and how damaging they are to the victims and to the surrounding community.

Let me give a couple of examples from my own home city of San Francisco.

In 2000, two rival gangs had a shoot out in San Francisco's Mission District. An innocent bystander was caught in the crossfire and shot through both legs.

A brave eyewitness gave law enforcement the name of the shooting suspect, who was then arrested. The gang then tracked down the witness, put a 9 millimeter automatic to his head, and threatened to kill him for cooperating with the police.

And just recently, on September 28, 2003, 7-week-old Glenn Timmy Maurice Molex was killed in his home during a drive-by shooting in a Bayview district neighborhood in San Francisco. Law enforcement believe that gang members may have been involved in the shooting.

But this problem is not limited to any one city, of course.

In 1980, there were gangs in 286 jurisdictions. Today, they are in over 1,500 jurisdictions.

In 1980, there were about 2,000 gangs. Today, there are over 26,000 gangs.

In 1980, there were about 100,000 gang members. Today, there are more than 750,000 gang members.

I would like to explain how this legislation will help deter and punish gang-related crimes, and why Congress should act quickly to pass it.

First, the bill includes tough 10-year sentences for gang recruitment. This will serve to punish anyone who recruits a member to join—or forces a member to stay in—a criminal street gang with the intent to have that person commit a serious violent crime or a drug crime.

Second, if the person who was recruited was a minor, the offender will serve a mandatory minimum sentence of 3 years.

The purpose of this provision is to deter criminal gang recruitment. It is also to punish those who use minors to commit their crimes. And gangs specifically do go after juveniles because they know that, if the child is caught, he or she will probably receive lighter punishment than an adult.

I believe that we need to punish gang recruitment of children very severely. This bill would do that.

This legislation would also make it a crime for three or more people who

work together to commit predicate gang crimes which are listed in the bill. Gang members who commit two or more predicate gang crimes or employ another individual to commit a gang crime would be punished under this new statute by up to 30 years in prison. If the predicate gang crime carries a greater penalty, the maximum would increase. If the gang member has previously been convicted of a predicate gang crime, that gang member's sentence would also increase.

And because juveniles are being used to commit these gang crimes, if the gang member employs a minor to commit the gang crime, the gang member would face a mandatory minimum sentence of 10 years.

The predicate gang crimes are felony crimes and include murder, attempted murder, manslaughter, gambling, kidnapping, robbery, extortion, arson, obstruction of justice, tampering with or retaliating against a witness, victim or informant, burglary, sexual assault, carjacking, or selling or possessing a controlled substance, firearm offenses, and illegal transportation of an alien.

The offenses that are listed as predicate gang crimes are those commonly pursued by gangs.

One study of gangs in various countries found that law enforcement reported that 55 percent of gang members were involved in aggravated assaults; 33 percent in robberies;

Fifty-eight percent in burglary and breaking and entering;

Fifty-two percent in motor vehicle theft; and

Seventy-two percent in drug sales.

Numerous gangs illegally launder their illicit drug profits. These include Russian and West African criminal gangs as well as street gangs such as the Bloods, Crips, Gangster Disciples, and Latin Kings.

This bill also allows property derived from gang crimes to be forfeited.

Third, the bill creates a new, RICO-like, anti-gang law to help prosecutors target the more serious gangs and gang members. In response to the problems of mafia-violence, the racketeering statute was created to punish violent crimes that are in furtherance of a racketeering enterprise. This legislation will do the same for violent crimes that are in furtherance of gang activity or drug activity.

The gang and drug crimes are those which I have described earlier—murder, carjacking, drug distribution, robbery, firearms violations, and sexual assault. These crimes represent the heart of gang activity and those who commit them must be met with tough penalties.

The penalties range from a maximum of 10 years to the death penalty if death results from the crime.

This legislation also expands the Travel Act.

The Travel Act allows Federal prosecutors to charge certain interstate crimes such as extortion, bribery, and arson, and for business enterprises involving gambling, liquor, drugs, or prostitution.

This statute was passed in 1961 also with mafia-related criminal activity in mind.

Now criminal street gangs travel interstate for another purpose which strikes at the heart of our system of justice—intimidating and retaliating against witnesses, jurors, informants, and victims.

This bill would make it a crime to travel across state lines for that purpose and would allow for a sentence up to life imprisonment for someone who commits that crime.

Defendants who violate the Travel Act and kill someone will also face a possible death sentence for such actions.

This bill should ensure that prosecutors can use the Travel Act to act against crimes caused by the new Mafia: criminal street gangs.

The bill also amends several criminal statutes to address violent crimes frequently or typically committed by gangs.

These crimes include carjacking, assault, manslaughter, racketeering, illegal gun transfers to drug traffickers or violent criminals, the use of firearms in drug trafficking and violent crimes, and murder-for-hire.

These amendments make it easier for prosecutors to prove these crimes by eliminating or modifying the intent requirement for the crimes or by increasing the penalties for violations.

This legislation also changes the venue statute for capital cases so that capital cases can be brought where the murder occurs or where the racketeering conspiracy, drug conspiracy, or criminal street gang operates. So, if the gang, commits the bulk of its crimes in one State but commits a capital crime in another State, all of the crimes can be tried in the same State where the gang focused its criminal activity and the government can seek the appropriate punishment for that crime. The jury will then get the whole picture of how the gang operated and what they did.

Where a 16-year-old or 17-year-old has committed a Federal serious violent felony, this legislation facilitates Federal prosecution of such offenders. Surveys in 1996 and 1999 showed that 37-50 percent of gang members were under the age of 18. This legislation also calls upon the United States Sentencing Commission to create new sentencing guidelines for juvenile offenders who are charged as adults to address concerns specific to offenders of that age.

The bill permits the Attorney General to designate high intensity interstate gang activity areas, HIIGAs, and authorizes \$100,000,000 for each of 5 years for these task forces.

These provisions are modeled after similar provisions creating high intensity drug trafficking areas, HIDTAs.

HIDTAs are joint efforts of local, State, and Federal law enforcement agencies whose leaders work together to assess regional drug threats, design strategies to combat those threats, and

develop initiatives to implement the strategies.

HIDTAs are based on an equal partnership between different law enforcement agencies.

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HIDTAs integrate and synchronize efforts to reduce drug trafficking.

They eliminate unnecessary duplication of effort and maximize resources.

And they improve intelligence and information sharing both within and between regions.

HIDTAs are necessary because drug trafficking tends to be "head quartered" in certain areas of the country, from which it spreads to other areas.

Moreover, drug traffickers have been highly organized and developed sophisticated interstate and international operations.

These points are also true for many criminal gangs. So we have erected a new program of cooperation between law enforcement agencies to attack the gang problem like we attack the drug problem.

This bill authorizes \$75 million over the next 5 years for the hiring of Federal prosecutors to identify and prosecute significant gangs within their districts under the Project Safe Neighborhoods program. Across the Nation, 94 Project Safe Neighborhoods Task Forces are working to implement the coordinated strategy to reduce gun violence, led by the U.S. Attorney in each of the Federal judicial districts. U.S. Attorneys have been working side by side with all law enforcement participants in their communities to identify the most pressing crime problems and attack those problems both through prevention and aggressive prosecution.

Finally, this legislation would authorize \$100 million dollars over the next 5 years for States to update their technology, create and fund gang prevention and community prosecution programs, and create and expand witness protection programs.

Witness protection is a critical part of reducing gang violence. The president of the National District Attorneys Association, Robert McCulloch, who is also the district attorney in St. Louis, testified last month before the Judiciary Committee. He said that while his office is able to put witnesses in motels for a couple of days or a week or is able to send them on a bus ride to a relative's house, the solutions are not long-term. And as a result, the witnesses come back and are at risk. That is not acceptable. If witnesses are not confident that they will remain safe, they will not talk to law enforcement. It is as simple as that. We must give local and State law enforcement the tools to keep witnesses alive.

While criminal street gangs flourish in certain urban areas such as Los Angeles and Chicago, they typically use these cities as bases to invade more rural locales.

And the characteristics of a criminal street gang are extremely diverse.

While some criminal street gangs are looser-affiliations of violent individuals who work together in furtherance of their gang, there are also some very highly disciplined, hierarchical "corporations," often encompassing numerous jurisdictions.

MS-13, an international gang with roots in El Salvador's civil war has spread to at least 28 States and includes more than 8,000 members. In this gang there is no real command structure or national charter.

And in the Washington, D.C. metropolitan area, criminal street gangs are largely neighborhood-based associations of lifelong friends. They use no flashy names or symbols, but they bank together to commit crimes and sell drugs.

In the past three years, members of just three neighborhood-based gangs in Washington, D.C., called the 1-5 Mob, the K Street Crew and Murder Inc. by prosecutors, have been convicted of 57 murders and dozens of assaults and weapons offenses for gang crimes committed over the past ten years.

On the other hand, there are some very organized and structured ruthless gangs in this country.

The Gangster Disciples Nation, for example, has a chairman of the board, two boards of directors, one for prisons and one for streets), Governors, regents, area coordinators, enforcers, and "shorties," youth who staff drug-selling sites and help with drug deals.

From 1987 to 1994, this gang was responsible for killing more than 200 people. Moreover, one-half of their arrests were for drug offenses and only one-third for nonlethal violence.

And just like MS-13, these gangs pop up all across the country.

In 1996, the Gangster Disciples Nation and other Chicago-based gangs were in 110 jurisdictions in 35 states.

Members of the Los-Angeles based 18th Street Gang have migrated outside of California into the southwest border up into the Pacific Northwest, out to New Jersey, Mexico, and El Salvador. Los Angeles gang members have been tracked to Indianapolis, Oklahoma, Omaha, Raleigh and St. Louis.

This bill is a necessary measure to target increasingly violent, increasingly sophisticated, and increasingly national gangs. This is not just a California problem, or a Chicago problem, or a District of Columbia problem—this problem is a nationwide in its scope, and we must craft a nationwide solution. This legislation will tackle that problem head-on. We simply cannot wait any longer.

I look forward to working with my colleagues to enact the Gang Prevention and Effective Deterrence Act of 2003.

By Mr. ENZI (for himself, Mr. DORGAN, Mr. CHAFEE, Mr. HAGEL, Mrs. HUTCHISON, Mr. VOINOVICH, Mr. THOMAS, Mr. BREAUX, Mr. BINGAMAN, Mr. GRAHAM of Florida, Mr. JOHN-SON, Mr. NELSON of Nebraska, and Mr. ROCKEFELLER):

S. 1736. A bill to promote simplification and fairness in the administration and collection of sales and use taxes; to the Committee on Finance.

Mr. ENZI. Mr. President, I rise today to introduce the Streamlined Sales and Use Tax Act, a bill that will make it easier for American consumers and businesses to conduct sales from remote locations. Our bill will also help states begin to recover from years of budgetary shortfalls.

This bill is not a disguised attempt to increase taxes or put a new tax on the Internet. Consumer are already supposed to pay sales and use taxes in most States for purchases made over the phone, by mail, or via the Internet. Unfortunately, most consumers are unaware they are required to pay this use tax on purchases for which retailers choose not to collect sales tax at the time of purchase.

That means consumers who buy products online are required to keep track of their purchases and then pay outstanding use tax obligation on their State tax forms. Most people do not know this or comply with the requirement. As such, States are losing millions of dollars in annual revenue.

Our legislation will help both consumers and States by reducing the burden on consumers and providing a mechanism that will allow States to systematically and fairly collect the taxes already owed to them.

This bill is not about new taxes. Simply put, if Congress continues to allow remote sales taxes to go uncollected and electronic commerce continues to grow as predicted, other taxes—such as income or property taxes—will have to be increased to offset the lost revenue. I want to avoid that. That's why we need to implement a plan that will allow States to generate revenue using mechanisms already approved by their local leaders.

This bill is about economic growth. Sales and use taxes provide critical revenue to pay for our schools, our police officers, firefighters, road construction, and more. It will bring more money—money that is already owed—into rural areas that are struggling economically. It will also help businesses comply with the complicated States sales tax systems. That means the business resources that have historically been spent on tax compliance could be used, among other things, to hire new people and buy new equipment.

This bill is about tax simplification. As the Supreme Court identified in the *Quill* versus North Dakota decision in 1992, the complicated State and local sales tax systems across this country have created an undue burden on sellers. Our bill will help relieve this burden by requiring States to meet the stringent simplification standards outlined in the Streamlined Sales and Use Tax Agreement. This bill requires States to implement and maintain these simplification measures before they can require any seller to collect and remit sales tax.

The Streamlined Sales and Use Tax Agreement includes dramatic simplification in almost every aspect of sales and use tax collection and administration, especially for multi-state sellers. Areas of simplification include exemption processing, uniform definitions, State level administration of local taxes, a reduced number of sales tax rates, determining the appropriate tax rate, and reduced audit burdens for sellers using the state-certified technology.

I firmly believe this bill, coupled with the Agreement, will facilitate a change to our taxing system that benefit local and State governments, Main Street and online businesses, and consumers. I recognize that this legislation may not be perfect, but I welcome the opportunity to continue working with retailers, local and State lawmakers and my colleagues to address any remaining concerns. Our intention is to close the sales tax loophole for remote sales, and I am ready and willing to engage in discussions to ensure that this bill fairly accomplishes that objective.

I thank my colleague, Senator DORGAN, for his tireless efforts on this issue. He has been instrumental in drafting this critical legislation, and I appreciate his insight and thoroughness. I would also like to thank my colleagues on both sides of the aisle who have agreed to be original cosponsors—Senators DORGAN, BREAU, BINGAMAN, CHAFEE, BOB GRAHAM, HAGEL, HUTCHISON, JOHNSON, BEN NELSON, ROCKEFELLER, VOINOVICH, and my esteemed fellow Senator from Wyoming, Senator THOMAS.

Mr. DORGAN. Mr. President, I rise today with Senator ENZI and others to introduce legislation to address the long-standing issue of how to see that the sales and uses taxes which are owed on remote sales, i.e., items bought from companies outside of the State in which the purchaser lives, can be fairly collected. The Simplified Sales and Use Tax Act which we introduce today will allow the States to require collection only after they have dramatically simplified their sales and use tax systems.

Collecting a sales tax in a face-to-face transaction on Main Street or at the mall is a relatively simple process. The seller collects the tax and remits it to the State or local government. But with remote sales—such as catalog and Internet sales—it's more difficult. States cannot require a seller to collect a sales tax unless the business has an actual location or sales people in the State. So most States, and many localities, have laws that require the local buyer to send an equivalent "use tax" to the State or local government when he or she did not pay taxes at the time of purchase.

The reality, of course, is that customers almost never do that. It would be a major inconvenience, and people are not accustomed to paying sales taxes in that way. So, despite the legal requirement, most simply don't do it,

and the tax, which is already owed, goes unpaid. For years, State and local governments could accept this loss because catalog sales were a relatively minor portion of overall commerce. But, as e-commerce continues to grow so does the competitive divide between those businesses with and without the collection burden and the local governments who are losing an ever larger share of sales tax revenues.

In fact, it appears as if local governments are facing a perfect storm of dwindling economic activity, and a growing migration of commerce from Main Street to the Internet. As online consumer purchases have nearly doubled in the last 2 years estimates are that States and localities lost at least \$13.5 billion in uncollected sales and use tax revenues in 2002, and that number is expected to grow to \$45 billion by 2006.

Internet and catalog sellers correctly argue that collecting and remitting sales taxes would be a significant burden. Understandably, they contend that, unless things change, it would be difficult for them to have to comply with tax laws from thousands of different jurisdictions—46 States and thousands of local governments—with different tax rates and all of the idiosyncrasies regarding what is taxable and what is non-taxable.

This is a legitimate complaint, and I understand why the Supreme Court agreed with them when it decided that companies have to have a physical presence in a State before being required to collect sales taxes.

But, in so ruling the Court did two things: (1) it told the States to simplify their sales and use tax systems, and (2) it invited Congress to define how much simplification will be needed so that collection will no longer be an impermissible burden on interstate commerce.

The States have since responded to the Court's ruling with the "Streamlined Sales and Use Tax Agreement." Approved by 34 States and the District of Columbia after extensive discussions with the business community this unprecedented agreement will dramatically simplify and streamline how State sales taxes are identified and collected. And, by harmonizing State sales tax rules, bringing uniformity to definitions of items in the sales tax base, significantly reducing the paperwork burden on retailers, and incorporating a seamless electronic reporting process the agreement will significantly reduce the burden of collection on all sellers. Once adopted by 10 States with at least 20 percent of the population, the Simplified Sales and Use Tax Act would give those States the authority to collect sales or use taxes equally from all retailers.

I understand that some have raised questions about how the small business exemption included in this legislation will be applied, and I intend to work with those interested parties to try to address this matter. However, sales and

use tax simplification is an important issue that Congress must address sooner rather than later. The legislation we introduce today is workable and strikes a fair balance between the interests of consumers, local retailers and remote sellers.

Mr. President, I urge my colleagues to support this much-needed bipartisan legislation.

By Mr. WYDEN:

S. 1737. A bill to amend the Clayton Act to enhance the authority of the Federal Trade Commission or the Attorney General to prevent anticompetitive practices in tightly concentrated gasoline markets; to the Committee on the Judiciary.

Mr. WYDEN. Mr. President, it's time to bring competition back into our Nation's gasoline markets. Across America, gasoline prices have recently soared to the highest levels ever. Right now, gasoline costs 12 cents more than it did at this time last year. In my home State of Oregon, folks are paying a whopping 32 cents more per gallon than in October of last year.

Proven price manipulation is siphoning competition out of the gasoline markets and stealing money from Americans' wallets. It's time that government regulators opened their eyes to reality of rampant price manipulation by gas companies and protected American consumers from getting pummeled at the pump. That's why today I am introducing the Gasoline Free Market Competition Act.

Every extra penny Americans spend on the artificially inflated price of gasoline is a penny they aren't spending on other things—like clothes, groceries, or other consumer items. The difference is that buying a new washer dryer helps create jobs; paying extra for gas only creates a fatter bottom line for oil companies, nothing more.

With people losing their jobs and the economy in sorry shape, Congress should act right now to protect the American people from oil company price gouging. Artificially inflated gas prices hurt American families three ways: it steals dollars from their pocketbooks, slows down job creation, and often raises the price of the goods families need to buy due to increased transport costs.

Folks are looking to Congress to address gasoline price spikes and industry pricing policies that can't always be explained away by the market. But as the American people have called out for relief, the Federal government has stayed silent—refusing to respond in any meaningful way to the gas price crisis.

The Secretary of Energy says he's conducting an informal investigation to look into the issue. But under current law, the Department of Energy has no power to do anything about gasoline prices.

On the other hand, the Federal Trade Commission (FTC) does have the power to protect consumers from gas price

manipulation. Yet they've done almost nothing. They turned aside evidence of serious, documented anti-consumer practices—such as redlining and zone price—that inflate gas prices. They've argued that they can only prosecute if they find out-and-out collusion, setting out a standard that is almost impossible to prove against savvy oil interests.

You can see the results of the FTC's inaction at gas stations in Oregon and all across America. Nationwide, gasoline markets in Oregon and at least 27 other States are now considered to be "tight oligopolies" with 4 companies controlling more than 60 percent of the gasoline supplies. The problem is particularly dire in the West, where California, Oregon, Washington and Idaho are four of the top six States for high gas prices today.

In these tightly concentrated markets, numerous studies have found oil company practices are driving independent wholesalers and dealers out of the market. One practice they employ, called "redlining," limits where independent distributors can sell their gasoline. As a result, independent stations must buy their gasoline directly from the oil company, usually at a higher price than the company's own brand-name stations pay. With these higher costs, the independent stations can't compete.

Redlining is just the tip of the iceberg. Investigations have also found oil companies controlling not just stations' buying choices, but also distributors' selling prices. Companies engage in a practice called zone pricing, basing prices not on the cost of producing gasoline, but on the maximum a neighborhood will pay. They have squeezed out smaller refineries that could increase supply and introduce new competitions. They have exported gasoline and oil to Asia at rock-bottom prices, making up their profits by sticking West Coast consumers with the difference. So, stopping one anti-competitive practice, by itself, won't get the job done.

The solution is to update antitrust law to prohibit anti-competitive practices by single companies in concentrated markets. The current standard of collusion is unenforceable. Smart oil companies will never hole up in a room and collude to set prices; they don't need to.

Chevron/Texaco's North American President David Reeves admitted to a congressional panel that the West Coast gasoline market is so dominated by a limited number of large committed refinery/marketers whose individual actions can have significant market impact.

Here's how the Gasoline Free Market Competition Act would tackle the problem. First, the Federal Government would establish consumer watch zones for concentrated gasoline markets. Where control is concentrated, supplies can be manipulated, and competition restricted with ease. Where that capability is ready-made, the FTC should watch markets more carefully.

Oil companies employing anti-competitive practices in consumer watch zones should have to prove they're not hurting consumers. The whole litany of anti-competitive practices should be considered presumptively illegal. That includes exporting at a discount and pressuring independents—all the practices that manipulate supply or limit competition.

Consumer watch zones would also be empowerment zones for quick action by the FTC. In these zones, the agency could issue cease and desist orders to companies participating in these anti-competitive practices, forcing them to stop gouging consumers.

These legislative proposals are first steps toward bringing back competition to the Nation's gasoline markets. Congress should act now to address the problem of skyrocketing gasoline prices—because even the oil companies admit the market won't solve the problem on its own. Last month, a report by the Rand Corporation revealed that even oil industry officials are predicting more price volatility in the future. That means consumers can expect more frequent and larger price spikes in the next few years.

I have spent years documenting unethical and anti-competitive practices in this country's gasoline markets—practices that have driven prices up and driven consumers crazy at the pump. The American people deserve relief from high gas prices and the Congress should act on their behalf.

By Mr. DODD:

S. 1738. A bill to reauthorize the Defense Production Act of 1950, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. 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. 1738

*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 "Defense Production Act Reauthorization of 2003".

#### SEC. 2. REAUTHORIZATION OF DEFENSE PRODUCTION ACT OF 1950.

(a) IN GENERAL.—The 1st sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended—

(1) by striking "sections 708" and inserting "sections 707, 708,"; and

(2) by striking "September 30, 2003" and inserting "September 30, 2004".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking "through 2003" and inserting "through 2004".

#### SEC. 3. RESOURCE SHORTFALL FOR RADIATION-HARDENED ELECTRONICS.

(a) IN GENERAL.—Notwithstanding the limitation contained in section 303(a)(6)(C) of the Defense Production Act of 1950 (50 U.S.C. App. 2093(a)(6)(C)), the President may take actions under section 303 of the Defense Production Act of 1950 to correct the industrial resource shortfall for radiation-hardened



electronics, to the extent that such Presidential actions do not cause the aggregate outstanding amount of all such actions to exceed \$200,000,000.

(b) **REPORT BY THE SECRETARY.**—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing—

(1) the current state of the domestic industrial base for radiation-hardened electronics;

(2) the projected requirements of the Department of Defense for radiation-hardened electronics;

(3) the intentions of the Department of Defense for the industrial base for radiation-hardened electronics; and

(4) the plans of the Department of Defense for use of providers of radiation-hardened electronics beyond the providers with which the Department had entered into contractual arrangements under the authority of the Defense Production Act of 1950, as of the date of the enactment of this Act.

#### SEC. 4. CLARIFICATION OF PRESIDENTIAL AUTHORITY.

Subsection (a) of section 705 of the Defense Production Act of 1950 (50 U.S.C. App. 2155(a)) is amended by inserting after the end of the 1st sentence the following new sentence: "The authority of the President under this section includes the authority to obtain information in order to perform industry studies assessing the capabilities of the United States industrial base to support the national defense."

#### SEC. 5. CRITICAL INFRASTRUCTURE PROTECTION AND RESTORATION.

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended—

(1) by redesignating paragraphs (3) through (17) as paragraphs (4) through (18), respectively;

(2) by inserting after paragraph (2) the following new paragraph:

"(3) **CRITICAL INFRASTRUCTURE.**—The term 'critical infrastructure' means any systems and assets, whether physical or cyber-based, so vital to the United States that the degradation or destruction of such systems and assets would have a debilitating impact on national security, including, but not limited to, national economic security and national public health or safety."; and

(3) in paragraph (14) (as so redesignated by paragraph (1) of this section), by inserting "and critical infrastructure protection and restoration" before the period at the end of the last sentence.

#### SEC. 6. REPORT ON CONTRACTING WITH MINORITY- AND WOMEN-OWNED BUSINESSES.

(a) **REPORT REQUIRED.**—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the extent to which contracts entered into during the fiscal year ending before the end of such 1-year period under the Defense Production Act of 1950 have been contracts with minority- and women-owned businesses.

(b) **CONTENTS OF REPORT.**—The report submitted under subsection (a) shall include the following:

(1) The types of goods and services obtained under contracts with minority- and women-owned businesses under the Defense Production Act of 1950 in the fiscal year covered in the report.

(2) The dollar amounts of such contracts.

(3) The ethnicity of the majority owners of such minority- and women-owned businesses.

(4) A description of the types of barriers in the contracting process, such as requirements for security clearances, that limit contracting opportunities for minority- and women-owned businesses, together with such recommendations for legislative or administrative action as the Secretary of Defense may determine to be appropriate for increasing opportunities for contracting with minority- and women-owned businesses and removing barriers to such increased participation.

(c) **DEFINITIONS.**—For purposes of this section, the terms "women-owned business" and "minority-owned business" have the meanings given such terms in section 21A(r) of the Federal Home Loan Bank Act, and the term "minority" has the meaning given such term in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

#### SEC. 7. COMMERCE RESPONSIBILITIES REGARDING CONSULTATION WITH FOREIGN NATIONS.

(a) **OFFSETS IN DEFENSE PROCUREMENTS.**—Section 123(c) of the Defense Production Act Amendments of 1992 (50 U.S.C. App. 2099 note) is amended to read as follows:

"(c) **NEGOTIATIONS.**—

"(1) **INTERAGENCY TEAM.**—It is the policy of Congress that the President shall designate the Secretary of Commerce to lead, in coordination with the Secretary of State, an interagency team to negotiate with foreign nations the elimination of offset arrangements, industrial participation, or similar arrangements in defense procurement. The President shall transmit an annual report on the results of these negotiations to the Congress as part of the report required under section 309(a) of the Defense Production Act of 1950.

"(2) **RECOMMENDATIONS FOR MODIFICATIONS.**—Pending the elimination of the arrangements described in paragraph (1), the interagency team shall submit to the Secretary of Defense any recommendations for modifications of a memorandum of understanding entered into under section 2531 of title 10, United States Code, or a related agreement that the team considers to be an appropriate response to a contractual offset, industrial participation, or similar arrangement that is entered into under the policy to which section 2532 of such title applies.

"(3) **NOTIFICATION TO USTR REGARDING OFFSETS.**—If the interagency team determines that a foreign country is pursuing a policy on contractual offset arrangements, industrial participation arrangements, or similar arrangements in connection with the purchase of defense equipment or supplies that requires compensation for the purchase in the form of nondefense or dual-use equipment or supplies in a value greater than the defense equipment or supplies, the team shall notify the United States Trade Representative of that determination. Upon receipt of the notification, the United States Trade Representative shall treat the policy and each such arrangement as an act, policy, or practice by the foreign country that is unjustifiable and burdens or restricts United States commerce for purposes of section 304(a)(1) of the Trade Act of 1974 (19 U.S.C. 2414(a)(1)), and shall take appropriate action under title III of such Act with respect to such country."

(b) **REPORT ON EFFECTS OF FOREIGN CONTRACTS ON DOMESTIC CONTRACTORS.**—Section 309(d)(1) of the Defense Production Act of 1950 (50 U.S.C. App. 2099(d)(1)) is amended—

(1) in subparagraph (D), by striking "and" at the end; and

(2) in subparagraph (E), by striking the period at the end and inserting the following: "; and

"(F) a compilation of data delineating—

"(i) the impact of foreign contracts that have been awarded through offsets, industrial participation agreements, or similar arrangements, on domestic prime contractors, and at least the first three tiers of subcontractors; and

"(ii) details of contracts with foreign 1st, 2nd, and 3rd tier subcontractors awarded through offsets, industrial participation agreements, or similar arrangements."

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 243—DESIGNATING THE WEEK OF OCTOBER 19, 2003, THROUGH OCTOBER 25, 2003, AS "NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK"

Mr. REED (for himself, Mr. BAYH, Mr. BIDEN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. CARPER, Mr. CHAFEE, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HAGEL, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REID, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TALENT, and Mr. THOMAS) submitted the following resolution; which was considered and agreed to:

#### S. RES. 243

Whereas lead poisoning is a leading environmental health hazard to children in the United States;

Whereas according to the Centers for Disease Control and Prevention, 434,000 preschool children in the United States have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are 8 times more likely to be poisoned by lead than are children from high-income families;

Whereas children may be poisoned by lead in water, soil, or consumable products;

Whereas children most often are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of October 19, 2003, through October 25, 2003, as "National Childhood Lead Poisoning Prevention Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate programs and activities.

SENATE CONCURRENT RESOLUTION 73—EXPRESSING THE DEEP CONCERN OF CONGRESS REGARDING THE FAILURE OF THE ISLAMIC REPUBLIC OF IRAN TO ADHERE TO ITS OBLIGATIONS UNDER A SAFEGUARDS AGREEMENT WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY AND THE ENGAGEMENT BY IRAN IN ACTIVITIES THAT APPEAR TO BE DESIGNED TO DEVELOP NUCLEAR WEAPONS

Mrs. FEINSTEIN (for herself and Mr. KYL) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 73

Whereas environmental sampling by the International Atomic Energy Agency (IAEA) at Iran's Natanz nuclear facility revealed the presence of 2 types of highly enriched uranium that can be used to develop nuclear weapons;

Whereas the traces of highly-enriched uranium detected by the IAEA at the Natanz facility and the Kalaye Electric Company could indicate that Iran has been secretly attempting to produce weapons-grade uranium at these facilities;

Whereas, in March 2003, the Director of the IAEA announced that Iran was constructing a facility to enrich uranium, a key component of advanced nuclear weapons;

Whereas, on January 1, 1968, Iran signed the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (the "Nuclear Non-Proliferation Treaty");

Whereas the June 6, 2003, report of the Director General of the IAEA expressed concern over the failure of the Government of Iran to report material, facilities, and activities at its nuclear facilities, including those that have the potential to enrich uranium and develop nuclear weapons, in contravention of its obligations under the safeguards agreement it signed in connection with the Nuclear Non-Proliferation Treaty;

Whereas the Board of Governors of the IAEA adopted a resolution on September 12, 2003, that calls on Iran to provide the IAEA a full declaration of all imported material and components relevant to the uranium enrichment program, to grant unrestricted access, including environmental sampling, to the IAEA, to resolve questions regarding the conclusion of the IAEA experts who tested gas centrifuges in that country, to provide complete information regarding the conduct of uranium conversion experiments, and to provide such other information and explanations and take such other steps as the IAEA determines necessary to resolve by October 31, 2003, all outstanding issues involving Iran's nuclear materials and nuclear activities;

Whereas, in June 2003, Iran conducted a successful test of the 800-mile range Shahab-3 missile, and Iran is also seeking to produce a 1,200-mile Shahab-4 missile;

Whereas the construction by Iran of nuclear facilities, coupled with its ties to terrorist groups, constitutes a threat to international peace and security; and

Whereas, by signing the Nuclear Non-Proliferation Treaty, signatories such as Iran that are not declared nuclear powers commit themselves to abstaining from the acquisition of nuclear weapons, preventing the spread of nuclear weapons and weapons technology, promoting cooperation in the peaceful uses of nuclear energy, and achieving nuclear disarmament: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) deplores the development by Iran of a nuclear weapons program and the failure of the Government of Iran to report material, facilities, and activities to the International Atomic Energy Commission in contravention of its obligations under the safeguards agreement it signed in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (hereafter in this resolution referred to as the "Nuclear Non-Proliferation Treaty");

(2) concurs with the view of the Department of State, as delivered in testimony to the U.S.-Israel Joint Parliamentary Committee on September 17, 2003, by the Assistant Secretary of State for Verification and Compliance that the explanations provided by the Government of Iran for its nuclear activities are not credible;

(3) concurs with the conclusion reached in the Department of State's Annual Report on Adherence to and Compliance with Arms Control and Nonproliferation Agreements and Commitments that Iran is pursuing a program to develop nuclear weapons;

(4) calls on the President to use all appropriate means to prevent Iran from acquiring nuclear weapons, including—

(A) urging the Government of Iran to accept in full the resolution adopted by the Board of Governors of the International Atomic Energy Agency on September 12, 2003 (hereafter in this resolution referred to as the "IAEA resolution"), that calls on Iran to—

(i) provide the Agency a full declaration of all imported material and components relevant to the uranium enrichment program;

(ii) grant unrestricted access, including environmental sampling, to the Agency;

(iii) resolve questions regarding the conclusion of the Agency experts who tested gas centrifuges in that country;

(iv) provide complete information regarding the conduct of uranium conversion experiments; and

(v) provide such other information and explanations and take such other steps as the Agency determines necessary to resolve by October 31, 2003, all outstanding issues involving Iran's nuclear materials and nuclear activities;

(B) taking such diplomatic measures as are necessary to encourage other nations, especially Russia, to urge the Government of Iran to fully and immediately comply with the such resolution; and

(C) working with the United Nations and other nations to urge the Government of Iran to sign the Model Additional Protocol to give the International Atomic Energy Agency greater access in Iran to ensure that—

(i) no undeclared facilities exist in Iran; and

(ii) no materials or technologies have been diverted from safeguarded facilities in Iran;

(5) calls on Russia to—

(A) use all appropriate means to urge Iran to accept in full the IAEA resolution; and

(B) suspend all nuclear cooperation with Iran until Iran fully and completely complies with the IAEA resolution;

(6) calls on member states of the United Nations to join the United States in preventing the Government of Iran from continuing to pursue and develop programs or facilities that could be used in a nuclear weapons program;

(7) calls on the United Nations Security Council to immediately undertake consideration of—

(A) the threat to international peace and security posed by Iran's nuclear weapons program; and

(B) the passage of a Security Council resolution or the taking of other actions that may be necessary to impose diplomatic and economic sanctions against Iran if it fails to meet its obligations to the International Atomic Energy Agency by October 31, 2003; and

(8) calls on the Government of Iran to cease all efforts to acquire nuclear fuel cycle capabilities until it is able to provide specific assurances that it is not engaged in a clandestine nuclear weapons program by—

(A) coming into complete and verifiable compliance with its obligations under the IAEA resolution, including the prompt and unconditional implementation of the Model Additional Protocol; and

(B) fully meeting its obligations under the Nuclear Non-Proliferation Treaty.

Mrs. FEINSTEIN. Mr. President, I rise today with my good friend and colleague Senator KYL, to introduce a resolution to express deep concern about Iran's nuclear program. The time has come for the international community to speak with one voice and urge Iran to abandon its attempts to acquire nuclear weapons.

With the fall of the Hussein regime in Iraq, attention has turned to the threat posed by the Islamic Republic of Iran and the recent revelations about its nuclear program. I am increasingly concerned that Tehran is determined to develop nuclear weapons and substantially alter the balance of power in the Middle East.

In December 2002, Iran admitted that—in addition to the known construction of a light water reactor complex in Bushehr with Russian assistance—it is building two facilities that could be used to develop fissile material for a nuclear weapon: a uranium enrichment facility at Nantanz and a heavy water production plant at Arak.

According to the Carnegie Endowment for International Peace, the Nantanz large-scale commercial plant, scheduled for completion in 2005, "could produce approximately 400 to 500 kilograms of weapon-grade material annually, or enough for 15 to 20 nuclear weapons a year." The Arak facility, scheduled to begin in 2004, "could produce between 8 and 10 kilograms of plutonium annually, enough for one or two nuclear weapons a year."

The revelations are serious and deeply troubling.

As Professor Gary Mithlholin testified before the U.S.-Israel Joint Parliamentary Committee on September 17, 2003: "Adding an Iranian nuclear weapon capability runs the risk of joining terrorism and weapons of mass destruction—a combination that our government considers the greatest security challenge of the 21st century."

Iran's pursuit of nuclear weapons demands the full attention of the United States and the international community, and a concerted and clear response to bring Iran into compliance with its obligations under the Nuclear Non-proliferation Treaty.

Iran's assertion that its nuclear program is peaceful and is aimed at producing 6,000 megawatts of electricity is highly dubious given the efforts to conceal construction of the Nantanz and Arak facilities and its plentiful supplies of oil and gas reserves. In her testimony before the U.S.-Israel Joint Parliamentary Committee, Assistant Secretary of State for Verification and Compliance, Paula A. DeSutter agreed and stated: "Iran's attempts to explain why it needs an indigenous nuclear fuel cycle are simply not credible."

In fact, United Nations International Atomic Energy Agency (IAEA) inspectors have found traces of highly enriched, weapons grade uranium on Iranian nuclear equipment at two sites.

I am pleased that the IAEA Board of Governor's passed resolution last week setting a deadline of October 31 for Iran to come clean about its nuclear program. As IAEA spokeswoman Melissa Fleming stated:

What the IAEA inspectors need is accelerated cooperation, full transparency on the part of Iran, so that we can clear up these questions in a matter of weeks, and not months and months.

Talks have begun between the IAEA and Iranian authorities about Iran's nuclear program and the October 31 deadline. Our resolution supports the IAEA efforts to bring Iran into compliance with its international obligations. Among other things, it: deplores the Islamic Republic of Iran's development of a nuclear weapons program and for its failures to report material, facilities, and activities to the International Atomic Energy Agency as it is obligated to do pursuant to its safeguards agreement; concurs with the conclusion reached in the U.S. Department of State's Annual Noncompliance Report that Iran is pursuing a program to develop nuclear weapons; calls on the President of the United States to urge the Islamic Republic of Iran to accept in full the International Atomic Energy Agency's September 12, 2003 resolution; calls on member states of the United Nations to join the United States in preventing the Islamic Republic of Iran from continuing to pursue and develop programs or facilities that could be used in a nuclear weapons program; and calls on the United Nations Security Council to immediately undertake consideration of the threat to international peace and security posed by Iran's nuclear weapons program as well as such action as may be necessary, including a Security Council resolution, that would impose diplomatic and economic sanctions against Iran should Iran fail to live up to its obligations to the International Atomic Energy Agency by October 31, 2003.

In addition, its calls on the Government of Iran to: to come into verifiable compliance with its obligations under the September 12, 2003 resolution of the International Atomic Energy Agency; to come into verifiable compliance with its obligations under the Treaty

on the Non-Proliferation of Nuclear Weapons; and to immediately sign the Model Additional Protocol of the International Atomic Energy Agency, which would allow inspectors freer access to nuclear sites.

The international community must stand together to put pressure on Tehran to live up to its commitments and, in particular, sign the additional protocol to the Nuclear Non-proliferation Treaty to permit snap, short-notice inspections of Iran's declared and undeclared nuclear facilities.

I, for one, had been hopeful that Iran in recent years had begun to take the necessary steps to rejoin international community. The election of President Mohammad Khatami in May, 1997 appeared to be a vote for moderation and engagement with the outside world.

Yet, the clandestine nuclear weapons program, the continued support for terror, the numerous human rights abuses against religious minorities including Iranian Jews, the suppression of the student lead pro-democracy movement, and the continued uncompromising influence of the unelected hardliners in the Council of Guardians and the military lead me to conclude that we still have a long ways to go before we see a peaceful, stable, democratic Iran.

I firmly believe that the Iranian people desire to see their country break its ties with the past and commit itself to a future based on democracy, human rights, and the rule of law.

If they are to realize that dream, the United States must work closely with our friend and allies in the international community to put pressure on Iran to abandon its nuclear weapons program, cease its support for terror, and become a positive force for change in the Middle East. I urge my colleagues to support the resolution.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1838. Mr. REID (for himself, Mr. MCCAIN, Mrs. LINCOLN, and Mrs. MURRAY) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

SA 1839. Mr. ENSIGN proposed an amendment to the bill S. 1689, supra.

SA 1840. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1841. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1842. Mr. BINGAMAN (for himself and Mr. BYRD) proposed an amendment to the bill S. 1689, supra.

SA 1843. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1844. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1689, supra.

SA 1845. Mrs. BOXER (for herself, Mr. SCHUMER, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by

her to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1846. Mr. BYRD (for himself, Mr. LEVIN, Mr. REED, Mr. CORZINE, Mr. LEAHY, Mr. DORGAN, Mrs. CLINTON, Ms. LANDRIEU, Mr. JEFFORDS, and Mr. LIEBERMAN) proposed an amendment to the bill S. 1689, supra.

SA 1847. Mr. FEINGOLD proposed an amendment to the bill S. 1689, supra.

SA 1848. Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mrs. CLINTON, Mrs. MURRAY, Mr. DURBIN, and Mr. JOHNSON) submitted an amendment intended to be proposed by her to the bill S. 1689, supra.

SA 1849. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1850. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1851. Mr. REID (for Mr. CORZINE) proposed an amendment to the bill S. 1689, supra.

SA 1852. Mr. FEINGOLD (for himself, Mr. WYDEN, Mr. DAYTON, and Mrs. MURRAY) proposed an amendment to the bill S. 1689, supra.

SA 1853. Mr. MCCAIN (for himself, Mr. BIDEN, and Mr. GRAHAM, of South Carolina) submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1854. Mr. DASCHLE proposed an amendment to the bill S. 1689, supra.

SA 1855. Mr. HARKIN (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1856. Mr. WARNER (for himself, Mr. ALLEN, Mr. SARBANES, Ms. MIKULSKI, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1857. Ms. CANTWELL (for herself, Mr. BINGAMAN, Mr. LEAHY, Mr. JOHNSON, Mr. NELSON, of Florida, Mr. GRAHAM, of Florida, Mrs. MURRAY, Mr. KENNEDY, Mr. PRYOR, Mr. LAUTENBERG, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1858. Mr. NELSON, of Florida proposed an amendment to the bill S. 1689, supra.

SA 1859. Mr. REID (for Ms. LANDRIEU) proposed an amendment to the bill S. 1689, supra.

#### TEXT OF AMENDMENTS

**SA 1838.** Mr. REID (for himself, Mr. MCCAIN, Mrs. LINCOLN, and Mrs. MURRAY) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title I, add the following:

SEC. 316. (a) RESTORATION OF FULL RETIRED PAY BENEFITS.—Section 1414 of title 10, United States Code, is amended to read as follows:

**"§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation**

**"(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.**—Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to

be paid both without regard to sections 5304 and 5305 of title 38.

“(b) SPECIAL RULE FOR CHAPTER 61 CAREER RETIREES.—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

“(c) EXCEPTION.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘retired pay’ includes retainer pay, emergency officers' retirement pay, and naval pension.

“(2) The term ‘veterans’ disability compensation’ has the meaning given the term ‘compensation’ in section 101(13) of title 38.”.

(b) REPEAL OF SPECIAL COMPENSATION PROGRAMS.—Sections 1413 and 1413a of such title are repealed.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the items relating to sections 1413, 1413a, and 1414 and inserting the following:

“1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans’ disability compensation.”.

(d) EFFECTIVE DATE; PROHIBITION ON RETROACTIVE BENEFITS.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the first month that begins after the date of the enactment of this Act.

(2) RETROACTIVE BENEFITS.—No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as amended by subsection (a), for any period before the effective date under paragraph (1).

**SA 1839.** Mr. ENSIGN proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 38, between lines 20 and 21, insert the following new section:

SEC. 2313. (a) Not later than April 30, 2004, the Secretary of Defense shall submit a certification to Congress of the amount that Iraq will pay, or that will be paid on behalf of Iraq, during fiscal year 2004 to a foreign country to service a debt incurred by Iraq during the regime of Saddam Hussein, including any amount used for the payment of principal, interest, or fees associated with such debt. Such certification shall include—

(1) the actual amount spent for such purpose during the period from October 1, 2003 through March 31, 2004; and

(2) the estimated amount that the Secretary reasonably believes will be used for such purpose during the period from April 1, 2004 through September 30, 2004.

(b) On May 1, 2004, the Director of the Office of Management and Budget shall administratively reserve, out of the unobligated balance of the funds appropriated in this title under the subheading “IRAQ RELIEF AND

RECONSTRUCTION FUND” under the heading “OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT”, the amount that is equal to the sum of the amount certified under paragraph (1) of subsection (a) and the estimated amount certified under paragraph (2) of such subsection. The amount so reserved may not be obligated or expended on or after such date.

(c) The Director of the Office of Management and Budget shall impose such restrictions and conditions as the Director determines necessary to ensure that, in the apportionment of amounts appropriated as described in subsection (b), the balance of the total amount so appropriated that remains unobligated on May 1, 2004, exceeds the amount that is to be reserved under subsection (b).

(d) It is the sense of Congress that each country that is owed a debt by Iraq that was incurred during the regime of Saddam Hussein should forgive such debt, including any amount owed by Iraq for the principal, interest, and fees associated with such debt.

**SA 1840.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 2313. (a) SENSE OF CONGRESS.—It is the sense of Congress that removing potential nuclear weapons materials from vulnerable sites around the world would reduce the chance that such materials would all into the hands of al Qaeda or other groups and states hostile to the United States, and therefore should be a top priority for achieving the national security of the United States.

(b) TASK FORCE ON NUCLEAR MATERIAL REMOVAL.—(1) There is established in the Department of Energy the Task Force on Nuclear Material Removal (in this section referred to as the “Task Force”).

(2)(A) At the head of the Task Force shall be the Director of the Task Force, who shall be appointed by the Secretary of Energy for that purpose.

(B) The Director of the Task Force shall report directly to the Administrator for Nuclear Security regarding the activities of the Task Force.

(3) The Secretary and the Administrator shall assign to the Task Force personnel having such experience and expertise as is necessary to permit the Task Force to carry out its mission under this section.

(4)(A) The Secretary of Energy and the Administrator shall jointly consult with the Secretary of State, the Secretary of Defense, the Chairman of the Nuclear Regulatory Commission, and the heads of other appropriate departments and agencies of the Federal Government to establish mechanisms that ensure that the Task Force is able to draw quickly on the capabilities of other departments and agencies to fulfill its mission.

(B) Mechanisms under subparagraph (A) may include the assignment of personnel from other departments and agencies of the Federal Government to the Task Force.

(c) MISSION.—The mission of the Task Force shall be to take actions to ensure that potential nuclear weapons materials are entirely removed from the most vulnerable sites around the world as soon as practicable after the date of the enactment of this Act.

(d) ASSISTANCE.—To assist the Task Force in carrying out its mission under this section, the Secretary of Energy may—

(1) provide such funds as are needed to remove potential nuclear weapons materials from vulnerable sites, including funds to cover the costs of—

(A) transporting such materials from such sites to secure facilities;

(B) providing interim security upgrades for such materials pending their removal;

(C) managing such materials after their arrival at secure facilities;

(D) purchasing such materials;

(E) converting such materials to use as low-enriched fuels, or to uses that no longer require nuclear materials;

(F) assisting in the closure and decommissioning of such sites; and

(G) providing incentives to facilitate the removal of such materials from vulnerable facilities;

(2) arrange for the shipment of potential nuclear weapons materials to the United States, or to other countries willing to accept them and able to provide high levels of security for them, in order to ensure that United States national security objectives are accomplished as quickly and effectively as possible; and

(3) provide funds to upgrade security and accounting at sites where, as determined by the Secretary, potential nuclear weapons materials will remain for an extended period in order to ensure that such materials are secure against plausible potential threats, and will remain so in the future.

(e) REPORT.—(1) Not later than 30 days after the submission to Congress of the budget of the President for fiscal year 2005 pursuant to section 1105(a) of title 31, United States Code, the Secretary of Energy shall submit to Congress a report that shall include—

(A) a list of the sites determined by the Task Force to be of the highest priorities for removal of potential nuclear weapons materials, based on the quantity and attractiveness of such materials at such sites and the risks of the theft or diversion of such materials for weapons purposes;

(B) a strategic plan, including measurable milestones and metrics, for accomplishing the mission of the Task Force under this section;

(C) an estimate of the annual financial requirements for implementing the plan;

(D) recommendations on whether any further legislative actions are needed to facilitate the accomplishment of the mission of the Task Force; and

(E) such other information on the status of activities under this section as the Secretary considers appropriate.

(2) The report shall be submitted in unclassified form, but may include a classified annex.

(f) FUNDING.—There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, for the National Nuclear Security Administration for “Defense Nuclear Nonproliferation”, \$40,000,000 to carry out this section.

(g) POTENTIAL NUCLEAR WEAPONS MATERIAL DEFINED.—In this section, the term “potential nuclear weapons material” means plutonium, highly enriched uranium, or other material capable of sustaining an explosive nuclear chain reaction, including irradiated materials if the radiation field from such materials is not sufficient to prevent the theft of such materials and their use for an explosive nuclear chain reaction.

**SA 1841.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending

September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, between lines 20 and 21, insert the following new section:

Sec. 2313. (a) Of the funds appropriated in title II under the subheading "IRAQ RELIEF AND RECONSTRUCTION FUND" under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT" and allocated for security, \$415,000,000 shall be made available to secure and eliminate munitions caches, small arms, light weapons, unexploded ordnance, and excess military equipment in Iraq.

(b) Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter until all funds made available under subsection (a) are expended, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the status and security of munitions caches, small arms, light weapons, unexploded ordnance, and excess military equipment in Iraq. Each such report shall include—

(1) a description of the quantity and type of such weapons and equipment collected, secured, and destroyed during the 6 months prior to the submission of such report;

(2) a description of the quantity and type of such weapons and equipment collected and secured for purposes other than destruction;

(3) a description of the quantity and type of such weapons and equipment that remain in Iraq;

(4) an estimate of the schedule under which such weapons and equipment will be secured or eliminated and the cost to complete such actions;

(5) an assessment of the threat posed by such weapons and equipment to United States or coalition military forces in Iraq.

(6) an estimate of the quantity and type of such weapons and equipment that have been acquired by members of al-Qaeda or other international terrorist organizations; and

(7) a detailed plan of actions to be carried out to locate, secure, and eliminate such weapons and equipment that remain in Iraq.

(c) The reports required by subsection (b) shall be submitted in a classified and an unclassified form.

**SA 1842.** Mr. BINGAMAN (for himself and Mr. BYRD) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title I, insert the following:  
SEC. 316. (a) FINDINGS.—Congress makes the following findings:

(1) The National Guard and Reserves have served the Nation in times of national crises for more than 200 years. The National Guard and Reserves are a critical component of homeland security and national defense.

(2) The current deployments of many members of the National Guard and Reserve have made them absent from their communities for an abnormally long time. This has diminished the ability of the National Guard to conduct its State missions.

(3) Many members of the National Guard and Reserves have been on active duty for more than a year, and many more have had their tours of active duty involuntarily extended while overseas.

(b) REPORT ON UTILIZATION OF NATIONAL GUARD AND RESERVES.—(1) Not later than 60 days after the date of the enactment of this

Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the utilization of the National Guard and Reserves in support of contingency operations during fiscal year 2004.

(2) The report under this subsection shall include the following:

(A) Information on each National Guard and Reserve unit currently deployed, including—

(i) the unit name or designation;

(ii) the number of personnel deployed;

(iii) the projected return date to home station; and

(iv) the schedule, if any, for the replacement of the unit with a Regular unit.

(B) Information on current operations tempo, including—

(i) the length of deployment of each National Guard and Reserve unit currently deployed, organized by unit and by State;

(ii) in the case of each National Guard and Reserve unit on active duty during the two-year period ending on the date of the report, the aggregate amount of time on active duty during such two-year period; and

(iii) the percentage of National Guard and Reserve forces in the total deployed force in each current domestic and overseas contingency operation.

(C) Information on current recruitment and retention of National Guard and Reserve personnel, including—

(i) any shortfalls in recruitment and retention;

(ii) any plans to address such shortfalls or otherwise to improve recruitment or retention; and

(iii) the effects on recruitment and retention over the long term of extended periods of activation of National Guard or Reserve personnel.

(3) The report under this subsection shall be organized in a format that permits a ready assessment of the deployment of the National Guard and Reserves by State, by various geographic regions of the United States, and by Armed Force.

(c) REPORT ON EFFECTS OF UTILIZATION OF NATIONAL GUARD AND RESERVES ON LAW ENFORCEMENT AND HOMELAND SECURITY.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall, in consultation with the chief executive officers of the States, submit to Congress a report on the effects of the deployment of the National Guard and Reserves on law enforcement and homeland security in the United States.

(2) The report under this subsection shall include the following:

(A) The number of civilian first responders on active duty with the National Guard or Reserves who are currently deployed overseas.

(B) The number of first responder personnel of the National Guard or Reserves who are currently deployed overseas.

(C) An assessment by State of the ability of the States to respond to emergencies without currently deployed National Guard personnel.

**SA 1843.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, strike lines 9 through line 12, and insert the following:

(b) Section 1075(b) of title 10, United States Code, as added by subsection (a), shall take

effect as of September 11, 2001, and shall apply with respect to injuries or diseases incurred on or after that date.

(c) The amount appropriated by chapter 2 of title II under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND" is hereby reduced by \$1,500,000, to be derived from the amount set aside under such heading for transportation and telecommunications for the Iraqi Postal Authority for the administration of a zip code system.

**SA 1844.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

#### SEC. . REPORT ON REPLACEMENT OF U.S. TROOPS.

(a) FINDINGS.—The Senate finds that—

(1) The Coalition Provisional Authority states that 80 percent of Iraq is a permissive environment with people returning to a normal pace of life, while 20 percent is less permissive with entrenched Saddam loyalists, international terrorists and general lawlessness hindering recovery efforts.

(2) On September 9, Deputy Secretary of Defense John Wolfowitz testified, "... the predominantly Shia south [of Iraq] has been stable and I would say far more stable than most pre-war predications would have given you. And the mixed Arab, Turkish, Kurdish north has also been remarkably stable, again, contrary to fears than many of us had that we might face large-scale ethnic conflict."

(3) On September 14, Secretary of State Colin Powell stated, "We see attacks against our coalition on a daily basis ... but in many parts of the country things are quite secure and stable."

(4) The Coalition Provisional Authority states that a major focus of its security efforts has been to increase Iraqi participation in and responsibility for a safe and secure Iraq.

(5) On September 14, Secretary of Defense Donald Rumsfeld stated, "90 percent of the people in Iraq are now living in an area that's governed by a city council, or a village council."

(6) The Coalition Provisional Authority reports that 60,000 Iraqis are now assisting in security, including 46,000 Iraqi police nationwide.

(7) Of the 160,000 coalition military personnel serving in Iraq, 20,000 are comprised of non-U.S. forces.

(b) REPORT.—Beginning 30 days after the enactment of this Act, the President or his designee shall submit a monthly report to Congress detailing—

(1) the areas of Iraq determined to be largely secure and stable; and

(2) the extent to which U.S. troops have been replaced by non-U.S. coalition forces, U.N. forces, or Iraqi forces in the areas determined to be largely secure and stable under this subsection.

**SA 1845.** Mrs. BOXER (for herself, Mr. SCHUMER, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by her to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, between lines 20 and 21, insert the following:

**TITLE III—HOMELAND SECURITY  
DEPARTMENT OF HOMELAND SECURITY  
SCIENCE AND TECHNOLOGY, RESEARCH,  
DEVELOPMENT, ACQUISITION AND OPERATIONS**

For necessary expenses for science and technology research, development, acquisition, and operations of the Department of Homeland Security, as authorized by sections 302, 307, and 308 of the Homeland Security Act of 2002 (6 U.S.C. 182, 187, 188), \$653,000,000, to remain available until expended to carry out the provisions of section 3001.

**(RESCISSION)**

The amount appropriated by chapter 2 of title II under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT" under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND" is hereby reduced by \$653,000,000, with the amount of the reduction to be allocated so that—

(1) the amount available for security, national security, and justice is reduced by \$300,000,000, with the amount of reduction to be allocated to amounts available for the construction of two prisons;

(2) the amount available for public works is reduced by \$253,000,000, with the amount of the reduction to be allocated to amounts available for the procurement of 40 trash trucks; and

(3) the amount available for housing and construction is reduced by \$100,000,000, with the amount of the reduction to be allocated to amounts available for the construction of seven new housing communities.

**SEC. 3001. (a) INSTALLATION OF ANTI-MISSILE COUNTERMEASURE DEVICES IN COMMERCIAL AIRCRAFT.**—Of the amount appropriated by this title under the heading "DEPARTMENT OF HOMELAND SECURITY" under the heading "SCIENCE AND TECHNOLOGY, RESEARCH, DEVELOPMENT, ACQUISITION AND OPERATIONS", \$653,000,000 shall be available to the Secretary of Homeland Security for the purchase and installation of anti-missile countermeasure devices in not less than 300 commercial aircraft selected by the Secretary for purposes of this section.

**(b) SELECTION OF COMMERCIAL AIRCRAFT.**—In selecting commercial aircraft for purposes of this section, the Secretary shall give a priority to commercial aircraft in long-range international service that are enrolled in the Civil Reserve Air Fleet.

**(c) DEADLINES.**—(1) The Secretary shall award a contract for the purchase and installation of anti-missile countermeasure devices in commercial aircraft under this section not later than 90 days after the date of the enactment of this Act.

(2) The contract awarded under paragraph (1) shall provide for the completion of the purchase and installation of anti-missile countermeasure devices in commercial aircraft under this section not later than 28 months after the date of the enactment of this Act.

**(d) COORDINATION.**—The Secretary of Homeland Security shall carry out this section in coordination with the Secretary of Defense and the Secretary of Transportation.

**(e) ANTI-MISSILE COUNTERMEASURE DEVICE DEFINED.**—In this section, the term "anti-missile countermeasure device" means any electronic system, as identified by the Secretary of Homeland Security, that automatically—

(1) identifies the threat to an aircraft of an incoming missile or other ordnance;

(2) detects the source of the threat; and

(3) disrupts the guidance system of the missile or ordnance so as to divert the course

of the missile or ordnance and prevent its impact with the aircraft.

**SA 1846.** Mr. BYRD (for himself, Mr. LEVIN, Mr. REED, Mr. CORZINE, Mr. LEAHY, Mr. DORGAN, Mrs. CLINTON, Ms. LANDRIEU, Mr. JEFFORDS, and Mr. LIEBERMAN) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place insert the following:

**SEC. 2309. (a) REPORTS OF COALITION PROVISIONAL AUTHORITY.**—Not later than January 1, 2004, and every 90 days thereafter, the Administrator of the Coalition Provisional Authority (CPA) shall submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a report on all obligations, expenditures, and revenues associated with reconstruction, rehabilitation, and security activities in Iraq during the preceding 90 days, including the following:

(1) Obligations and expenditures of appropriated funds.

(2) A project-by-project and program-by-program accounting of the costs incurred to date for the reconstruction of Iraq, together with the estimate of the Authority of the costs to complete each project and each program.

(3) Revenues attributable to or consisting of funds provided by foreign nations or international organizations, and any obligations or expenditures of such revenues.

(4) Revenues attributable to or consisting of foreign assets seized or frozen, and any obligations or expenditures of such revenues.

(5) Operating expenses of the Authority and of any other agencies or entities receiving funds appropriated by title.

**(b) COMPTROLLER GENERAL AUDIT, INVESTIGATIONS, AND REPORTS.**—(1) The Comptroller General of the United States shall conduct an on-going audit of the Coalition Provisional Authority, and may conduct such additional investigations as the Comptroller General, in consultation with the Committees on Appropriations considers appropriate, to evaluate the reconstruction, rehabilitation, and security activities in Iraq.

(2) In conducting the audit and any investigations under paragraph (1), the Comptroller General shall have access to any information and records created or maintained by the Authority, or by any other entity receiving appropriated funds for reconstruction, rehabilitation, or security activities in Iraq, that the Comptroller General considers appropriate to conduct the audit or investigations.

(3) Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a report on the audit and any investigations conducted under paragraph (1). The report shall include information as follows:

(A) A detailed description of the organization and authorities of the Authority.

(B) A detailed description of the relationship between the Authority and other Federal agencies, including the Department of Defense, the Department of State, the Executive Office of the President, and the National Security Council.

(C) A detailed description of the extent of the use of private contractors to assist in Authority operations and to carry out reconstruction, rehabilitation, or security activities in Iraq, including an assessment of—

(i) the nature of the contract vehicles used to perform the work, including the extent of competition used in entering into the contracts and the amount of profit provided in the contracts;

(ii) the nature of the task orders or other work orders used to perform the work, including the extent to which performance-based, cost-based, and fixed-price task orders were used;

(iii) the reasonableness of the rates charged by such contractors, including an assessment of the impact on rates of a greater reliance on Iraqi labor or other possible sources of supply;

(iv) the extent to which such contractors performed work themselves and, to the extent that subcontractors were utilized, how such subcontractors were selected; and

(v) the extent to which the Authority or such contractors relied upon consultants to assist in projects or programs, the amount paid for such consulting services, and whether such consulting services were obtained pursuant to full and open competition.

**(D)** A detailed description of the measures adopted by the Authority and other Federal agencies to monitor and prevent waste, fraud, and abuse in the expenditure of appropriated funds in the carrying out of reconstruction, rehabilitation, and security activities in Iraq.

**(E)** A certification by the Comptroller General as to whether or not the Comptroller General had adequate access to relevant information to make informed judgments on the matters covered by the report.

**(4)** The Comptroller General shall from time to time submit to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a supplemental report on the audit, and any further investigations, conducted under paragraph (1). Each such report shall include such updates of the previous reports under this subsection as the Comptroller General considers appropriate to keep Congress fully and currently apprised on the reconstruction, rehabilitation, and security activities in Iraq.

**SA 1847.** Mr. FEINGOLD proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 22, between lines 12 and 13, insert the following:

**SEC. 316. (a)** Of the amounts appropriated by chapter 1 of this title under the heading "OPERATION AND MAINTENANCE, ARMY" and available for the operating expenses of the Coalition Provisional Authority (CPA), \$10,000,000 shall be available for the establishment of the Office of the Inspector General of the Coalition Provisional Authority and for related operating expenses of the Office.

**(b)** The Office of the Inspector General of the Coalition Provisional Authority shall be established not later than 30 days after the date of the enactment of this Act.

**(c)(1)** The head of the Office of the Inspector General of the Coalition Provisional Authority shall be the Inspector General of the Coalition Provisional Authority.

**(2)** The Inspector General shall be appointed by the President in accordance with, and shall otherwise be subject to the provisions of, section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), except that the person nominated for appointment as Inspector General may assume the duties of the office on an acting basis pending the advice and consent of the Senate.



(3) The Inspector General shall have the duties, responsibilities, and authorities of inspectors general under the Inspector General Act of 1978. In carrying out such duties, responsibilities, and authorities, the Inspector General shall coordinate with, and receive the cooperation of, the Inspector General of the Department of Defense.

(d)(1) Except as provided in paragraph (2), not later than 75 days after the date of the enactment of this Act, and every 10 days thereafter, the Inspector General of the Coalition Provisional Authority shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report that sets forth—

(A) an assessment of the financial controls of the Coalition Provisional Authority;

(B) a description of any financial irregularities that may have occurred in the activities of the Authority;

(C) a description of—

(i) any irregularities relating to the administration of laws providing for full and open competition in contracting (as defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6))); and

(ii) any other irregularities related to procurement;

(D) a description of any actions taken by the Inspector General to improve such financial controls or address such financial irregularities;

(E) a description of the programmatic goals of the Coalition Provisional Authority; and

(F) an assessment of the performance of the Coalition Provisional Authority, including progress made by the Coalition Provisional Authority in facilitating a transition to levels of security, stability, and self-government in Iraq sufficient to make the presence of the Coalition Provisional Authority no longer necessary.

(2) The Inspector General of the Department of Defense shall prepare and submit the reports otherwise required to be submitted by the Inspector General of the Coalition Provisional Authority under paragraph (1) until the earlier of—

(A) the date that is 150 days after the date of the enactment of this Act; or

(B) the date on which a determination is made by the Inspector General of the Coalition Provisional Authority that the Office of the Inspector General of the Coalition Provisional Authority is capable of preparing timely, accurate, and complete reports in compliance with the requirements under paragraph (1).

(3) The reports under this subsection are in addition to the semiannual reports required of the Inspector General by section 5 of the Inspector General Act of 1978 and any other reports required of the Inspector General by law.

(4) The Inspector General of the Coalition Provisional Authority (or the Inspector General of the Department of Defense, as applicable) shall publish each report under this subsection on the Internet website of the Coalition Provisional Authority.

(e) The Office of the Inspector General of the Coalition Provisional Authority shall terminate on the first day that both of the following conditions have been met:

(1) the Coalition Provisional Authority has transferred responsibility for governing Iraq to an indigenous Iraqi government; and

(2) a United States mission to Iraq, under the direction and guidance of the Secretary of State, has undertaken to perform the responsibility for administering United States assistance efforts in Iraq.

**SA 1848.** Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mrs. CLINTON, Mrs.

MURRAY, Mr. DURBIN, and Mr. JOHNSON) submitted an amendment intended to be proposed by her to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Strike section 2309 and insert the following:

**SEC. 2309. (a) LIMITATION ON AVAILABILITY OF FUNDS FOR RELIEF AND RECONSTRUCTION IN IRAQ PENDING DETERMINATIONS BY THE PRESIDENT.**—Notwithstanding any other provision of this Act, of the amount appropriated by this title under the heading “IRAQ RELIEF AND RECONSTRUCTION FUND”—

(1) \$6,770,000,000 shall be available 120 days after the date of the enactment of this Act, but only if the President determines under subsection (b)(1) that the objectives and associated deadlines referred to in that subsection have been substantially met; and

(2) \$6,770,000,000 shall be available 240 days after the date of the enactment of this Act, but only if the President determines under subsection (b)(2) that the objectives and associated deadlines referred to in that subsection have been substantially met.

(b) **DETERMINATIONS.**—(1) Not later than 120 days after the date of the enactment of this Act, the President shall determine whether or not the objectives, and associated deadlines, for relief and reconstruction efforts in Iraq, as specified in the report under subsection (c), have been substantially met.

(2) Not later than 240 days after the date of the enactment of this Act, the President shall determine whether or not the objectives, and associated deadlines, for relief and reconstruction efforts in Iraq, as specified in the most current report under subsection (d), have been substantially met.

(c) **INITIAL REPORT ON RELIEF AND RECONSTRUCTION.**—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report on the United States strategy for activities related to post-conflict security, humanitarian assistance, governance, and reconstruction to be undertaken as a result of Operation Iraqi Freedom. The report shall include information on the following:

(1) The distribution of duties and responsibilities regarding such activities among the agencies of the United States Government, including the Department of State, the United States Agency for International Development, and the Department of Defense.

(2) A plan describing the roles and responsibilities of foreign governments and international organizations, including the United Nations, in carrying out such activities.

(3) A strategy for coordinating such activities among the United States Government, foreign governments, and international organizations, including the United Nations.

(4) A strategy for distributing the responsibility for paying costs associated with reconstruction activities in Iraq among the United States Government, foreign governments, and international organizations, including the United Nations, and for actions to be taken by the President to secure increased international participation in peacekeeping and security efforts in Iraq.

(5) A comprehensive strategy for completing the reconstruction of Iraq, estimated timelines for the completion of significant reconstruction milestones, and estimates for Iraqi oil production.

(d) **SUBSEQUENT REPORTS ON RELIEF AND RECONSTRUCTION.**—(1) Not later than 60 days after the submittal of the report required by subsection (c), and every 60 days thereafter

until all funds provided by this title are expended, the President shall submit to Congress a report that includes information as follows:

(A) A list of all activities undertaken related to reconstruction in Iraq, and a corresponding list of the funds obligated in connection with such activities, during the preceding 60 days.

(B) A list of significant activities related to reconstruction in Iraq that the President anticipates initiating during the ensuing 60-day period, including—

(i) the estimated cost of carrying out the proposed activities; and

(ii) the source of the funds that will be used to pay such costs.

(C) Updated strategies, objectives, and timelines if significant changes are proposed regarding matters included in the report required under subsection (c), or in a previous report under this subsection.

(2) Each report under this subsection shall include information on the following:

(A) The expenditures for, and progress made toward, the restoration of basic services in Iraq such as water, electricity, sewer, oil infrastructure, a national police force, and Iraqi army, and judicial systems.

(B) The significant goals intended to be achieved by such expenditures.

(C) The progress made toward securing increased international participation in peacekeeping efforts and in the economic and political reconstruction of Iraq.

(D) The progress made toward securing Iraqi borders.

(E) The progress made toward securing self-government for the Iraqi people and the establishment of a democratically elected government.

(F) The progress made in securing and eliminating munitions caches, unexploded ordnance, and excess military equipment in Iraq.

(G) The measures taken to protect United States troops serving in Iraq, and an estimated schedule of United States troop strengths in Iraq for each ensuing 120-day period.

**SA 1849.** Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**SEC. 2313. (a) LIMITATION ON AMOUNT OF FUTURE FUNDS AVAILABLE FOR IRAQ RECONSTRUCTION PROGRAMS.**—Notwithstanding any other provision of this Act or any other provision of law, the amount appropriated funds that may be obligated and expended for Iraq reconstruction programs may not exceed the current appropriated amount for Iraq reconstruction programs unless—

(1) the President certifies to Congress that the amount of appropriated funds to be so obligated and expended for Iraq reconstruction programs is equal to or exceeded by an amount of contributions from the international community for Iraq reconstruction programs; or

(2) the President—

(A) determines that, notwithstanding the lack of contributions by the international community for Iraq reconstruction program in an amount described in paragraph (1), the obligation and expenditure of appropriated funds for Iraq reconstruction programs in excess of the current appropriated amount for Iraq reconstruction programs is in the national security interests of the United States; and



(B) submits to Congress a written notification that determination, including a detailed justification for the determination.

(b) CONSTRUCTION WITH LATER ENACTED PROVISIONS OF LAW.—This section may not be superseded, modified, or repealed except pursuant to a provision of law that makes specific reference to this section.

(c) DEFINITIONS.—In this section:

(1) The term “current appropriated amount for Iraq reconstruction programs” means the aggregate amount appropriated or otherwise made available by this Act, and by any Act enacted before the date of the enactment of this Act, for Iraq reconstruction programs.

(2)(A) the term “Iraq reconstruction programs” means programs to address the infrastructure needs of Iraq, including infrastructure relating to electricity, oil production, public works, water resources, transportation and telecommunications, housing and construction, health care, and private sector development.

(B) The term does not include programs to fund military activities, (including the establishment of national security forces), public safety (including border enforcement, police, fire, and customs), and justice and civil society development.

**SA 1850.** Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 28, line 15, before the period, insert the following: “: *Provided further*, That each allocated amount under this subheading shall be reduced on a pro rata basis by \$2,000,000 (except that no reduction shall result with respect to any amount appropriated for Iraqi border enforcement and enhanced security communications and the amount appropriated for the establishment of an Iraqi national security force and Iraqi Defense Corps), and \$2,000,000 shall be made available to the General Accounting Office for an audit of all funds appropriated under this Act, including tracking the expenditure of appropriated funds, a comparison of the amounts appropriated under this Act to the amount actually expended, and a determination of whether the funds appropriated in this Act are expended as intended by Congress”.

**SA 1851.** Mr. REID (for Mr. CORZINE) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 38, between lines 21 and 22, insert the following new section:

**SEC. 3001.** Not later than 30 days after the date of the enactment of this Act, and every 90 days thereafter until December 31, 2007, the President shall submit to each Member of Congress a report on the projected total costs of United States operations in Iraq, including military operations and reconstruction efforts, through fiscal year 2008. The President shall include in each report after the initial report an explanation of any change in the total projected costs since the previous report.

**SA 1852.** Mr. FEINGOLD (for himself, Mr. WYDEN, Mr. DAYTON, and Mrs. MURRAY) proposed an amendment to

the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 38, between lines 20 and 21, insert the following new title:

#### TITLE III—LEAVE FOR MILITARY FAMILIES

##### SEC. 3001. SHORT TITLE.

This title may be cited as the “Military Families Leave Act of 2003”.

##### SEC. 3002. GENERAL REQUIREMENTS FOR LEAVE.

(a) ENTITLEMENT TO LEAVE.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

“(3) ENTITLEMENT TO LEAVE DUE TO FAMILY MEMBER’S ACTIVE DUTY.—

“(A) IN GENERAL.—Subject to section 103(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

“(i) on active duty in support of a contingency operation; or

“(ii) notified of an impending call or order to active duty in support of a contingency operation.

“(B) CONDITIONS AND TIME FOR TAKING LEAVE.—An eligible employee shall be entitled to take leave under subparagraph (A)—

“(i) while the employee’s spouse, son, daughter, or parent (referred to in the subparagraph as the ‘family member’) is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

“(ii) only for issues relating to or resulting from such family member’s—

“(I) service on active duty in support of a contingency operation; and

“(II) if a member of a reserve component of the Armed Forces—

“(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

“(bb) service on active duty in support of such operation.

“(4) LIMITATION.—No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.”.

(b) SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: “Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.”.

(c) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting “or subsection (a)(3)” after “subsection (a)(1)”.

(d) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

“(3) NOTICE FOR LEAVE DUE TO FAMILY MEMBER’S ACTIVE DUTY.—An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employer as is practicable.”.

(e) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

“(f) CERTIFICATION FOR LEAVE DUE TO FAMILY MEMBER’S ACTIVE DUTY.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.”.

##### SEC. 3003. LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) ENTITLEMENT TO LEAVE.—Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

“(3)(A) Subject to section 6383(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

“(i) on active duty in support of a contingency operation; or

“(ii) notified of an impending call or order to active duty in support of a contingency operation.

“(B) An eligible employee shall be entitled to take leave under subparagraph (A)—

“(i) while the employee’s spouse, son, daughter, or parent (referred to in the subparagraph as the ‘family member’) is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

“(ii) only for issues relating to or resulting from such family member’s—

“(I) service on active duty in support of a contingency operation; and

“(II) if a member of a reserve component of the Armed Forces—

“(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

“(bb) service on active duty in support of such operation.

“(4) No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.”.

(b) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: “Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.”.

(c) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by inserting “or subsection (a)(3)” after “subsection (a)(1)”.

(d) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

“(3) An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employing agency as is practicable.”.

(e) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

“(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.”.

**SA 1853.** Mr. MCCAIN (for himself, Mr. BIDEN, and Mr. GRAHAM of South Carolina) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, before the period on line 12, insert the following:

: *Provided further*, not less than \$4,000,000 shall be transferred to “Office of the Inspector General” for financial and performance audits of funds apportioned to the Department of Defense from the Iraq Relief and Reconstruction Fund”

On page 24, line 14, insert after “\$40,000,000” the following—

“of which not less than \$4,000,000 shall be transferred to and merged with “Operating Expenses of the United States Agency for International Development Office of Inspector General” for financial and performance audits of the Iraq Relief and Reconstruction Fund and other assistance to Iraq”

On page 38, after line 20, insert the following:

**“Sec. 2313. General Accounting Office review**

(a) The Comptroller General of the United States shall—

(1) review the effectiveness of relief and reconstruction activities conducted by the Coalition Provisional Authority (hereafter in this section “CPA”) from funds made available under the “Iraq relief and Reconstruction Fund” in this title, including by providing analyses of—

(A) the degree to which the CPA is meeting the relief and reconstruction goals and objectives in the major sectors funded under this title, and is enhancing indigenous capabilities;

(B) compliance by the CPA and the government departments with federal laws governing competition in contracting; and

(C) the degree to which the CPA is expending funds economically and efficiently, including through use of local contractors;

(2) report quarterly to the appropriate congressional committees on the results of the review conducted under paragraph (1).

(b) In this section, the term “appropriate congressional committees” means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and International relations of the House of Representatives.

**SA 1854.** Mr. DASCHLE proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title II, add the following:

SEC. 2313. (a) LIMITATION ON AMOUNT OF FUTURE FUNDS AVAILABLE FOR IRAQ RECONSTRUCTION PROGRAMS.—Notwithstanding any other provision of this Act or any other provision of law, the amount of appropriated funds that may be obligated and expended for Iraq reconstruction programs may not exceed the current appropriated amount for Iraq reconstruction programs unless—

(1) the President certifies to Congress that the amount of appropriated funds to be so obligated and expended for Iraq reconstruction programs is equal to or exceeded by an amount of contributions from the international community for Iraq reconstruction programs; or

(2) the President—

(A) determines that, notwithstanding the lack of contributions by the international community for Iraq reconstruction programs in an amount described in paragraph (1), the obligation and expenditure of appropriated funds for Iraq reconstruction programs in excess of the current appropriated amount for Iraq reconstruction programs is in the national security interests of the United States; and

(B) submits to Congress a written notification on that determination, including a detailed justification for the determination.

(b) CONSTITUTION WITH LATER ENACTED PROVISIONS OF LAW.—This section may not be superseded, modified, or repealed except pursuant to a provision of law that makes specific reference to this section.

(c) DEFINITIONS.—In this section:

(1) The term “current appropriated amount for Iraq reconstruction programs” means the aggregate amount appropriated or otherwise made available by this Act, and by any Act enacted before the date of the enactment of this Act, for Iraq reconstruction programs.

(2)(A) the term “Iraq reconstruction programs” means programs to address the infrastructure needs of Iraq, including infrastructure relating to electricity, oil production, public works, water resources, transportation and telecommunications, housing and construction, health care, and private sector development.

(B) The term does not include programs to fund military activities, (including the establishment of national security forces), public safety (including border enforcement, police, fire, and customs), and justice and civil society development.

**SA 1855.** Mr. HARKIN (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 2 and 3, insert the following:

SEC. 3002. (a) The Comptroller General shall conduct studies on the effectiveness and efficiency of the administration and performance of contracts in excess of \$40,000,000 that are performed or are to be performed in, or relating to, Iraq and are paid out of funds made available under this Act or the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108-11). The studies shall specifically examine the profits, administrative overhead, management fees, and related expenditures for the management of subcontracts (and further subcontracting) under any such contract. In conducting studies under this section, the Comptroller General shall have access to any information and records created or maintained by the United States, or by any entity receiving funds for contracts studied under this section that the Comptroller General considers appropriate.

(b) Not later than 6 months after the date of enactment of this Act and again 4 months thereafter, the Comptroller Government shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report that includes—

(1) an evaluation of the studies conducted under this section; and

(2) any recommendations for the improvement of the contracting process for contracts performed or to be performed in Iraq and for contracts generally, including the selection process, contract content, and oversight of the administration and performance of contracts.

**SA 1856.** Mr. WARNER (for himself, Mr. ALLEN, Mr. SARBANES, Ms. MIKULSKI, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 2 and 3, insert the following:

SEC. 3002. Notwithstanding any other provision of law, the Federal share of the cost of

any disaster relief payment made under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for damage caused by Hurricane Isabel shall be 90 percent.

SEC. 3003. Of the funds appropriated by this Act, \$500,000,000 shall be available for repair or replacement of Department of Defense infrastructure damaged or destroyed by Hurricane Isabel, related flooding, or other related natural forces.

SEC. 3004. Of the funds appropriated by this Act, \$123,000,000 shall be available for repair and restoration of National Parks in areas designated as a disaster area pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for damage caused by Hurricane Isabel.

SEC. 3005. Of the funds appropriated by this Act, \$5,000,000 shall be available for repair and replacement of National Aeronautics and Space Administration infrastructure damaged or destroyed by Hurricane Isabel, related flooding, or other related natural forces.

**SA 1857.** Ms. CANTWELL (for herself, Mr. BINGAMAN, Mr. LEAHY, Mr. JOHN-SON, Mr. NELSON of Florida, Mr. GRAHAM of Florida, Mrs. MURRAY, Mr. KENNEDY, Mr. PRYOR, Mr. LAUTENBERG, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, between lines 12 and 13, insert the following:

SEC. 316. (a)(1) In the administration of laws and policies on the period for which members of reserve components of the Armed Forces called or ordered to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, are deployed outside the United States, the deployment shall be considered to have begun on the first day of the active-duty service to which called or ordered and shall be considered to have ended on the last day of the active-duty service to which called or ordered.

(2) Not later than 45 days before the effective date of a modification, supplementation, or superseding of a policy referred to in paragraph (1) that would extend the deployment of reserve component members, the Secretary of defense—

(A) shall transmit to Congress and the members of the reserve components a notification of the modified policy, supplemental policy, or superseding policy, as the case may be; and

(B) if the Secretary has received from a member of the reserve components a standing request to notify someone in the member's family or the member's employer (or both) of the new policy extending the member's deployment, shall transmit a notification of such policy to the requested recipient or recipients, as the case may be.

(b)(1) Before a member of a reserve component called or ordered to active duty as described in subsection (a)(1) is deployed outside the United States, the Secretary of defense shall inform such member of the date of expected return from overseas for the member.

(2) Not later than 45 days before a previously announced date of expected return from overseas service for a member referred to in paragraph (1) is postponed, the Secretary of Defense—

(A) shall transmit to Congress and that member a notification of the intent to postpone the member's return from overseas service; and

(B) if the Secretary has received from such member a standing request to notify someone in the member's family or the member's employer (or both) of any postponement of the member's employer (or both) of any postponement of the member's date of expected return from overseas service, shall transmit to the requested recipient or recipients, as the case may be, a notification of the intent to postpone the member's return from overseas service.

(c) The Secretary of defense shall prescribe in regulations a process for members of the reserve components of the Armed Forces to submit to the Secretary standing requests for notifications of family members or employers under subsections (a)(2)(B) and (b)(2)(B).

(d) The Secretary of Defense may waive the requirements of subsection (a) or (b) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

**SA 1858.** Mr. NELSON of Florida proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title II, add the following:

SEC. 2313. Of the amounts appropriated by chapter 2 of this title under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT" under the heading "IRAQ RELIEF AND RECONSTRUCTION FUND", other than amounts available under such heading for security (including public safety requirements, national security, and justice), \$10,000,000 shall be available only for the Family Readiness Program of the National Guard.

**SA 1859.** Mr. REID (for Ms. LANDRIEU) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 38, between lines 20 and 21, insert the following new section:

SEC. 2313. (a) The President shall direct the head of the Coalition Provisional Authority in Iraq, in coordination with the Governing Council of Iraq or a successor governing authority in Iraq, to establish an Iraq Reconstruction Finance Authority. The purpose of the Iraq Reconstruction Finance Authority shall be to obtain financing for the reconstruction of the infrastructure in Iraq by collateralizing the revenue from future sales of oil extracted in Iraq. The Iraq Reconstruction Finance Authority shall obtain financing for the reconstruction of the infrastructure in Iraq through—

(1)(A) issuing securities or other financial instruments; or

(B) obtaining loans on the open market from private banks or international financial institutions; and

(2) to the maximum extent possible, securitizing or collateralizing such securities, instruments, or loans with the revenue from the future sales of oil extracted in Iraq.

(b) It is the policy of the United States that payment of the cost of reconstruction in Iraq, other than payment made with funds made available in this title under the sub-

heading "IRAQ RELIEF AND RECONSTRUCTION FUND" under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT" or made available by a foreign country or an appropriate international organization, should be the responsibility of the Iraq Reconstruction Finance Authority.

## NOTICES OF HEARINGS/MEETINGS

### COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9 a.m., Tuesday, October 28, 2003, in Room 301 Russell Senate Office Building to conduct a confirmation hearing on four Presidential nominees to the Election Assistance Commission.

The nominees are Paul S. DeGregorio (R) of Missouri (2 year term); Gracia M. Hillman (D) of the District of Columbia (2 year term); Deforest "Buster" Soaries (R) of New Jersey (4 year term); and Raymundo Martinez III (D) of Texas (4 year term).

For further information concerning this meeting, please contact Susan Wells at 202-224-6352.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 15, 2003, at 9:30 a.m., to conduct a markup of S. 811, the "American Dream Downpayment Act", of S. 300, the "Jackie Robinson Congressional Gold Medal bill." The committee will also vote on the nominations of Mr. Harvey S. Rosen, of New Jersey, and Ms. Kristin J. Forbes, of Massachusetts, to be members of the Council of Economic Advisors; Ms. Julie L. Myers, of Kansas, to be Assistant Secretary of Commerce for Export Enforcement; and Mr. Peter Lichtenbaum, of Virginia, to be Assistant Secretary of Commerce for Export Administration.

Following the votes, the Subcommittee on Securities and Investment will meet in open session to conduct a hearing on "The Future of the Securities Markets."

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

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, October 15, at 9:30 to conduct a business meeting to consider legislation S. 1643, S. 1066, S. 1663, and S. 1669, and the nomination of Michael O. Leavitt, to be Administrator of the U.S. Environmental Protection Agency.

The meeting will take place in SD 406, hearing room.

### COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, October 15, 2003, at 10 a.m., to hear testimony on "Company Owned Life Insurance."

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 15, 2003, at 2 p.m. to hold a hearing on The Middle East Road Map: Overcoming Obstacles to Peace.

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

### COMMITTEE ON INDIAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, October 15, 2003, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a Hearing on S. 550, the American Indian Probate Reform Act of 2003.

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

### COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a Judicial Nominations hearing on Wednesday, October 15, 2003, at 10:00 a.m. in the Dirksen Office Building room 226.

## Agenda

Panel I: Senators.

Panel II: D. Michael Fisher to be United States Circuit Judge for the Third Circuit.

Panel III: Dale S. Fisher to be United States District Judge for the Central District of California; Gary L. Sharpe to be United States District Judge for the Northern District of New York.

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

### COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, October 15, 2003, at 2:00 p.m. on "Indecent Exposure: Oversight of DOJ's Efforts to Protect Pornography's Victims," in the Dirksen Senate Office Building room 226.

## Witness List

Panel 1: Mr. John Malcolm, Deputy Assistant Attorney General, Criminal Division, Department of Justice, Washington D.C.; Mr. J. Robert Flores, Administrator, Office of Juvenile Justice and Delinquency Prevention, Department of Justice, Washington D.C.; Mr. Lawrence E. Maxwell, Inspector in Charge, Fraud and Dangerous Mail Investigations, United States Postal Inspectors, Washington D.C.; Honorable Mary Beth Buchanan, U.S. Attorney

for the Western District of Pennsylvania, Pittsburgh, PA.

Panel 2: Mr. Bruce A. Taylor, President and Chief Counsel, National Law Center for Children and Families, Fairfax, VA; Mr. Victor Cline, Emeritus Professor, University of Utah, Salt Lake City, UT; Mr. Steve Takeshita, Officer in Charge, Pornography Unit, Organized Crime and Vice Division, Los Angeles Police Department, Los Angeles, CA.

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

#### SUBCOMMITTEE ON WATER AND POWER

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, October 15, at 2:30 p.m.

The purpose of the hearing is to receive testimony on S. 943, a bill to authorize the Secretary of the Interior to enter into one or more contracts with the city of Cheyenne, Wyoming, for the storage of water in the Kendrick project; S. 1027 and H.R. 2040, bills to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska; S. 1058, a bill to provide a cost-sharing requirement for the construction of the Arkansas Valley Conduit in the State of Colorado; S. 1071, a bill to authorize the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study on a water conservation project within the Arch Hurley Conservancy District in the State of New Mexico, and for other purposes; S. 1307, a bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to assist in the implementation of fish passage and screening facilities at non Federal water projects, and for other purposes; S. 1308, a bill to authorize the Secretary of the Interior to pursue and complete actions related to the implementation of a U.S. District of a U.S. district court consent decree; S. 1355, a bill to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes; S. 1577, a bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming; H.R. 1284, a bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin Demonstration Project; and S. Res. 183, a resolution commemorating 50 years of adjudication under the McCarran amendment of rights to the use of water.

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

#### PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Darcy Zotter, a fel-

low on Senator HARKIN's staff, be given floor privileges for the duration of the consideration of this bill.

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

#### NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 243 introduced earlier today by Senator REED of Rhode Island.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 243) designating the week of October 19, 2003, through October 25, 2003, as National Childhood Lead Poisoning Prevention Week.

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

Mr. BURNS. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, all with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 243) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 243

Whereas lead poisoning is a leading environmental health hazard to children in the United States;

Whereas according to the Centers for Disease Control and Prevention, 434,000 preschool children in the United States have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are 8 times more likely to be poisoned by lead than are children from high-income families;

Whereas children may be poisoned by lead in water, soil, or consumable products;

Whereas children most often are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of October 19, 2003, through October 25, 2003, as "National Childhood Lead Poisoning Prevention Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate programs and activities.

#### TRANSFER OF AUTHORITY TO PUBLIC PRINTER

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of H.R. 3229, which is at the desk.

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

The assistant legislative clerk read as follows:

A bill (H.R. 3229) to amend title 44, United States Code, to transfer to the Public Printer the authority over the individuals responsible for preparing indexes on the CONGRESSIONAL RECORD, and for other purposes.

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

Mr. BURNS. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3229) was read the third time and passed.

#### CHECK CLEARING FOR THE 21ST CENTURY ACT-CONFERENCE REPORT

Mr. BURNS. Mr. President, I submit a report of the committee of conference on the bill (H.R. 1474), and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1474), to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the proceedings of the House in the RECORD of October 1, 2003.)

Mr. SARBANES. Mr. President, I support the conference report to the Check Clearing for the 21st Century Act or Check 21 Act. This is an important piece of legislation and a high priority for the Federal Reserve Board. I commend Chairman SHELBY for his leadership on this issue. Senators JOHNSON, CARPER, MILLER and BENNETT also played important roles in developing this legislation. The Check 21 Act enjoys broad bipartisan support. The conference report passed the House of Representatives unanimously on October 9th. Earlier this year both Houses of Congress passed similar bills by unanimous vote.

This legislation is designed to allow banks to use electronic images of checks to expedite check collection and processing. Current law requires a bank that receives a deposited check to physically return the check to the

issuing bank unless there is an agreement to provide for alternative presentment. It is important to note that there is no current legal requirement that an issuing bank return the original check to its customer.

The terrorist attacks of September 11, 2001 and the subsequent closure of air traffic by the Federal Aviation Administration exposed a serious weakness in our financial system. The inability of banks to send physical checks for presentment and payment for several days prevented the clearing of close to \$50 billion in transactions. This crisis required the Federal Reserve to use extraordinary efforts to prevent a serious disruption in our financial markets.

Under the Check 21 Act, banks will no longer be required to physically transport checks across the nation. Instead, they will be allowed to electronically scan the front and back of each check, create an encrypted, electronic image of each check, and then transmit the images rapidly from one area of the country to another. Consumers who wish to receive copies of their checks for record keeping purposes or who are investigating bank errors or possible fraud may receive printed copies of these electronic images. According to the Federal bank regulatory agencies, they have received few, if any, complaints from bank consumers who currently do not have their original checks returned with their monthly statements and use imaged copies of checks to dispute payments. Moreover, the Check 21 Act will not alter present law requiring banks to maintain copies of checks for seven years.

The widespread adoption of check truncation and electronic imaging will reduce the dependence of the check processing system on transportation and will increase the resiliency of the financial system to terrorist attacks or other unforeseen events. In addition, the banking industry has indicated that the legislation has the potential to make deposited funds available to the consumer more quickly. With increased efficiency through electronic check transmission, banks have also indicated that they will be able to reduce processing time and may be able to more quickly identify check fraud and bank errors. Moreover, in certain cases where a consumer's account is improperly charged, the legislation provides for expedited recrediting of the account.

Important consumer protections were maintained during the development of this check truncation legislation in the Senate. I appreciate Chairman SHELBY's responsiveness to many of my concerns regarding consumer protections and ensuring that consumers enjoy some of the benefits of the legislation. I am also pleased that the House Conferees agreed to incorporate the Senate's consumer protection provisions in the Conference Report.

First, the conference report contains statutory language clarifying that the comparative negligence language in the bill is not intended to reduce the rights of consumers under the Uniform Commercial Code or other applicable state or federal law. The report language in the Senate bill further clarifies that in the absence of fraud or bad faith, the comparative negligence provisions would generally not be applicable to consumer check users.

Second, the Check 21 Act establishes, for the first time, the right of expedited recredit for improper check charges to a consumer's bank account. Pursuant to Section 7 of the legislation, certain consumers are given a right to expedited recredit within 10 days for the amount of a substitute check—under \$2,500—that is improperly charged to the consumer's account. Current check law does not mandate a time frame for resolving consumer complaints. A consumer will have 40 days to make a claim after the financial institution mails the periodic statement or makes the substitute check available. Under extenuating circumstances, the financial institution must extend the period for filing a claim by a reasonable amount of time.

Section 7 states that the time for action begins when the financial institutions mails or delivers, by any means agreed to by the consumer, the periodic statement, or the date on which the substitute check is made available to the consumer and Section 12 permits notices to be sent to a consumer by any means agreed to by the consumer. However, this Act does not address how the agreement referred to in sections 7 or 12 may occur. That topic is covered by the Electronic Signatures in Global and National Commerce Act.

Third, the conference report contains a Federal Reserve study on the appropriateness of the time frame and monetary threshold for expedited funds availability. This provision requires the Fed to re-evaluate current practices and may lead to the reduction in the amount of time a bank may hold a deposited check before making the funds available to the consumer.

Lastly, the conference report contains a General Accounting Office study to evaluate an assessment of consumer acceptance of the check truncation process, including whether consumers who were receiving returned checks prior to the enactment of this legislation incurred any new costs; and estimate of the gains in efficiencies made possible by this Act; and a determination of consumers' share of total benefits derived from this Act.

I also want to take a moment to recognize those members of the Banking Committee staff who devoted so many hours to crafting this important and comprehensive legislation. On my staff: Patience Singleton and Aaron Klein and on the staff of Chairman SHELBY: Peggy Kuhn and Doug Nappi.

I look forward to monitoring the implementation of the Check 21 act by

the Federal Reserve and the banking industry to ensure that consumers benefit from this legislation.

Mr. BURNS. I ask unanimous consent that the conference report be adopted and the statements relating to the conference report be printed in the RECORD.

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

#### ORDERS FOR THURSDAY, OCTOBER 16, 2003

Mr. BURNS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, October 16. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for up to 60 minutes, with the first 30 minutes under the control of Senator HUTCHISON or her designee and the second 30 minutes under the control of the minority leader or his designee, provided that following morning business, the Senate resume consideration of S. 1689, the Iraq-Afghanistan supplemental appropriations bill.

I further ask that amendment No. 1818 then be the pending business.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Mr. President, is amendment No. 1818 the Byrd amendment?

The PRESIDING OFFICER. It is.

Without objection, it is so ordered.

#### MIKE MANSFIELD BIOGRAPHY

Mr. REID. If I could, I want to say on the record here I badly wanted to go to a reception held tonight right across the hall, sponsored by the acting minority leader, Senator BAUCUS, and Congressman REHBERG, because they were going to, at that time, release the biography of one of my favorite Senators of all time, Senator Mansfield.

I apologize to the delegation from Montana for being unable to be there, but we were here on the floor. I do hope the book is a success. If the author of that biography is able to capture even a little bit of the history of this great man, it will be a wonderful book to read, and I am sorry I missed it.

#### PROGRAM

Mr. BURNS. Mr. President, for the information of all Senators, on Thursday, following morning business, the Senate will resume consideration of Iraq-Afghanistan supplemental appropriations bill. Tomorrow morning the Senate will resume debate on Senator BYRD's amendment No. 1818. It is hoped that we can begin voting on the pending amendments and any other offered amendments at an early time tomorrow morning.

Earlier tonight the Senate agreed to a limited list of amendments. Therefore, Senators should notify the managers if they intend to offer an amendment from that list.

Senators should expect rollcall votes throughout the day and into the evening tomorrow in relation to amendments to the Iraq-Afghanistan appropriations bill.

I want to put a footnote here. I did attend the reception for Senator Mansfield. He was a man of few words. He knew the weight of a word. I was also in the press corps in Montana when he

served in this body. I tell you, if the producer told you to fill 5 minutes, it would take 30 questions to do it.

He shall be missed by the State of Montana. He is missed by this country. Now he belongs to history, and that is the way it is supposed to be.

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ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. BURNS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the

Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:51 p.m., adjourned until Thursday, October 16, 2003, at 9:30 a.m.

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NOMINATIONS

Executive nomination received by the Senate October 15, 2003:

DEPARTMENT OF STATE

MARGUERITA DIANNE RAGSDALE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF DJIBOUTI.