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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Monsignor Robert Fuhrman, the Church of St. Gabriel, in Saddle River, NJ.

PRAYER

The guest Chaplain offered the following prayer:

Glory and praise to You, Lord God of heaven and earth. You give us life that we may know, love, and serve You here and now. We are to find and to show goodness and truth in this often troubled but beautiful world.

You are the maker and lover of peace. Protect us from all anxiety. Keep us and our military safe from the weapons and the hatred of others in this time of war. Help our wounds continue to heal, that the United States of America may lead the world with new freedom through this new millennium, which has begun with such strife.

The eyes of many are on bombs dropping on a city far away. But because we are human, our vision is often clouded. Help us also to see the explosive power of Your divine blessings in our lives, so that we may respond with lives of service and love.

Father, may these Senators and all who work for peace, security, and the common good find satisfaction in their work for the progress of peoples. There is urgency in our prayers these days, Lord. Show us the way to the fullness of life. Teach us again. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINDSAY GRAHAM, a Senator from the State of South Carolina, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, for the information of all Senators, the Senate will be in a period of morning business until 11 a.m. to allow Members to continue to make statements supporting our troops who are participating in Operations Enduring Freedom and Iraqi Freedom.

At 11 a.m., the Senate will begin consideration of the supplemental appropriations bill. Amendments are anticipated to that measure. I take this opportunity to encourage Members to notify the managers as early as possible today if they intend to offer any amendments. Our goal will be to complete the supplemental by tomorrow sometime. I would love the opportunity to finish it today, but I think realistically we should have as our goal to complete it tomorrow at some point. In order to do that, it will be critical for our colleagues to bring to the managers any amendments they may wish to offer.

At 2 p.m. today, the Senate will conduct the fourth cloture vote in relation to the Miguel Estrada nomination. Following that cloture vote, the Senate will resume consideration of the supplemental appropriations bill. The Senate will complete action on the supplemental this week. Therefore, I inform all Senators to expect rollcall votes throughout the day.

SUPPORTING OUR TROOPS

Mr. FRIST. Mr. President, I take a couple of moments to comment on the actions in support of our troops in Iraq. First, our condolences, as always, go out to the families of those who have lost loved ones. Being from Tennessee, I particularly express my sympathies to the family of Marine LCpl Patrick Nixon from Gallatin, TN, who was killed while attempting to secure a critical bridge across the Euphrates River in Nasiriyah.

I also offer our prayers and condolences for those who have lost loved ones, and also offer prayers to those in the field fighting for us.

I commend the tremendous performance of our Armed Forces and continue to be amazed by their degree of professionalism, their boldness, and the courage they represent each and every day. There will be tough days ahead, as we all know, but we all feel the steady progress being made.

I take a moment to commend the Navy SEALs and Army rangers who rescued PFC Jessica Lynch from a hospital in Nasiriyah where she was being held. Most people had the opportunity to see the very dramatic footage a few hours ago of her being rescued by those special forces. We join with her family and friends in Palestine, WV, in celebrating her recovery. This is one more example of the outstanding flexibility, training, and performance of America's military men and women.

I should mention, because it relates to a trip I took this weekend in visiting the base at the 101st Airborne in Tennessee, I had the opportunity to visit with Major General Petraeus's wife, Holly Petraeus, whom I first met 11 years ago when they previously had been stationed at Fort Campbell. I got to know her at that point in time and saw her when General Petraeus and I had the opportunity to start the Army 10-miler together a few months ago. I say ''start'' because I am a slow runner; when we started the race, he took out ahead of me after the first 20 yards.

General Petraeus now is on the front page of the Washington Post. The opening paragraph:

U.S. Army troops seized the southern edge of this key Euphrates River city today as Iraqi militia fighters appeared to retreat in the face of overwhelming firepower. . . .

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

Shortly before 2 p.m., Maj. Gen. David H. Petraeus, commander of the 101st Airborne, drove in an armed convoy up a rocky escarpment into Najaf, urged on by clapping Iraqis who gestured impatiently for the Americans to press deeper into the city center.

It gives me a great deal of pride for the 101st Airborne to be able to hear these real-life stories of the bravery and boldness of General Petraeus. I was with Holly Petraeus this past Sunday at the 101st Airborne. She hosted Karen, my wife, and me to lunch and attending a church service. She is doing a tremendous job of keeping up the spirit of all the families there and has become a real focal point for the community efforts in Hawesville, KY, Clarksville, TN, and on the base to support our troops. We have a lot to be proud of, with tough days ahead.

Meanwhile, the Senate will be addressing the supplemental emergency spending in order to support our troops, as well as the underlying budget, which I hope to complete—which we will complete by April 11.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to exceed beyond the hour of 11 a.m., with the time to be equally divided between the Senator from Texas, Mrs. HUTCHISON, and the Democratic leader or his designee, the Senator from Nevada.

HONORING OUR ARMED FORCES

Mr. ENSIGN. Mr. President, I rise today to pay tribute to the troops. I am totally amazed when I watch the television reports at the bravery displayed by those who are serving our Nation in harm's way.

There is a saying from the Scriptures that:

A man can have no greater love than to lay down his life for his friends.

The motto of my home State of Nevada is: All for our country. Nevada has a long and proud history of patriotism and contributing to this Nation's defense in times of peace and in times of conflict. Many brave Nevadans have proudly donned the uniform of our armed services. Unfortunately, some of our finest have lost their lives in service to our Nation.

Nevada has lost several servicemen during the ongoing war on terrorism, and last week we learned of our first casualty in Operation Iraqi Freedom. LT Fred Pokorney was killed during a cowardly ambush on our marines near An Nasiriyah, Iraq. His death has brought the reality of war to families across Nevada. His life and dedication have touched and inspired me.

I wish I had known Fred when he played for the Tonopah High School basketball and football teams. I only had the opportunity to learn about this gentle giant, for that is what he was, since he made the ultimate sacrifice for me, my family, for all Nevadans, and all Americans.

It should not come as a surprise, but when I learn about these brave men and women who risk their lives and sacrifice so much to defend our freedom, I am awed by the caliber of their character, integrity, and dedication. Fred Pokorney is the perfect example.

Nothing was handed to Fred. He overcame challenges that would have been an excuse for others to quit. He was incredibly well liked for his positive attitude and competitive spirit. He joined the Marines right out of high school and graduated with a degree in military science from Oregon State University, also my alma mater. He loved being a marine.

A tremendous void is being felt by those who knew Fred best. Just as it is inspiring to hear about the character of men and women who serve in our military, it is heartening to speak to those left behind and hear the pride they somehow find the strength to share. When I spoke to Fred's wife—she goes by Chelle—it was obvious her husband is a hero to her as he is to us all. She is comforted by the knowledge that she knew what it was to have peace and love.

Now she is charged with raising their 2½ year old daughter Taylor—and passing Fred's legacy on to her, and Fred's love for country on to us all.

On the telephone last week, Chelle read me the last letter Fred wrote to her and to his daughter Taylor. I would have brought those letters to the floor but, frankly, I could not have read those letters without breaking down because of the emotions that were communicated from one of our soldiers on the battlefield to his family.

Chelle told me Fred's death, though, gave her hope. She feels a responsibility to take Fred's pride, strength, and deep patriotism, and instill it in other Americans. So long as freedom thrives and she can help other Marine families heal, Chelle knows Fred's death will not have been in vain.

What Chelle does not realize is that she, too, is a hero. The families who support our military wait anxiously for word from their loved ones and continue the motions of life while their loved ones are away. They are heroes also. Without their strength and support, our troops could not be the best in the world. I stand here today, grateful for the bravery of Fred Pokorney and inspired by the courage of Chelle Pokorney and others like them.

For Taylor, I pray she grows up to know that her father's death on the battlefield of freedom was not in vain. I pray when she is older, Taylor will know the gratitude of this Nation for her father's sacrifice, and for her sacrifice.

God bless LT Fred Pokorney and God bless his family.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, while I know there are some who may have different views about what is happening in Iraq and our country's role in it, I think there is really no disagreement in our country about what our sons and daughters do for America when they are sent to fight for freedom. There should be no disagreement about our support for the troops that are in harm's way halfway across the world.

My colleague from Nevada and others have spoken eloquently about the commitment these young men and women have made to their country. They leave home, they leave the comforts of their community, they leave their family, and they march in the face of danger.

This morning I went to Bethesda Naval Hospital to visit a young man whom I had appointed to the Naval Academy some 12 years ago. His name is Jason Frei from Hazen, ND. A wonderful young man, he has kept in touch with me each year since he graduated from the Naval Academy, sending me Christmas cards, telling me how he is doing and what he is doing.

He left his wife and two children to go to Iraq with his Marine unit. Jason was wounded last week and is now back at Bethesda Naval Hospital. He has lost a part of his arm. His eardrum was punctured. He was injured by a rocket-propelled grenade when it hit his vehicle.

He is a remarkable man. This morning he was very positive. He was in good spirits and he told me about the men and women with whom he served. This morning in the hospital he was most concerned about his unit, which is still in Iraq—how they were doing, what they were doing. He is, I think, symbolic of those brave men and women who always answer the call for our country.

This is a young man from a small town in North Dakota, but he could be a young man or woman from a town anywhere in America who, when his country needs him, answers the call.

In North Dakota, we have the highest percentage of callups in the Guard and Reserve of any State in the Nation. More than one-third of our National Guard and Reserve have been called to active duty.

A young woman on my staff in Bismarck has been called to active duty with the National Guard, a young lieutenant. They go and serve because they are called to serve our country.

I recall one day at a veterans' hospital in Fargo, ND, pinning the medals on the pajama tops of a Native American named Edmund Young Eagle who served during World War II. He had never gotten his medals. His sisters asked if I could help get the medals for him, whom I didn't know just a week from death. He had lung cancer. We got his medals and on a Sunday morning

we went to the VA hospital, and his sisters came and the doctors and nurses came in the room, and I pinned the medals he won during World War II on his pajama tops.

This very sick man, with lung cancer, who had answered the call from his Indian reservation to go to Africa and Europe and fight for this country, came back from the war and lived a life that was pretty spartan. He didn't ever have very much. But this man, with the medals now pinned on his pajama tops, told me it was one of the proudest days of his life because he had served his country and his country was saying to him: Thank you.

There are so many young men and women today who are serving their country. This Congress and the American people need to say to them, in every way, every day: Thank you.

An author once wrote:

When the night is full of knives, the lightning is seen, and the drums are heard, the patriots always step forward, ready to fight and die if necessary to preserve freedom.

This country should have enormous gratitude for having such men and women, such patriots who always step forward. One of those patriots is Jason Frei, who, I am proud to say this morning, is doing well at the Bethesda Naval Hospital and who, we hope, will be released in a matter of days but who, again, worries a great deal about the troops with whom he served. He cares a great deal about this country and about their fate.

Let us all hope very much that this war is over soon, that its result is decisive, that Saddam Hussein is replaced, that the people of Iraq are no longer the victims of his tyranny, and that our sons and daughters come back to our country and return to their loved ones.

When they do, let America again say thank you, thank you for serving this great country.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DORGAN. Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Mr. President, I rise today to talk about joy and also apprehension. In Palestine, WV, they are celebrating the rescue yesterday of PFC Jessica Lynch from an Iraqi hospital. I am sure most people who watch C–SPAN have also seen the incredible pictures of that operation, seeing our Navy SEALs, our Army special forces, our Marines teaming up to go in and take a hospital because they had information that some of our prisoners of war might be there. It was a great act of courage on their part.

We are all celebrating the return of Jessica Lynch. In her Army hometown of El Paso, TX, they are celebrating. Her rescue has given hope and comfort to the families of the other missing or captured members of Fort Bliss's 507th Maintenance Company that they, too, might be returned to their homes and families.

Retired MSgt Claude Johnson, father of prisoner of war SP Shoshana Johnson, was thrilled to learn PFC Jessica Lynch had been found. I quote:

I am very, very, very glad that Jessica has been returned and that she is safe. As I have said previously, it is not just about Shoshana. It's about all the prisoners who are over there, and I hope and pray that each and every one of them can come home safe, just like Jessica did. The rescue of Lynch gives everybody hope that the rest of [those missing or captured] will be returned.

I talked to Mr. Johnson early on after Shoshana was taken captive and was shown on Iraqi television. She is a former Army personnel person. I was able to share with him the great attention that all of us are giving to all of those prisoners of war and missing in action. I told him that everything would be done to find them and to rescue them if possible. We hope this is the first of good news. But we also know that our forces are doing everything possible to determine if there are others there and also to try to get them home if they are.

We commend the brave marines and special ops forces and the SEALs who were involved in this dramatic rescue. As details come out, I know we will be even more proud of what they have achieved. Now we hope that in the days ahead there will be other good news for those families of soldiers from Fort Bliss and Fort Hood; that they, too, will be reunited with their families.

All of America is riveted on that wonderful story, but we also know there is more news to come, and we will wait anxiously to hear about others.

I also want to take time to discuss personal stories we get from the field because the press over there is seeing the individual sacrifices our young men and women in the military are making that show so much about our values. I want to share one of those vignettes. Then I want to ask my friend and colleague from Idaho to also do the same because he, too, has troops from Idaho in the field.

This morning I start by talking about CPT Chris Carter. This comes from Chris Tomlinson, the Associated Press, from Hindiyah, Iraq. I want to show this picture because it illustrates exactly what these forces are doing. This is a story that goes with this picture. You see in this picture a woman in a black veil sitting on a bridge. Here are the American troops who are trying to take this bridge.

''We've got to get her off that bridge,'' he said.

Capt. Chris Carter winced at the risks his men would have to take. Engaged in a raid on this Euphrates River town, they were battling for a bridge when, through the smoke, they saw the elderly woman. She had tried to race across the bridge when the U.S. soldiers arrived, but was caught in crossfire.

At first they thought she was dead, like the man sprawled in the dust nearby. But during breaks in the gunfire that whizzed over her head, she sat up and waved for help.

Carter, a 32-year old Army Ranger, ordered his Bradley Fighting Vehicle to move forward while he and two other men ran behind it. They took cover behind the bridges' iron beams. Carter tossed a smoke grenade for more cover and approached the woman, who was crying and pointing at a wound on her hip.

She wore a black abayah, a robe common among older women in the countryside. Blood soaked through the fabric onto the pavement around her.

Medics put the woman on a stretcher and into an ambulance; Carter stood by, providing cover with his M–16 automatic rifle. Then she was gone, and the battle raged on for the town of 80,000 about 50 mile south of Baghdad.

By the end of the day, the Army unit would fight street to street, capture or kill scores of Iraqui soldiers, blow up a Baath Party headquarters and destroy heaps of ammunition and mortars. No US. soldiers were killed, but from the beginning officers in the 4th Battalion, 64th Armor Regiment described the mission as ''hairy.''

''Yeah, hold a strategic bridge with one infantry company that has only two platoons—a hell of a mission,'' Lt. Col. Philip DeCamp, the battalion commander, said with a smile.

I yield to my colleague from Utah.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I appreciate the opportunity to address the Senate today with my colleague from Texas and others who have joined us and will in the future to take the time set aside by our leadership to talk about our troops and to give them the thanks of a grateful Nation as they fight in Iraq to protect our freedom.

Today I want to begin by sharing another vignette, this one is from the Army Times written by Robert Hodierne and Jane McHugh. It is about a heroic act that occurred in Iraq during some of the early days of the fighting. This is a picture with the wrong name on it. I will explain. When it was first reported, it said ''Joseph DeWitt.'' But after further evaluation—this picture made it on the front page of a number of newspapers around the country, and people started checking into it.

It was actually Joseph P. Dwyer, age 26, who is still in the field in Iraq. A few days ago, when this report I will discuss was written, he was still 80 miles outside of Baghdad with his division, the 3rd Infantry. What we see is obvious. It is one of our soldiers carrying a young Iraqi boy to safety. But there is a story behind this picture that illustrates the bravery and commitment of our troops in Iraq, not just to cause a regime change and to overthrow Saddam Hussein and restore peace and freedom in Iraq and peace and freedom in the world, but also to do so in a way that causes the least amount of collateral damage.

I will stop before I go into this vignette to make a point. There are

many nations in the world that, when war begins, would not pay attention to the collateral damage, the injuries of innocent civilians. Saddam Hussein, as we know, has killed tens of thousands of innocent people just for the accomplishment of an objective of war.

But our Nation, as we conduct this battle, is conducting it in a way that literally puts our men and women in the military at greater risk because of the decision to try to reduce the risk presented by the war to those who are innocent. I think it is important for us to note that our men and women in the armed services are incurring this greater risk because of our commitment and theirs to make sure that we do not injure one unnecessary person as we conduct this war.

You can see here a young grimy soldier in full battle gear. You can see the level of concern on his face as he carries this wounded young Iraqi boy to safety. What is the story behind this picture? As I have indicated, Joseph Dwyer is 26, and he is still with the 3rd Infantry Division in Iraq. Until just a few days ago, he didn't really have a clue how famous he was. His name was misidentified in the first prints of the picture. By the time he was identified, his picture was one that people around the world had seen. When he was told about it, his reaction was that he laughed out loud. For a few moments, he could not stop laughing. He said afterward that he was both amused and embarrassed at the notoriety he had achieved. ''Really, I was just one of a group of guys. I wasn't standing out more than anyone else,'' he said during this telephone conversation during some rare down time.

Dwyer has lived for the past 6 years in Wagram, NC, where his parents moved after his father retired as a New York transit policeman. This young man's family has been in law enforcement. His father is a retired policeman. He grew up in Mt. Sinai on New York's Long Island. His three older brothers are New York City policemen. If you think about that and remember 9/11, he had three brothers who were New York City policemen when he found out the news about what was happening on 9/11. None of his brothers was lost on 9/11, but one of them lost a partner on 9/11. That is how close the casualties came to his personal family.

He said: ''I mean everybody lost someone, a lot of good people.'' He said he was sure for a long time that he had lost someone too. He believed one of his brothers had probably been killed. He said: ''I thought he was gone.'' But when he talked to his brother on the night of September 11 and learned he was safe, Dwyer said: ''I knew I had to do something.'' So 2 days later he enlisted in the Army and became a medic. He said: ''It was just what I could do at the time.''

People from across America jumped in and did what they could after 9/11. This young man joined the Army to help protect and defend the United States interests and is now doing that in Iraq. On Tuesday morning, when the now-famous image of Dwyer was taken, his unit, the 3rd Squadron of the 7th Cavalry Regiment, had been ambushed repeatedly the night before as they worked their way along the north side of the Euphrates River. Just as the Sun was rising, they were ambushed again by Iraqi troops firing from tree lines on both sides of the road. The Americans fired back with everything they had and called in airstrikes to help them. In the middle of this firefight, an Iraqi family was caught in the crossfire. When the fighting stopped, the father of the family came running out screaming that his family needed help. Dwyer says: ''It came over that there was a family that had some injuries. We went down there. It was kind of hectic at first. . . . We didn't know what was going on. Who was friendly and who wasn't.''

Here is an example of how our troops are putting themselves in harm's way because of their interest in making sure that we reduce the casualties to innocent people.

''We didn't want to get too close to the village, knowing that there could be possible enemy there,'' he went on. ''We saw him with the child. He came running out to where we had the hospital set up.''

Then he and some other soldiers, guns at the ready, bolted from their cover to help. Dwyer reached the father and grabbed his son from him, cradling the young boy in a protective embrace as he raced back to safer ground. That is when Army Times photographer Warren Zinn snapped this picture.

The boy, who is about 4 years old, ''grabbed right onto me, that was the weird thing,'' Dwyer said. ''The kid was doing all right. I could feel him breathing real hard, and I was just carrying him and he didn't cry one bit and you know he was a cute little kid. He was scared, though, you could tell. You know, for the father to trust us to take his child over and know that we would take care of him, maybe it's just me being optimistic, but I think it was a good feeling knowing he trusted us to take his child. It was a little kid. I have little nieces and nephews back home. . . . It was just a kid, it wasn't an enemy. This is what I signed up to do, to help people.''

That day was the first time Dwyer treated any wounded. The little boy had a broken left leg, but Dwyer says he is going to make a quick recovery. Though gratifying as the encounter may have been, it left him with lingering concerns. He wishes he could talk to the family.

''I wonder how they felt about us,'' he said. ''I mean, if I was in their position and this was going on, I'd be mad at me, you know, for being here. I don't know. I wouldn't mind being able to talk to him, that's for sure.''

Dwyer nevertheless is glad to be in Iraq. ''I know that people are going to be better for it. The whole world will be. I hope being here is positive because we are a caring group of people out here. If they find out, that would be great. Maybe they'd stop shooting.''

Mr. President, here we have one more specific example of an act of bravery, heroism, which is happening time and time again in Iraq. As we see the scenes on TV of the bombs exploding and the troops moving, we think about our troops being engaged in battle, but we don't think about the fact that, as they are engaged in battle, they are also doing everything they can to help those who are innocent, who didn't start or cause this war, to be protected from harm's way.

I conclude my remarks by again expressing on my behalf, and I believe on behalf of the entire Senate and the Congress, and, frankly, the United States people, our thanks to our men and women in the armed services for the service they are giving.

I spoke in the Chamber a few days ago about an Idahoan who has given the extreme sacrifice. He lost his life in this battle. We will have, unfortunately, more stories like that. As a nation, we give our thoughts and our prayers and our grateful thanks to the men and women in our Armed Forces who are putting their lives on the line for our freedom.

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

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Idaho for sharing that story with us. It reminds us of what is being done that we might not see over here, but it is those one-on-one things that that Iraqi father is going to remember.

I want to do another story from the field. This one is written by Julian Barnes of U.S. News and World Report. He is with the 101st Airmobile Division Apache Pilots. Here we have the picture of an Apache helicopter firing an antimissile flare. This was taken April 7. The story:

Chief Warrant Officer Ted Hazen has been flying attack helicopters for years. Last week, he finally flew one into combat. ''It was everything I expected,'' he says, ''and not anything like I expected.'' It was the first deep-strike attack by the 101st Airborne Division, and Hazen was at the controls of the command chopper, helping direct the fleet of Apache Longbows into battle some 50 miles south of Baghdad. In front of him, the other pilots locked on the Republican Guard tanks and armored vehicles and let loose their hellfire missiles. ''I saw that first shot go out and bang, hit,'' he says. ''Then there was a hellacious secondary explosion. Flames went 100 feet into the air.''

After engaging the first tank, the Apaches' fuel began running low. A squadron of British Harrier jets continued the attack as the Apaches turned south, back to base. But heading home is almost as tough as attacking. Powerful tailwinds can cause blinding brownouts. The first two of the 101st's Apaches crashed while trying to land. Hazen is philosophical. After all, it's tricky business trying to land a big chopper totally blind. How tricky? ''The best thing to say,'' Hazen mused, ''is open your garage door,

turn your lights off, line yourself up, go 20 miles per hour and hit your brakes and see if you stop in time.''

That sort of thing brings it home.

I wish to read an article about the 173rd Airborne Brigade. This is a picture of the paratroopers who took the airfield in northern Iraq. A U.S. soldier stands guard next to his colleagues digging in near the Harir airstrip. They are excavating earth into trucks northeast of Arbil in northern Iraq. Harir airfield is in Kurdish-controlled northern Iraq where U.S. soldiers from the 173rd Airborne unit parachuted into position.

The article is by Bay Fang, U.S. News & World Report. He is with the 173rd Airborne Brigade:

The man is covered in mud. ''I landed in a puddle,'' he says sheepishly. ''It was a great landing, other than where I landed.'' He and the other members of the 173rd Airborne Brigade dropped into northern Iraq the night before, but they still have not had a chance to clean up. They are fanned out across the airstrip here, dun-colored figures dotting the lush green fields, diggings foxholes, setting up their guns.

Another paratrooper checks a jeep-mounted machine gun and gestures at the fields and mountains shrouded in mist. ''I have total sympathy for the men in Vietnam, walking through the rice paddies,'' he says. ''I don't see how they did it. This isn't half as bad. And it's tough, this terrain out here.''

Up the road, a special forces officer haggles over a truckload of wood his men need for heat. They chose to send the troops in by parachute rather than plane, he says, for reasons of both efficiency and psychological impact. ''It sends a dramatic message to the whole region that U.S. forces are here,'' he says. ''I think we can say that the northern front is already underway.''

The north has indeed begun to move. Late that afternoon, I hear that Iraqi forces have pulled back from the ridge overlooking Chamchamal, the frontline town where I have been staying, to positions just outside Kirkuk. Kurdish fighters, known as peshmerga—

Described as ''those who face death''—

and curious townspeople have rushed up the mountainside. Some are here to inspect the area inhabited by their enemy for the past 12 years. Some have come to loot. But most are simply tourists, hoping to visit places once forbidden to them.

Arivan Ahmed stands on the remains of a hilltop bunker. He used to pass through this place every day on his smuggling run from Kirkuk to Chamchamal and bribe the soldiers at what was called the Challenger checkpoint. ''They sometimes took my shoes from me, so I would have to go back barefoot to Chamchamal,'' he says. That was before the American bombing started and all traffic stopped. ''I used to be very afraid every time I came through here. Now I am just happy to stand here on this ground.'' He holds a rusty hammerhead in his fist that he scrounged from the rubble, and says that is enough of a memento for him.

The road is now open 12 miles deep into what was Iraqi territory. All along it, I see scenes of defiance and celebration. A man drives a bulldozer into a cement plaque in the middle of the road. It bears pictures of Saddam Hussein—wearing a western-style suit on one side, and Kurdish dress on the other. It takes him 15 minutes to topple the plaque, and he wipes the sweat off his forehead with a laugh. ''It is very strong—he spent all of Iraq's money on plaques like these!'' he says. I just wish I could go to Baghdad and do the same to the man himself.''

The peshmerga express the same impatience with beginning the drive down south. But their commanders, sensitive about being seen to cooperate with America, make sure we understand that their forces will not move in unilaterally. It is not the peshmerga taking the newly vacated regions, they say, it is the people themselves. ''These areas we are moving into, they belong to us,'' says Gen. Rostam Hamid Rahim, the top peshmerga commander from Kirkuk. ''The citizens have moved back to the liberated area, and we are just protecting them.''

At the end of the newly opened road, Kirkuk shimmers like a mirage on the horizon, still about 12 miles away. ''It is the Jerusalem of Kurdistan, and we would like to be free,'' says the mayor of Chamchamal, walking briskly toward it as the sun sets. He and everyone else here want to return soon, fighting their way through if necessary. But they have a new phrase for their suppressed hopes: Instead of inshallah, meaning ''God willing,'' it is Insha-Bush.''

This is the picture taken that first day after the paratroopers landed in the north of Iraq.

I will show a few more pictures because I do believe that pictures say a thousand words. A lot of people have seen the pictures from the field of our troops in combat doing everyday activities. I want to show some pictures about what life is like over there for our soldiers.

Here our soldiers are sleeping next to their tanks on a highway that they have taken. They just laid down on the cement, covered their heads, and are taking what I am sure is a long hoped for respite right in the middle of the day because they have been moving at night. They are taking the rest when they can get it. We see a couple of soldiers just cannot sleep. They are awake and talking. But some of them are sleeping with their rifles on and their boots on the ground.

This is another picture showing soldiers sleeping. This was during that sandstorm that many of us saw. These soldiers are wrapped up, trying to protect their faces, their noses from inhaling that dust and sand. We see one soldier sleeping sitting up with a rifle on his lap, and we see another soldier laying down also with a face mask on trying to protect from that dust. Clearly, they are so tired that they will sleep anywhere.

These are troops digging trenches, trying to set up for potential warfare. They, too, are trying to rest before the battle that might ensue. We see them sleeping in their trenches, standing in their trenches that they just worked so hard to dig. We see the trucks that are lined up to protect them in case there is an enemy out there.

That is a fitting end to showing what our troops are enduring every day as they are on the front lines fighting for every one of us, fighting for our way of life, fighting for our right to speak on the Senate floor, the right to be in the Galleries listening, the right to watch C-SPAN2 cover the Senate every day. They are fighting for the right of each of us to kiss our babies in the morning as we go off to our jobs or as we give them the chance to play with some of their friends. Every one of the activities we are doing every day is being protected by those men and women in the field as we speak today.

We are starting the Senate every morning with 1 hour of tribute to our troops, talking about something that has happened that shows American values shining through to the people of the world. We are doing this to honor our troops, to let their families know we will not forget them for 1 minute, and that we appreciate what they are doing every single minute of the day.

We will do this every day our troops are in the field in Iraq, until this war is over.

I yield the floor.

Mr. BYRD. Mr. President, I want to speak briefly about the miraculous rescue of a young West Virginian. Today, a community in West Virginia is celebrating amazing news. For many days, the people of the small town of Palestine—very appropriate—in Wirt County, WV, have been gripped with concern for PFC Jessica Lynch. She is part of the Army's 507th Maintenance Company convoy that was ambushed near the southern Iraqi town of Nasiriyah on March 23. Since that day, no word had been heard from PFC Jessica Lynch. The Army did not know where she was. The Defense Department did not know where she was. Her family did not know where she was. Her family could only be told that she was missing.

For each painstaking hour, over each nerve-racking day, the family and friends of Jessica Lynch awaited word. They held on to each other, they prayed together, they grasped for hope, and they held on to faith.

Then last night, in the afternoon late, the telephone rang. Good news. Amazing news. A miracle had happened: PFC Jessica Lynch has been found in a hospital in Iraq. She was rescued in a daring effort by the brave Army Rangers and Navy SEALS. Today, she is safe—safe once again.

Her State of West Virginia is relieved. Her community is exuberant. Her family is overjoyed. I spoke with Jessica Lynch's father last evening and shared with him our thoughts. The news of Jessica's rescue spread through the county and throughout the State like wildfire. Wirt County has fewer than 6,000 residents, and it appeared as though every one of those people were out honking horns and hugging neighbors last night. Jessica Lynch's parents and siblings were not alone. Jessica has become a part of everyone's family.

As a nation, while we celebrate this rescue, we remain steadfast in our concern for the other members of the armed services who are listed as missing or captured. We look forward to

one day celebrating their safe rescue and return.

We also pray for those families whose loved ones will not be coming home. When we say we pray for them, that is what we mean. Jessica Lynch was found and is safe today. She was preserved. She lived because of the prayers that went up to Heaven from the people of the community and from people all over the Nation.

Hundreds of people gathered yesterday for the funeral service of West Hamlim, WV, native Therrel Shane Childers, a U.S. marine who became the first American combat casualty in the war in Iraq. The Chaplain at the service yesterday noted that First Lieutenant Childers ''emanated a courageous sense about him, that nothing scared him.''

We must continue to wrap our arms around the hundreds of thousands of families of those men and women engaged in military action. Each day, each hour they struggle with worry and concern. They do not struggle alone. To those families, know that the Nation is with you at each step and at every turn. May God have mercy on your loved ones and may He bring them safely home.

I yield the floor.

Mr. INHOFE. Mr. President, today I want to recognize Oklahoma's first loss in the fight for our country's security and our country's freedom and future.

LCpl Thomas ''Tommy'' Alan Blair from Broken Arrow, OK, was killed in the line of duty on or about March 23. Lance Corporal Blair was described as a born leader, an enthusiastic student, and a confident young man who loved Oklahoma and his country.

I remember him well when I went out and talked to him and some of the others before their deployment. All of them were enthusiastic, all of them were courageous, but all of them knew they were risking their lives.

He was killed when an enemy rocket-propelled grenade hit and destroyed his amphibious assault vehicle as it was traveling near Nasiriyah, Iraq.

This battle was described as the sharpest battle in the war to date, and Lance Corporal Blair paid the ultimate price—his life. Let me say again, he gave his life. Why would a person pay this price? Why would a person risk facing this fear and die in combat? Lance Corporal Blair fought and died because he was an American, he was a marine, and he knew what freedom really means—the freedom most Iraqis have never known, and a freedom most Americans take for granted.

He fought for Americans who have already forgotten our freedoms were attacked on 9/11. He fought for the pundits who think this war is about oil. He fought for the protesters who have always had the freedom to express their opinions but never considered what it requires to protect and secure these freedoms for the future.

Expressing your opinion in Iraq may cost your tongue being cut out of your mouth, it may cost your wife being raped in front of your children, or your family may just disappear. If you are lucky, it may only cost a bullet in your head without the suffering.

How could such a place void of these fundamental freedoms exist on God's green Earth? This place does exist. It is Iraq under the rule of Saddam Hussein.

Does the average American consider life without these freedoms? Does the average American consider the life of an Iraqi? Does the average American know the bravery Lance Corporal Blair felt in the last seconds of his life? I would say not.

Lance Corporal Blair considered these freedoms and he considered them important enough to join the Marine Corps, serve his country, and eventually sacrifice his life. He gave his life for the continued freedom and security of the American people. He gave his life for the new freedom the Iraqi people will enjoy.

I do remember talking to his group. Many of the people at that time were saying: Why are we so concerned about Iraq? Why not go after Osama bin Laden or some of the other areas? They forget what we are going through now is not a war, it is a battle in Iraq. The war was declared by the President of the United States at 8:30 in the evening on September 11, that fateful day. This is the No. 1 terrorist out there, by any measure. How many people has he tortured? How many people has he murdered? He is the premier terrorist of our time and has to be eradicated.

I ask us and all Americans to think about the freedoms we take for granted, to think about the fear the Iraqi people feel every day, and think about the sacrifice LCpl Thomas Blair and his fellow countrymen have made to ensure we will always enjoy these fundamental freedoms.

Our thoughts and prayers are with his family as they deal with the tragic loss of their son, LCpl Thomas Alan Blair.

Mr. ROCKEFELLER. Madam President, last night, an extraordinary event happened in Iraq: The extraction and rescue of PFC Jessica Lynch of West Virginia who comes from the small town of Palestine in Wirt County with a population of about 5,800. She was in a hospital in Nasiriyah, with others, where she had been held captive.

Through superb coordination of the Navy SEALs, Marines, and Army Rangers, U.S. forces went in, created diversions, rescued her, and brought her to safety. She is now on a C–17 on her way to Ramstein Air Force Base where she will receive treatment. She has many broken bones and other injuries, but none of them are life threatening.

She was part of the Army's 507th Ordnance Maintenance Company and was moving with the 3rd Infantry Division north toward Baghdad. It was that classic case where the group made a right turn instead of going straight ahead, and they were captured. Not all of her fellow soldiers were so lucky, but she is known to be in very good spirits. I have seen pictures of her, as I think we all have, and I have spoken with her parents to express my thoughts of her being rescued.

I have to say that in a time of great stress, worry, and loss in this country, there do come high points and this is one of them. This private is 19 years old. She wants to be a teacher. She was rescued by people who showed the most extraordinary skill and heroism.

What is interesting is her desire to be a teacher. Even when she went overseas, she told a kindergarten class in her hometown of Palestine, WV, that she wanted to have a pen pal relationship with them from the field. By having this communication, she believed they could get a better sense of what war was like rather than just watching TV, reading the newspapers, or listening to the radio.

As my senior colleague, Senator BYRD, knows well, Palestine is a very friendly, very proud place where people struggle hard in a rural county to give the best possible life for their daughters and sons. I think Jessica Lynch has already started her role as a teacher. She has taught all of us. The Nation took her to heart because of the innocence and the beauty of her young face. The Nation prayed over her, worried over her, as we all did. She was rescued. She was delivered back to us, so to speak. So I think her career, in being inspiring to all of us, has already begun as a teacher. She has taught us enormously. Then again, so did those who rescued her teach us, because they took extraordinary skill and courage and used the proper techniques. They were under fire and brought her home safely to an ambulance.

There are still others who are missing, of course, and we worry about them. I know she does, even as she hurts with her wounds. For now, for this moment, and in West Virginia for a long time to come, we can rejoice about this extraordinary miracle of Jessica Lynch. She would like to know and surely can know that all Members of the Senate join their colleagues in other bodies of Government, and Americans in general, in offering our warmest congratulations to her as a person, to her family, and to her neighbors who, in fact, became her family and always had been her family.

Jessica Lynch's story has lifted our hearts, and I think her rescue is a cause for rejoicing throughout our land.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise today to speak about a brave New Jersey resident, 31 year old Sgt. James Riley, one of the prisoners of war now being held in Iraq. On behalf of the Senate, I would like to express my support for his family and for the families of the other American POWs being held in Iraq.

On March 23, 12 members of the 507th Maintenance Co, part of the 111th Air

Defense Artillery Brigade stationed in Fort Bliss, Texas, took a wrong turn near An Nasiriyah, a key battle ground city on the Euphrates River in southern Iraq. Iraqi forces ambushed their unit. Five soldiers, including Riley, were taken prisoner of war. The remainder were most likely killed, although their deaths have not been confirmed. Subsequently, Iraqi state-run television aired a gruesome videotape of interviews with Sgt. Riley and the other POWs, and displayed chilling shots of four murdered American servicemen and women. This videotape was then broadcast by television networks all over the world, including the influential Qatar-based Al Jazeera.

Sgt. Riley's family, including his parents Athol and Jane Riley, are waiting anxiously for information on their son's condition. The Rileys have experienced a tremendous loss this week; their daughter, age 29, died last Friday after suffering from a rare neurological illness that had left her in a coma since late January. My heart goes out to the Rileys and their friends and family during this painful time.

James Riley moved to New Jersey from New Zealand when he was 10 years old. He attended West Field Friends Grade School and he graduated from the Pennsauken High School in 1990. According to his parents, he had always dreamed of serving in the Army and he enlisted immediately after he graduated from high school.

I am confident that our superior military will find and rescue the American POWs. In the meantime, I pledge my support for all service men and women serving in the Persian Gulf and for their anxious families at home.

I ask unanimous consent to have printed in the RECORD a moving story about James Riley printed in the New York Times on April 2, 2003. This story illuminates the quiet courage displayed by the Rileys as they wait for news of their son, as well as the communal support extended to them by their neighbors.

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

[From the New York Times, Apr. 2, 2003]

A.P.O.W. BRINGS WAR CLOSE TO HOME

(By Matthew Purdy)

PENNSAUKEN, N.J.—In the 10 days since he was taken prisoner in Iraq, Sgt. James Riley has become something of a symbol in this working-class town where he grew up—a homegrown argument for or against the war, depending upon who is talking.

Joseph McCollum, a maintenance worker who lives next to the Rileys, said that when he heard the news, ''I said 'Maybe we should go over there and drop the bomb and suffer the consequences.' ''

''Since 9/11, I think we needed the war,'' Mr. McCollum said. ''This makes me feel like we really have to get them.''

Around the corner, Charlene Walls, a school aide, said the capture of Sergeant Riley, 31, perfectly illustrated why she opposed invading Iraq: ''It's just people losing people.''

''We've already lost too many people for something no one can tell you why we're in there,'' Ms. Walls said.

If people are being made to think twice by the war's unexpected difficulties, they seem to be coming down even more firmly where they were already standing.

Antiwar protests are growing in vigor, while polls show the country supports the war as much as ever. Everyone is rallying around the flag, or a banner.

When Sergeant Riley's maintenance company was ambushed outside Nasiriya, yellow ribbons blossomed amid the red, white and blue in this South Jersey town. Even the giant water tower that rises behind the houses has a yellow bow on it.

There's also a big yellow bow outside the local tavern Bryson's Pub. Inside, Tom McVeigh, a landscaper, said that Sergeant Riley's capture only brought home the cost of the war in people and world opinion. ''We look like a bully,'' he said.

But few people in the neighborhood appear to question the war.

Ed Russell, who works in finance for I.B.M., trusts what the Bush administration says about Saddam Hussein. ''I don't think it's in the nature of the American people to go out and start a war,'' he said. ''They must have critical evidence that something bad was about to happen and they needed to stop this guy.''

Mr. Russell said he hardly knew the Rileys, but Pat Dimter, who grew up down the street from James Riley, sees her friend's capture as more justification to fight. The United States treated the Iraqis ''like they're our own people,'' she said. ''And it's not fair what they're doing to us with 9/11 and how they're treating our P.O.W.'s.''

Greg Sassone, an eighth grader, was walking through the neighborhood park on Monday when he picked up a piece of yellow ribbon from the ground and tied it to a tree. One of Sergeant Riley's sisters was his baby sitter, and the ordeal has hit too close to home.

Greg's father is in the Air Force Reserves. ''If my dad gets called, he could get captured,'' he said. And his 20-year-old brother could get called if there were a draft, he said. ''My mom says she would move him to Canada.''

At school, students fear another terrorist attack, Greg said. That's why, despite Sergeant Riley's capture, he supports the war against Saddam. ''We have to get rid of him before it's too late,'' he said.

It's hard to find someone without an angle on Sergeant Riley's capture.

Monday night, at the close of a stirring vigil detected to Sergeant Riley, the Rev. Guenther Fritsch pulled out a Bible to show what the enemy ''is all about.'' He read a passage about Ishmael, from whom Arabs are said to be descended: ''He will be a wild donkey of a man; his hand will be against everyone.''

The only people who seemed to find no larger significance in Sergeant Riley's capture were his parents.

Athol Riley, a building inspector, was calm and simple when he addressed the crowd. He said that in addition to his son's being captured, a daughter had died on Friday after a long illness. Mr. Riley thanked the township that employs him, the publishing company where his wife works, the store where his surviving daughter works, and the family that runs the McDonald's where his deceased daughter had worked. ''I would like to thank everyone for the show of support,'' he said.

Afterward, mobbed by television cameras and reporters, he was asked how he felt about the course of the war. Mr. Riley expressed no thoughts about Saddam Hussein or George Bush.

A stout man in a dark coat, Mr. Riley obliged the cameras only when he was asked if he had a message for his son. A sad smile on his face, Mr. Riley had no angle, only words from the heart: ''Hang in there, and hurry home.''

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in the absence of the arrival of the chairman of the Appropriations Committee, I ask unanimous consent to speak for up to 5 minutes.

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

Mr. SPECTER. First, I thank the distinguished Senator from Texas for her comments and recognition of the valor of our troops. There was very good news yesterday concerning the rescue of a female soldier. There was great pursuit by her fellow comrades to bring her back. I think it is very important, as the war proceeds, to put the Iraqis on special notice that war crimes will be prosecuted and that when the war ends, it will not be over for those who have violated the requirements of the Hague and Geneva Conventions.

Last Saturday, when four U.S. soldiers were murdered with a car bomb by an Iraqi soldier masquerading as a civilian, that constituted a war crime. Then Tariq Aziz, the Deputy Prime Minister, appeared on international television boasting about the incident and saying there would be many more who would come forward, with reports of some 4,000 volunteers willing to engage in such suicide bombing. It is important to put Tariq Aziz on notice that such conduct is a violation of international law, and it will be prosecuted. Similarly, it is important to put Iraqi Vice President Taha Yasin Ramadan on notice that this is a violation of international law.

Today in the Hague the former President of Yugoslavia, Slobodan Milosevic, is on trial. In an international jail, the former leader of Rwanda is serving a life sentence for violation of international law. On Monday, I filed a resolution at the first available date to put the Iraqi leaders, as well as the Iraqi followers, on notice they will be liable for prosecution as war criminals. It is not a defense for the followers to say they have been operating under orders.

I see the distinguished President pro tempore, the chairman of the Appropriations Committee, is in the Chamber.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SUPPLEMENTAL APPROPRIATIONS ACT TO SUPPORT DEPARTMENT OF DEFENSE OPERATIONS IN IRAQ FOR FISCAL YEAR 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 762, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 762) making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

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

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

The Senator from Alaska.

Mr. STEVENS. Mr. President, before we start this supplemental, these are difficult times so I will take this opportunity to recognize all of those in uniform who are serving our country both at home and abroad during these wars, the war against terrorism, the war in Afghanistan, and the war in Iraq. I especially want to ask the Senate to keep in mind those who have given their lives in the defense of our country and in our opposition to these terrible scourges that beset us now.

We do have a war going on, and the President, as our Commander in Chief, has asked for our help to provide vitally needed funds in the most expeditious manner possible. I have spoken to each of the Joint Chiefs of Staff and they tell me that their money will start running out. For most of them, that will start in May. For the Navy, it will start in June. In any event, the only way to ensure these funds will be available and get to the services in time to meet their needs is to send this bill to the President before we leave Washington for the usual Easter recess. If we do not have it done before then, I am going to do my best to insist we stay here and forego the recess until we get this bill done. I believe that will not be necessary, and so far I have seen good bipartisan support to meet the objective of getting this bill to the President so that funds will be available to our troops. I hope that attitude will continue on the floor.

The House Appropriations Committee completed its work on the version of this bill yesterday. They will begin consideration on the floor very soon. We all know that they act first on a bill of this type so we will have to wait. It is my hope I can ask the Senate to get this bill to third reading by no later than tomorrow evening so it will be ready and our staffs can work over this next weekend to get ready for a conference. I will propose that the Senate actually take this bill to the point where it is actually sent to conference as soon as the House has passed its bill so we can go to conference early next week. It is my sincere hope the Senate and the House will act together to get this bill, as I said, to the President as quickly as possible.

The President of the United States asked for $74.7 billion in new budget authority in the supplemental request he sent to us. The bill before us provides $76.7 billion in new authority. It also contains an aviation relief portion that will provide both new budget authority and other benefits. The budget authority is $2.025 billion, and other benefits are $1.475 billion. The total for this bill, including the airline relief portion, in both new budget authority and other benefits then totals $78.7 billion.

This supplemental responds to the immediate needs of the troops in the field, provides important international assistance to our allies, and tries to deal with the most vital homeland security and defense needs facing our Nation.

We fully funded the President's request of $62.6 billion for defense efforts in prosecuting the war with Iraq. These funds will be used to conduct military operations in Iraq, support our coalition partners, and replenish crucial munition and other vital military procurement funds that have already been consumed in getting our troops to the war zones. The President's request included $30.3 billion for costs that were already committed or incurred. The sealift, the airlift, and equipping our combat forces has come at great expense.

Last week in our hearing with Secretary of Defense Rumsfeld, Senator BYRD and others raised concerns with respect to the Department's request that these funds be appropriated to what we call the Defense Emergency Response Fund.

We will hear the acronym DERF on the floor. That means Defense Emergency Response Fund. In developing the bill before the Senate, Senator BYRD, Senator INOUYE, and I have tried to strike a proper balance between congressional oversight and providing the Department with the necessary flexibility to prosecute the ongoing war in Iraq. Senator BYRD, I am sure, will speak for himself with regard to the flexibility in this bill. There is some flexibility for the President.

In this bill we provided $11 billion to the Defense Department in the Defense Emergency Response Fund. It can be spent in response to the Commander in Chief's directions. It is an account to give them the enhanced flexibility they need to manage the conduct of the war. The House has provided a larger amount. I am sure we will meet in conference to decide what is the proper amount of flexibility necessary for the present Department of Defense.

We also are proposing that the great majority of the defense funds, totaling nearly $51.5 billion, be appropriated into specific accounts for the services so that wherever possible they meet the needs directly. We have provided $35 billion for operation and maintenance activities; $13.7 billion for military personnel to maintain critical operation capability and readiness; and $3.7 billion to replenish munitions expended in combat operations.

We have also included $500 million for the Defense Health Program to provide adequate care for both Active and military Reserve personnel and their families.

There is another $550 million for fuel costs and $489 million for the Department's efforts to combat the oil well fires started by the Iraqi forces so far.

This bill appropriates $1.7 billion to cover costs associated with classified activities undertaken in Iraq and in the global war on terrorism.

We have also responded to the President's full request for $7.8 billion for international relief and recovery efforts in Iraq, international support for allies in the region, and other critical needs to continue the fight on global terrorism. The committee's recommendation includes $2.4 billion for the Iraqi relief and reconstruction fund. That is over $2 billion for the Foreign Military Financing Program, which we call FMF. The bill also provides up to $9 billion in loan guarantees to Israel, $300 million in assistance to Egypt, and $1 billion in assistance for Turkey. It includes the request for $150 million for the U.S. emergency fund for complex foreign crises, a new account that enables a quick response to unforeseen global challenges.

Finally, the bill reimburses fiscal year 2003 foreign assistance accounts that Congress authorized the President to borrow from to pre-position humanitarian assistance for Iraq.

The bill also reflects the commitment of Congress to address homeland defense requirements by providing $4.6 billion, roughly $400 million above the President's request, for key homeland security requirements.

We have provided the President's request of $2 billion for the Office of Domestic Preparedness to assist State and local governments in federally coordinated terrorism readiness and other security enhancements during this time of heightened threats.

The committee recommendation also included $1.1 billion for the Department of Homeland Security for counterterrorist activities. Secretary Ridge has given the flexibility in this account to allocate funds both within and outside the Department of Homeland Security for terrorism preparedness and response.

The bill also includes $580 million for the Coast Guard operations to enhance the protection of our ports and borders and in support of the Department of Defense activities in Operation Iraqi Freedom and Operation Liberty Shield. We have also supported the recommendation of $34 million to provide compensation to individuals who have sustained injuries due to our smallpox vaccination program.

As I mentioned earlier, the bill includes a package of targeted relief to address the dire situation facing the aviation industry.

I highlight the main provision in that package and I will speak at greater length later. In this bill is a total of

$2.9 billion in relief for air carriers, the airlines. Specifically, the bill suspends the fee that both passengers and carriers pay for the 6 months of the balance of this current fiscal year. It will suspend this fee that is currently charged on the ticket taxes, but it is actually currently being borne by the industry because the cost of flying is so low due to competitive factors of the economy. It also provides $1 billion to reimburse the carriers for the costs incurred with the new security mandates of the Transportation Security Administration imposed following the terrorist attacks on September 11. These were unfunded mandates, and in this bill we fund those that have been completed since September 11 until the end of this fiscal year.

The bill extends for 1 year the war risk provisions included in our bill in previous years. Specifically, we passed last November a bill to establish the Department of Homeland Security or specific insurance provisions for war risk in that bill. The result of this provision in this bill is we anticipate will save the airlines about $800 million.

The package also includes $375 million to address security-related costs at our airports. I congratulate my colleague from Washington for bringing up this issue. Those are also unfunded mandates. They were funds expended by the airports to meet the requirements of the Transportation Security Administration, and the funds in this bill should reimburse airports for security readiness operating expenses and provide additional funding for the modification of airports necessary to the installation of bomb detection equipment for the balance of the fiscal year.

Finally, this bill also extends unemployment benefits for an additional 26 weeks for qualifying aviation workers who have lost their jobs because of the downturn in the economy that affected the airlines.

I see my friend is here. I don't want to speak too long, but I believe this bill is very important. There is no question we need the funds to sustain our vital military operations around the world. There are really three wars still going on: The war against terrorism, the war in Afghanistan, and the war in Iraq. This is a very serious problem for those overseas and for those who manage our Department of Defense. I think the worry over where funds are coming from to meet the increasing demands in the three different wars is pressing upon our military commanders and civilians in charge of the Department of Defense.

It is my hope the Senate will be considerate in the number of amendments that are offered and the issues before the Senate.

I thank the former chairman from West Virginia, Senator BYRD, for the insight and advice he has given to me. I do not represent that this bill reflects entirely his point of view, but he has been a partner, once again, in working with me as I tried to work with him. I do think he has been very instrumental in seeing to it that this bill is before the Senate at this time.

I have stated to others, and I say it again publicly, one of the reasons I am trying to get through this bill tomorrow night is I hope to be with my good friend from Hawaii when he receives the recognition he deserves in his home State on Saturday.

I recommend the bill to the full Senate. I urge Senators to come forward and identify their amendments so we can see what we can work out, if there are subjects that can be worked out. I admit readily there may be some items we have not addressed in this bill so far. I would very much like to do that.

I do hope as the Senate proceeds with this bill, we keep in mind the fact that within instantaneous communication, I am informed that some of the forces that are overseas in both Afghanistan and in the Iraqi war watch us almost as much as we watch them. This is one bill they are going to watch. They are very astute young people. They understand this country. They understand the risks they are taking. They understand in particular they want this country's economy to be healthy when they come back.

We must keep in mind what we are doing, continuing the expenditures that are extraordinary expenses brought upon this country by the events of September 11. During this period, I will recite some of those amounts that we put forward already.

There has been a tremendous strain on our economy because of these three different types of wars, but they are wars that I personally believe we must fight. We must provide those who are fighting those wars everything they need to be successful and to be safe.

I recommend this bill to the full Senate and hope we will finish it by tomorrow night.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I consider it an honor, I consider it a great honor to be able to work with the very distinguished Senator from Alaska, the senior Senator, the President pro tempore of the Senate, in bringing this bill to its present status.

I laud the distinguished chairman of the committee for his extraordinary knowledge of the subject matter here that we are going to discuss. He has been on the Appropriations Subcommittee on Defense for a long time, where he has worked arm in arm and hand in hand with our very distinguished senior Senator from Hawaii, DANNY INOUYE, who is my hero. Together, these men have brought their wisdom, their dedication, their knowledge to great usefulness, and I thank Senator STEVENS for his work. He also is a hero of mine. I am proud to serve with him.

The Senator has stated that we are fighting three wars: the war in Afghanistan, the war on terrorism here at home, and the war in Iraq. I support the appropriations that we are going to recommend for all three wars. I do not support the policy that brought us where we are today in Iraq. I have no hesitancy in saying that. I can defend that position any time, anywhere. I am sure not everybody will agree with me, but I have reasons for my position. So, although I do not support the policy that puts our men and women in Iraq, I do support the appropriations for those, for the support of and the safety of those men and women in Iraq, and I do so wholeheartedly.

In a short time I will speak of one young West Virginian by the name of Jessica Lynch. I will have more to say about her shortly.

The Senate Appropriations Committee, under the very able leadership of the chairman, the distinguished President pro tempore of the Senate, Mr. STEVENS, has unanimously reported the fiscal year 2003 supplemental appropriations bill. The Senate committee-reported bill totals $78,736,600,000 in benefits and appropriations; $4,011,600,000 more than the President's request. In that proposal, the President sought an unprecedented level of flexibility in the use of these funds. I was astounded at the request that the President put forth with respect to these ''flexibilities.'' While I understand the unique circumstance in which the Nation finds itself, the situation is not unprecedented—not unprecedented. We have been at war before many times.

I served in this Senate and in the House in several of these wars, so we have been at war before. This isn't something new, the matter of being at war. But these ''flexibilities,'' so-called, have startled me, in a way. But I am not so startled either, keeping in mind the whole of our experience with this administration. Yes, we have been at war before, but the Nation never wandered—never sought to wander away from the Constitution, never sought to impinge upon the congressional power of the purse as we have seen in this instance.

In World War II, for example, Congress passed eight supplemental bills to respond to the needs of our Armed Forces. This is what I said the other day during the appropriations hearing, the Appropriations Committee hearing on this bill, when Secretary of Defense Rumsfeld was before the committee. I said: Why all these flexibilities?

I called them ''flexibilities'' because the Secretary of Defense, in his opening statement, used the word ''flexibility'' seven times.

I said: We fought previous wars. Why do we need these ''flexibilities'' now? I said: Congress can pass additional supplementals. That has been done before.

In World War II, for example, Congress passed eight supplemental bills to respond to the needs of our Armed Forces and there is little reason, in my

view, why this war in Iraq should require more flexibility for the administration than was granted during World War II to administrations.

This Republic rests on a system of checks and balances: three branches, two legislative Houses, and separate powers—shared powers, mixed powers. Our system reflects the hundreds of years of history behind it.

I said hundreds—yes. Yes, Mr. President, you didn't hear me wrongly. Our system reflects the hundreds of years behind it, going back to the Revolutionary War; going back to colonial days; going back to the history of the Englishmen who fought and bled and gave their lives in the struggle against tyranny, in the struggle against a monarchy that sought to gather all power unto itself.

The roots of our Constitution go back even to the Magna Carta, 1215. This is not a Constitution that came about just in 1787. Its roots go back 1000 years—and the blood of Englishmen is on it, as is the blood of our forefathers here in this, our country.

In our Madisonian system, divided power may not be as expedient as some would like. That is stating it well: not as expedient as some would like. I say it again. I will state it more loudly: In our Madisonian system, divided power may not be as expedient—hear me now down at the White House—may not be as expedient as some would like, but it guarantees the American people's liberties. Quite simply, our representative form of democracy depends upon power divided and power shared.

The Constitution grants to the Congress the authority to appropriate funds and the solemn responsibility to exercise that authority wisely. And for us to agree to the many sweeping grants of new, so-called ''flexible'' authority sought by this administration would be to abdicate—to abdicate—that heavy constitutional responsibility. We have a duty to the American people to exercise the authorities granted to Congress in our Constitution, and we have a duty to those Framers, those men who wrote the Constitution, to keep faith with them and to honor and respect and uphold and support and defend that Constitution against all enemies foreign and domestic.

In the case of this bill, and for the many years ahead, it will take maximum effort to preserve the prerogatives of the legislative branch. I hope my colleagues will understand that. I hope they will hear that. And the RECORD will be there for those of our future colleagues to read.

Let me say that again. I say it to my colleagues. I hope my colleagues will remember: In the case of this bill, and for the many years ahead, it will take maximum effort on the part of our colleagues today, and those who will serve in this Chamber in the future, to preserve the prerogatives of the legislative branch.

Now, when it comes to the executive branch, we will always find those in the executive branch who will uphold, who will extol, and who will seek to add to the powers of the executive branch. The same can be said for the judicial branch. The judicial branch will always speak out for the protection of the constitutional authorities given to it.

But what about the legislative branch? This is the one branch in the three in which we will find increasingly—I might say, based on my 50 years in Congress—we will find increasingly those in the legislative branch who are always ready to stand up for the executive branch for whatever power grabs it may have in mind, and they will seek to defend that executive branch and to push its desires. I am sorry to say, it is usually about half of the legislative branch that is willing to do that, depending on what party is in power and what party controls the two Houses of the legislative branch. And I regret this.

As I look back over my 50 years here, I have seen great, great changes in the way the Members of the legislative branch view their role under the Constitution. Sometimes I wonder if they have read the Constitution lately. I am sorry to say I don't think our Constitution means a great deal to some of those who have served in this branch. They seem to think this is a monarchy and that we have a king. I look at the future with grave concerns, as I think about the changes I have seen sweep over this branch of Government.

Twenty-four hours a day, 365 days every 3 years, 366 days the 4th year, out there always is the executive branch. And it is awake. It seeks power. It seeks to aggrandize the authorities to itself. It is always awake. It is never sleeping.

Members of the legislative branch are here, they recess, they go to the four points of the compass. They are not always here. They are not always alert to the protection of the authorities of this branch of Government. And at this time, and under this administration, I have to say, I have seen more of that than ever before.

Members must understand their institutional role. Citizens must understand their Constitution and value the congressional role in protecting their freedoms. This is another thing that gives me concern—sorrow in many ways. All too few citizens think about the role they play and the responsibilities that are theirs under the Constitution.

Leaders in the Congress itself must guard its prerogatives. I have been a leader in this body. I have been majority leader. I have been minority leader. I have been President pro tempore and chairman of the Appropriations Committee. And I have never lost sight of the fact I must help to guard the prerogatives, the authorities, the powers that are enumerated in the Constitution, the powers that devolve upon this body, its duties, its responsibilities.

So leaders in the Congress itself must guard its prerogatives and resist succumbing to expediency, to political expediency, and to partisanship.

While I fully support the funding in this legislation for the men and the women engaged in battle in Iraq, I do not support additional grants of authority to this administration, or to any other administration, that would infringe upon the congressional power of the purse. That is the greatest power. The power of the purse is the greatest power in existence under this constitutional system.

As Cicero, that great Roman Senator, said: ''There is no fortress so strong that money cannot take it.'' ''There is no fortress so strong that money cannot take it''—the power of the purse.

Senator STEVENS and I, together with the subcommittee chairmen and ranking members, have worked, in most cases, to improve the President's supplemental budget request.

We have eliminated or significantly reduced most of the sweeping grants of new authority requested by this administration while still providing very limited flexibility where appropriate.

More specifically, for defense the bill includes $62.6 billion, the full amount of the budget request, to cover the costs related to military operations against Iraq and to sustain the continuing global war on terrorism. The budget request proposes that $59,863,200,000 of the amount for national defense would be included in the unallocated Defense Emergency Response Fund. The Defense Appropriations Subcommittee, the full Appropriations Committee, and the Congress rejected this type of transfer account in the fiscal year 2002 supplemental, rejected it in the fiscal year 2003 Defense appropriations bill, and rejected it in the defense chapter of the fiscal year 2003 omnibus appropriations bill.

In this supplemental, the amount allocated to the Defense Emergency Response Fund has been reduced from the request of approximately $59.9 billion to $11,019,000,000. The remainder of the funds, some $49 billion, have been allocated to the specific appropriations accounts. This is an improvement over the budget request, but I call the attention of my colleagues to the fact that on an annualized basis, it amounts to a blank check for more than $20 billion—on an annual basis. Because the taxpayer has a right to know how this $11 billion will be used, this so-called flexibility gives me great concern. I hope we will get away from these DERFs. I am concerned about them.

The administration's supplemental request sought $1.4 billion for the Department of Defense to allow the Secretary of Defense to allocate funds to reimburse and otherwise pay nations that have provided support primarily for the global war on terrorism. Most of the funding is anticipated to be for Pakistan. In the past, the Senate Appropriations Committee has taken a position that such reimbursement could take place only in response to

vouchers presented to the Department of Defense for reimbursement for activities conducted on behalf of the global war on terrorism. This supplemental bill again includes this provision. In addition, we require 15-day advance notification prior to obligation.

The President sought $150 million to be paid at the discretion of the Secretary of Defense to indigenous forces abroad. We have one Secretary of State; we don't need two. A similar proposal was rejected by Congress last year. It has been rejected again in this legislation.

The administration wanted to increase the Department of Defense reprogramming authority from an annual amount of $2 billion to 2.5 percent of its total budget, a staggering sum which would exceed $9 billion. I expressed opposition to this large new grant of authority to the Department of Defense. I expressed my appreciation and compliments to the chairman, Senator STEVENS, for the fact that he has brought us a bill that reins in the administration, tightens up the limitation so that rather than provide an unprecedented $9 billion transfer authority, the legislation before us includes a $3.5 billion transfer authority.

The administration also sought authority to expend any funds from the defense cooperation account that may be received from other countries for the prosecution of the war against Iraq or the reconstruction of Iraq without first having these funds appropriated by Congress. The administration wanted to get away from that. They wanted a free hand with no strings attached.

During the first gulf war, Congress appropriated those funds after they were received. Let me repeat that. During the first gulf war, Congress appropriated those funds after they were received. The legislation before us takes the same approach and preserves the prerogatives of the Congress and of the people. No new authority is granted. Any funds collected from foreign countries for reconstruction of Iraq or for any other purposes will remain in the Treasury under this bill, unless appropriated by law. That is the way it should be.

The administration requested similar extraordinary grants of authority for the Secretary of Homeland Security, for the Attorney General, and for the Office of the President. More specifically, the Secretary of Homeland Security would receive $1.5 billion for a new counterterrorism fund for transfer to any Department of Homeland Security agency. The Attorney General would receive $500 million for transfer to any Justice Department organization for terrorism-related activities. The President would receive $2,443,300,000 for Iraq reconstruction and relief, without even as much as a reporting requirement. So they not only want no strings attached, they don't want to have to make any report—an absolutely free hand in expending the taxpayers' money.

We must all remember, we are having to borrow all this money. The taxpayers are going to have to pay interest on all this money. When our soldiers and sailors and airmen and marines get home, they are going to be paying interest on the money that has been borrowed to send them across the ocean. Each proposal, if the administration had its way, would leave the Congress out of the decisionmaking process in the allocation of the funds—no details, no explanation.

In the case of the Iraq reconstruction funds, the President proposes to spend the money ''notwithstanding any other provision of law.''

With regard to the funds to be provided to the President for the reconstruction of Iraq, the supplemental before the Senate stipulates that funds may not be transferred to the Department of Defense, and that all funds available under this appropriation shall be subject to the regular prior notification procedures of at least 5 days in advance of the obligation of the funds. The funds will be used for feeding and food distribution, water and sanitation infrastructure, electricity, transportation, telecommunications, and other such humanitarian activities.

With regard to the $500 million for the Attorney General, the legislation has been improved to require that these funds be subject to the regular reprogramming process. Likewise, the funds provided to the Secretary of Homeland Security also require prior approval notification of the committee under the usual reprogramming procedures, which are long-established and long-respected by the Congress and the executive branch.

Overall, the President requested over $9 billion for aid to foreign countries and for the State Department. Yet his request for homeland security programs is only $3.8 billion, $3.8 billion for homeland security he requested; while, on the other hand, he requested over $9 billion for aid to foreign countries and for the State Department. The Secretary of Homeland Security has said that another terrorist attack in America is inevitable. He has said attacks, such as the attacks of September 11, are long-term threats that will not go away. If there is one lesson we should learn from 9/11, it is that terrorist attacks on our Nation can no longer be viewed as distant threats from across the oceans. The enemy may attack our troops or citizens overseas or it may attack civilians here at home. So we must provide all of the necessary resources to support our troops overseas. But we must also provide significant homeland security resources now to meet the real needs that have been overwhelmingly authorized by Congress and signed into law by the President for port security, airport security, border security, and nuclear security.

When it comes to funding homeland security initiatives, partisan politics has no place. Protecting a vulnerable nation is a duty that we all must shoulder together. Congress knows the needs at the local level, and Congress has tried time and time again to address those needs. The administration's request takes a step in the right direction, but at this time, when the Nation is acutely aware of the increased threat of terror attacks at home, one step is not enough. We must do more to address the critical vulnerabilities all across the country. We live under an orange alert, a heightened concern for terrorist attack. The American people are nervous about safety at home. I know I am nervous about safety here at home. That apprehension ripples through our economy. We read about it every day in the Wall Street Journal, the New York Times, the Washington Post. We should all have an interest in doing what we can to secure obvious vulnerabilities and allay citizen concerns.

To that end, I hope to work on a bipartisan effort, as this bill moves forward, to responsibly invest in first responders, in protections at our airports and seaports, and in other areas to better ensure the safety of Americans at home.

Let me again congratulate the chairman of the committee, the distinguished President pro tempore, and let me thank all the members of the Appropriations Committee, especially the ranking member of the Defense Subcommittee, Mr. INOUYE, for their cooperation in bringing this bipartisan legislation to the floor of the Senate. I expect its speedy passage, and I hope for its speedy passage. I join with the chairman in hoping to complete this bill in the Senate by tomorrow evening, or sometime tomorrow.

I congratulate the excellent staff we have for their hard work, especially Jim Morhard, the newly appointed staff director for the majority. Let me also thank my own two excellent staff persons, Terry Sauvain, and Charles Kieffer, for their dedication, hard work, and the long hours.

For certain, this legislation is not perfect and it is susceptible to improvement. I expect and hope to assist in such improvement over the next few days as the Senate proceeds to work its will on this important legislation, as it goes to and returns from conference. I thank all Senators.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Alaska.

AMENDMENT NO. 435

Mr. STEVENS. Madam President, I want the Senate to be on notice—this is an issue we have to face. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 435.

SEC. Section 3101 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(d) The National Debt Ceiling of the United States shall be increased by the total amount of funds appropriated by Act of Congress for the Department of Defense, Department of Homeland Security or any other Agency of government to prosecute the war against terrorism, the war in Afghanistan, the war in Iraq, since September 11, 2001.

AMENDMENT NO. 436

Mr. STEVENS. Madam President, I ask unanimous consent that the amendment be temporarily set aside. I will discuss it soon. I have another amendment at the desk.

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

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. INOUYE, proposes an amendment numbered 436.

At the end of chapter 3 of title I, add the following:

SEC. ____. (a) INCREASE IN IMMINENT DANGER SPECIAL PAY.—Section 310(a) of title 37, United States Code, is amended by striking ''$150'' and inserting ''$225''.

(b) INCREASE IN FAMILY SEPARATION ALLOWANCE.—Section 427(a)(1) of title 37, United States Code, is amended by striking ''$100'' and inserting ''$200''.

(c) EXPIRATION.—(1) The amendments made by subsections (a) and (b) shall expire on September 30, 2003.

(2) Effective on September 30, 2003, sections 310(a) of title 37, United States Code, and 427(a)(1) of title 37, United States Code, as in effect on the day before the date of the enactment of this Act are hereby revived.

MODIFICATION TO AMENDMENT NO. 436

Mr. STEVENS. Madam President, there is a typing error in the first line of amendment No. 436. It should be ''chapter 3,'' and it appears ''chapter 2.'' I ask that the typing error be amended.

The PRESIDING OFFICER. The amendment is so modified.

Mr. STEVENS. Madam President, I raise this subject of combat pay, or pay for imminent danger. Having received such combat pay in World War II, I have been interested in this issue. During the gulf war in 1991, when combat pay was $110 a month, we raised that to $150 a month. Right after that war, the imminent danger pay was made permanent at $150. It has gone up 40 percent since 1991. We suggest it go up 50 percent to $225 a month. With regard to family separation and allowance, it is currently $100. We recommend it go up 100 percent to $200.

That is an expensive proposition. The cost of this for the balance of the year is $375 million, and the cost for a full year will be $650 million. This is a reachback amendment. It covers everyone from the time they were exposed to imminent danger. For family separation, it is the same, from the time they were separated.

I know there is a controversy, and I have had a little discussion with the Senator from Illinois. As I told the Senator, there are probably—I believe this is the case—more families in Alaska connected with the military than any other State in the Union, as the current occupant of the chair knows.

On the other hand, the moneys we have to have for modernization, for munitions, and for many other items come out of the same account. This is the operations and maintenance account. This bill already contains a massive amount, $30.3 billion, to replace in that account what has already been spent in mobilizing the military, including, by the way, the amount that has been spent so far for paying imminent danger pay at the rate of $150 a month. It is an issue we should address, but we ought to keep in mind that what is going to happen after this war is this will become permanent. It is a new base and it is a staggering increase in cost for personnel. I fully support it. As a matter of fact, I wish I could say we have nothing but billionaires in this country, and we could pay these people what they really deserve for being overseas, what their families really deserve when one or both parents are overseas.

As a practical matter, there has to be a reasonable balance in what we are doing. This subject can be reviewed by the Armed Services Committee later. We have the 2004 bill coming, and we can have this discussion again. I believe we ought to take this action and be as reasonable as possible in doing it.

I know there is a difference of opinion. I hope the Senate will agree to this amendment.

I ask unanimous consent that Senator WARNER be added as an original cosponsor to this amendment.

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

Mr. STEVENS. Madam President, I ask the distinguished Senator of the Armed Services Committee to review it. I raised this at one of the first hearings we had before the Appropriations Committee. I raised the question of what to do about imminent danger special pay. The Department has not given us a recommendation yet. I think they have other things in mind right now, but we have in mind the families in particular.

I spent some time with families in Alaska this last weekend, an enormous number of military families. Not one of them raised the question of imminent danger pay. Not one of them raised the question of their family separation pay. I was with literally 200 or 300 members of the armed services over the weekend at a special recognition in Fairbanks, AK, for the members who serve in the armed services.

I think this is the right thing to do, and I think this is the right time to do it, but I hope the Senate will do it right and not just have a figure that is pulled out of the air. These are figures that represent an increase, again, of 50 percent for imminent danger pay and a 100-percent increase for the family allowances on a monthly basis. I think that is very reasonable under the circumstances.

If there are additional amounts that should be provided, I welcome the Department of Defense so informing me. I do believe the Senate ought to agree with it without debate. As I said, if the Armed Services Committee and our Appropriations Committee believe more is needed as we go on, if this war goes on, God forbid, into fiscal year 2004, then we should address it.

Again, I say, in all sincerity, we are doing a lot of things for our military families, and I think they are all wonderful. When I was overseas, I did not talk to my family for over 18 months. Now a military person can call his or her family every day, thanks to Senator MCCAIN. They have absolute assurance of instant communication whenever they can get to a phone.

I remember seeing one young man who was wounded, and the embedded journalist had a satellite phone. He asked: Would you like to call home and tell them you are all right? And we all watched him call his family. That is the wonder of technology.

These are the realities of money, and our job is to manage the money of the United States. The first amendment I put in was to raise the debt ceiling of the United States because of what we have had to do since September 11. I want people to think about—and Senators should think about—the hundreds of billions of dollars of taxpayer money we have spent so far because of September 11.

Let's stay reasonable as we continue to increase that spending. We have to pass that amendment. We are going to have to raise the debt ceiling of the United States. Other people want to pick a figure out of the air. I say let's raise it by the amount of what we have already authorized to be spent in these three wars and homeland security. That seems to me to be reasonable. I will debate that one later, but right now I think this is a reasonable request in the Senate: Increase the imminent danger pay by 50 percent, increase the overseas allowance for families and the family separation allowance by 100 percent. I hope the Senate will support this move. It is a reasonable thing to do.

I call on the Department of Defense to come up with some basic studies as to what is necessary. It may be that portions of that family separation allowance should be bifurcated. These are all volunteers now. In the past, we went to war with draftees. Most of us did not have families. During World War II, it was a rare thing to meet somebody who was a married person. Now, practically all of them are married. As a matter of fact, in some instances, such as the families I visited over the weekend, I remember distinctly talking to three different couples who are both in the armed services. When they go overseas, they get two family separation allowances, and necessarily so. This may not be enough in some of these circumstances, but I think it is the duty of the Department of Defense to come up with a recommendation for a permanent solution to this problem. There is no question that the $150 we had in place has not been adjusted now since 1997, and it

should be. This is the time to adjust it. I think this is a reasonable adjustment, 50 percent for the imminent danger pay, $100 for the family separation allowance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 437 TO AMENDMENT NO. 436

Mr. DURBIN. 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 Illinois [Mr. DURBIN] proposes an amendment numbered 437 to amendment No. 436.

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

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

The amendment is as follows:

In the amendment strike all after the first word and insert the following:

(a) INCREASE IN IMMINENT DANGER SPECIAL PAY.—Section 310(a) of title 37, United States Code, is amended by striking ''$150'' and inserting ''$250''.

(b) INCREASE IN FAMILY SEPARATION ALLOWANCE.—Section 427(a)(1) of title 37, United States Code, is amended by striking ''$100'' and inserting ''$250''.

(c) EXPIRATION.—(1) The amendments made by subsections (a) and (b) shall expire on September 30, 2003.

(2) Effective on September 30, 2003, sections 310(a) of title 37, United States Code, and 427(a)(1) of title 37, United States Code, as in effect on the day before the date of the enactment of this Act are hereby revived.

Mr. DURBIN. Madam President, as copies of the amendment are being made, I say to my colleagues that my amendment raises the combat pay, imminent danger pay for the soldiers, sailors, airmen, marines, and coastguardsmen presently in combat from the figure of $225 a month suggested by Senator STEVENS to $250 a month, and the family separation allowance from $200 a month to $250 a month.

I have spoken to my colleagues, whom I respect very much and whom I acknowledge to be certainly doing the very best they can with an extraordinary bill at an extraordinary time, and urge them to consider this new figure. I have not pursued my original request, which was $500 a month for both, nor a modification of it of $400 a month. I have come down to what I consider to be a reasonable increase in light of the reality of the circumstances.

I do not know that any person in the Senate will stand before us and argue that he is going to find complaints from military families about this family separation allowance or even about combat pay. Thank God we have the very best people in America serving in our military. Their families are at home keeping the families together, praying for their safe return. They are not importuning and begging this Congress for more money. That has not happened. God bless them for not putting pressure on us to deal with that. But let us accept the reality of our responsibility. We have a responsibility not just to pass resolutions in support of the troops. We have a responsibility beyond the kind words which we offer in debate in this Senate. We have a specific responsibility to these men and women in uniform and their families.

Look at what they are facing. They are facing the separation of families, which undoubtedly has to be traumatic and difficult. They are trying to raise their children in a circumstance that may be more challenging than ever because of the need for child care costs, which certainly are extraordinarily large even under the best circumstances. They are dealing sometimes with activated reservists and guardsmen who have left a good paying job and are now on military pay, taking a substantial economic cut. That is why I have started this debate. That is why I offered the amendment on the budget resolution. And that is why I bring this issue up today.

I hope when my colleagues consider what I am offering today, they will remember the vote we cast last week. Last week, I asked my colleagues, with the support of Senator WARNER, Senator CHAMBLISS, and Senator LANDRIEU, to entertain an increase in combat pay and an increase in family separation allowance. I asked that $2 billion be set aside for that purpose in the budget resolution, and the record vote in this Senate was 100 to 0. That is a rare unanimous vote of the Senate in support of something that everyone agreed needed to be done.

Now let's look at what I am offering today. The cost of $250 a month in combat pay and the cost of $250 a month in family separation allowance comes to barely $500 million for the remainder of this year. That shows that I am really coming with a request that is a little more than one-fourth of what the Senate approved by a 100-to-0 vote last week.

So why would we stand here and say unanimously, by a 100-to-0 vote, that we are willing to spend four times as much in support of military personnel and now a week later, when the bill comes before us, we are saying, no, we will not?

I say to my friend from Alaska, I thank him for acknowledging the need for an increase but I want him to seriously consider the second-degree amendment which I have offered. This amendment does not reach my original goal of $500 or a compromise of $400 a month but comes to $250 a month, which we are offering the families of servicemen who are struggling with childcare costs, additional medical expenses, the need to deal with additional family pressures. That is not too much for us to give. The current reimbursement of $100 is inadequate. Going to $250 is not extravagant at all. It is important that we do it.

For combat pay, let me quickly add, there is no amount of money we could pay our men and women in uniform that would compensate them for putting their lives on the line for our country, but I hope what we do today will be an important message and symbol to them that we not only stand with them when it comes to holding our flag and saying kind words on the Senate floor but we stand with them when it comes to combat pay and imminent danger pay.

When we look at the images of men and women on the television risking their lives, the prisoners of war, and all the horrors they face, $250 a month in combat pay seems like something this Senate should approve without controversy, and $250 a month for their family back home should not be controversial. It is, in fact, an effort to accept the reality of family obligations.

Senator DANNY INOUYE, one of my heroes in the Senate, last year gave a speech which I recall today as we stand and talk about this issue. He reminded us that back in World War II, when he served with such great distinction, over 80 percent of the men and women in uniform were not married, they were single. Today, we know that 60 percent of those serving in the Iraqi war, Afghanistan, and in combat zones have families back home. The face of the military has changed. Where family separation allowance used to apply to a very small group for very limited expenses, families today have additional expenses.

A year or two ago, I had a detailee in my office from the U.S. Army, MAJ Pat Sargeant, who works with medical evacuation now and is currently serving our country with his wife. He recently sent an e-mail to my office. He noted an article in the Army Times, which said: ''Legislators set out to boost war pays.''

The article stated I had sponsored an amendment to include an increase in monthly imminent danger pay from $150 to $250 and family separation allowance from $100 to $250.

Pat Sargeant—wherever you are—sent me the greatest note and said: You cannot believe what it did to morale for us to hear that the Members of Congress were going to try to help our families and try to help the individuals involved.

Let's stand together today on a bipartisan basis for all the States, as we did last week; 100 to 0 should be the vote in favor of $250 a month for combat pay, $250 a month for family separation allowance. That is a reasonable amount. It is not an exorbitant amount.

Some have argued that is just for the remainder of this fiscal year; we may have to face this expense in the future. I say, so be it. So be it. If we are going to activate guardsmen and reservists, if we are going to ask the men and women in uniform in this country to risk their lives, the first obligation we have is to them and their families before we discuss the myriad of other issues that will come before the Senate.

In this supplemental appropriations bill, there is a substantial amount of money to pursue this war in Iraq. I believe it will receive a unanimous vote in the Senate. There is also $9 billion in this bill for foreign aid, which I will support.

Put in perspective what we are asking for: $500 million first and foremost to the men and women in uniform and to their families. That is not an unreasonable request in a bill that may total $80 billion; $500 million for the men and women in uniform so that $250 a month in combat pay will be there for them, $250 a month will be there to help their families get through this very difficult time.

I hope the Senators who have considered this issue will consider my second-degree amendment in friendly terms and accept it so we can vote for this on a bipartisan basis. The Senate should stand together. I urge my colleagues to accept the amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I must state my surprise at the distinguished chairman having offered an amendment that would provide for an open-ended increase in the national debt. I didn't even know this was going to happen. No one spoke to me about this. Yet this is open ended.

I had hoped to finish this bill tomorrow night, by tomorrow night. I don't think that I would ever offer an amendment of this nature without consulting with my colleague.

Mr. STEVENS. Will the Senator yield?

Mr. BYRD. I yield.

Mr. STEVENS. I am sorry. It is my memory we discussed that ceiling problem and the Senator said he did not want to take it up.

Mr. BYRD. I don't have that memory.

Mr. STEVENS. We don't have the same memory, as a practical matter.

I understand the Senator's position. I did introduce it and set it aside because I wanted people to understand I believe it is my duty to see to it that this subject is addressed during the consideration of this bill. I am informed we will reach this problem sometime in June, July, or August, unless we do lift the debt ceiling. I do not think we can go through this period of war and have that hanging out there and be a subject that might constrain defense spending.

What I have done is introduced an amendment to this bill that says we will increase the debt ceiling by the amount we have spent since September 11 to meet the interests of our Department of Defense, homeland security, and reaction to September 11. If the Senator says that is open ended, I don't think it is open ended. I can figure it out fast and we will be glad to put the number in there if that will satisfy the Senator's objection. I do think it will be an interesting debate. We, undoubtedly, will have to raise the question, but based on our long friendship, I sincerely apologize if my memory is incorrect.

Mr. BYRD. Madam President, ours has been a long friendship. It is going to continue. But I expect to be a partner in this fight. I expect to be told at least by the chairman that he anticipates calling up an amendment of this nature.

A point of order would lie against this amendment. That would have been the very reaction I would have had if he had mentioned such an amendment to me. I would say a point of order might lie against it.

Mr. STEVENS. Unless it is perfected as the Senator suggests in terms of a problem with regard to the money.

Mr. BYRD. That constitutes legislation on an appropriations bill.

Mr. STEVENS. The whole bill is legislation.

Mr. BYRD. Well, I know.

I hope in the future I will not be taken by this kind of surprise.

Mr. STEVENS. I repeat my apology. My memory is we discussed whether we should address it, the debt ceiling.

Mr. BYRD. When did we discuss it; I ask where did we discuss it?

Mr. STEVENS. In my office, sir.

I apologize. I have addressed this with several other Senators. I apologize and I have taken it upon myself to say it is my error, but the amendment is there and it is my duty to raise the subject of the debt ceiling.

Mr. BYRD. Well, that is quite all right, but I would at least like to know in advance that it is being done, that is No. 1.

No. 2, this is an open-ended increase in the debt ceiling.

Mr. STEVENS. Will the Senator yield?

Mr. BYRD. I yield.

Mr. STEVENS. That is the reason I introduced it and had it set aside so we could address the question of whether we should make it a closed subject. We can calculate that amount right now. But it may be changed before this bill is over. The bill keeps going up. It is already up more than the President asked for, and I believe it to be another $5 or $6 billion before we get the bill to conference.

In any event, the problem is, what are we going to do? Do we proceed with the three wars we have going up on, and then, my God, we may not be able to do that because if we do that we will exceed the debt ceiling.

The President has the power—under food and forage—to start spending money. We have a program for other purposes, for the conduct of these three wars. I take the position he should not be constrained at all by a debt ceiling. It is my duty to raise that debt ceiling.

Again, I apologize to my friend. I would like to address, when the Senator is finished, Senator DURBIN's comment about the pending amendment. This is not the pending amendment.

Mr. BYRD. 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. REID. 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. REID. Madam President, I have spoken to the manager of the bill and the ranking member, Senator BYRD, and I am going to speak on an amendment I will offer at some subsequent time. Senator STEVENS has indicated the amendment that is the first one that was offered here today will not be discussed until after we have the cloture vote on the Estrada nomination. That will be at around 2 o'clock. After that time, we will again discuss that, if necessary.

Madam President, as I indicated, at some subsequent time, I will offer an amendment. The Democratic leader has indicated he wants just a few amendments offered. He has gone over the amendments he feels would be appropriate, and this is one of them.

So I would just simply say, if you watch television—as we all do every night—you see the explosions going off in Baghdad and other places in Iraq. Lights coming up, flashes—they go away very quickly. These violent occurrences we see on television are tiny, little babies compared to what this amendment is all about.

A nuclear explosion makes everything that has happened in Iraq appear as if it is nothing. For everything that has happened in Iraq to this point, one nuclear explosion would be far more devastating than everything that has taken place throughout the country of Iraq these past 2 weeks.

We have some knowledge in Nevada of the violence of a nuclear explosion. For those who have been to the Nevada test site, as you drive through the very remote area, you see holes in the ground that are bigger than the United States Capitol, where a nuclear explosion has taken place—bigger than the United States Capitol.

You see where they have done above-ground tests. They still have the remnants of a small town that was destroyed. There are parts of it left, but not much.

And then throughout the desert, where you do not see the large holes bigger than the United States Capitol, there are almost 1,000 indentations in the land where shafts have been sunk and these nuclear devices set off far in the ground, thousands of feet into the ground—not hundreds, thousands of feet in the ground—but yet the ground settles. And as you drive through it, it is like the landscape of the moon.

And then, things you cannot see are the tunnels. There are tunnels all over those mountains in the Nevada test site, where scores of nuclear explosions have been set off. We cannot see the devastation that takes place inside the earth, but it has taken place.

We were concerned here in the Capitol when Senator DASCHLE's office was anthraxed. Somebody sent him some poisonous material, and it took millions of dollars to clean up the building the anthrax was in, the Hart Office Building—millions of dollars. It took several months to clean that up.

We hear so much about dirty bombs. The explosion in most dirty bombs would not be real big. It would be plenty big, but not as big as what I have described at the Nevada test site. But one dirty bomb would so contaminate a building, a neighborhood, a community, that it would be basically useless for scores of years.

The amendment I am going to offer provides $400 million to the Department of Energy to safeguard nuclear weapons and nuclear material in the United States and throughout the world.

I want to make sure that Members in the Senate understand what I am doing, what this amendment is attempting to do. The amendment provides $300 million for the Nuclear Nonproliferation Program and $100 million in additional funding to the Department of Energy to fund enhanced safeguards and security programs at the Nation's nuclear weapons laboratories and plants, at environmental management cleanup sites throughout the Nation, and at DOE Office of Science laboratories. All of these sites are home to nuclear material which needs to be protected.

There are large amounts of money in the supplemental appropriations package for the Department of Homeland Security. And I supported that. It is for first responder training and chem-bio detection and related activities. It is a good thing. There will be efforts made to increase that.

However, most of our Nation's nonproliferation activities and nuclear detection activities are not housed within the Department of Homeland Security. These activities are funded under the National Nuclear Security Administration, a semiautonomous organization within the Department of Energy. The administration request for nonproliferation and nuclear security was zero—nothing.

The broad authority to transfer funds to meet homeland security needs would placate me a little bit if it were not for the fact that the transfer authority is only available within the Department of Homeland Security, and the Department of Homeland Security is not in a position to transfer funds to the National Nuclear Security Administration for nuclear nonproliferation or security activities.

This is really a big concern. The GAO issued a Weapons of Mass Destruction report last week concerning the faltering cooperation the United States is receiving from Russia in terms of securing fissile nuclear material, and other weapons of mass destruction, in the former Soviet Republics. After years of effort, the United States is still struggling to get access to most locations where nuclear material is stored. The ramifications of this report should frighten everyone. More importantly, it is time for Congress to get moving on doing something about this problem.

We have not even talked much about it, let alone done anything about it. It is incumbent upon this and all future administrations to get the material secured as quickly as possible just as it is critical to ensure that we do a better job protecting nuclear material in the country. However, since September 11, it has been like pulling teeth, for lack of a better description, to get this administration to request supplemental funding to better secure nuclear material at our weapons labs and plants, DOE sites, and other laboratories run by the Department of Energy.

The administration has paid little heed to calls from within the Department to do a better job of transporting this stuff safely. Last year, the Department requested hundreds of millions of dollars but OMB simply wouldn't approve anything other than $26 million. In response, Congress appropriated $300 million in contingent emergency funding. The President refused to release this.

These moneys go to making a safer world. The reason we are doing this is to try to make sure that homeland security really means something and we have a program to do something about nuclear materials.

The neglect we have shown as a country is frightening. I am grateful to my colleagues and good friends, Senators DOMENICI and STEVENS, for adding almost $100 million to this supplemental for many activities about which I have spoken. They also added $54 million in additional safeguards for Army Corps of Engineers and Bureau of Reclamation facilities. That was important. My amendment seeks to build on that base. This amendment pays for everything in the underlying amendment Senator DOMENICI worked to put in this and then funds many additional activities that are crucial to our Nation's efforts to keep nuclear materials safe and secure.

The $400 million in this amendment is spread out as follows: The largest proportion of this money goes to nuclear detectors at mega-seaports around the world, not here in the United States necessarily. The global shipping system can deliver a containerized weapon of mass destruction more accurately than a missile from the Soviet Union, according to the Department of Energy. This isn't something I am making up. Vessels move 90 percent of our warfare fighting material and the bulk of goods our Nation purchases from abroad. Current U.S.-based systems for protecting radioactive weapons are not oriented toward when a port itself is a target of a weapon of mass destruction.

The Department of Energy has performed an analysis of shipping in the United States and has identified 60 foreign mega-seaports overseas where goods/containers from many nations first go before they are shipped to the United States. DOE indicates that, for example, about 10 percent of all containers shipping to the United States go through Hong Kong and about 6 percent go through Shanghai and Singapore.

DOE has developed nuclear detectors that can be given to port authorities in such mega-seaports in conjunction with U.S. Customs which provide portwide alert of nuclear material. Detecting and impounding illicit nuclear material before it is even sent to the United States provides the best protection we can get.

We have the technology; it is just expensive. This amendment would pay for our going to Shanghai, to Singapore, to Hong Kong, these mega-ports where we get so much of our material, and determine if any of those shipments are nuclear in nature before they get here.

DOE is in the process of deploying the first radiological detection system to a foreign mega-seaport, but it has no funds appropriated in the 2003 fiscal year or even budgeted for 2004 to do this. They are in the process of deploying, but you can't deploy if you have no money. This additional $135 million would provide protection for nine mega-seaports. It would not get all of them, but it would get the big ones. This would be for a total of 10—the 1 they are trying to work out and the 9. This additional money would allow screening of approximately half of all containerized shipping entering the United States. Right now, we basically check none of it. This amendment would allow us to check 50 percent of it. This is something that is vitally important.

I talked about dirty bombs; radiological dispersal devices is the technical name. On March 11, Secretary Abraham addressed an International Atomic Energy Agency meeting, which he initiated to discuss the menace of radiological dispersal devices, with over 600 people from 100 nations in attendance. It was our meeting, the United States of America. The use of radioactive sources for peaceful purposes is widespread. They have many beneficial industrial, agricultural, research, and medical applications, but terrorists also may seek such devices for their radiological content to construct dirty bombs and cause panic and economic disruption by spreading radioactive material over a wide area and detonating high explosives. I repeat, what happened in the Hart Building with anthrax is nothing compared to any dirty bomb.

The Secretary said at that international gathering:

''It is our critically important job to deny terrorists the radioactive sources they need to construct such weapons. The threat requires a determined and comprehensive international response. Our governments must act, individually and collectively, to

identify all the high-risk radioactive sources that are being used and have been abandoned.'' The Secretary told the conference ''We are ready to assist other interested countries to speed the needed improvements, and we want to begin immediately.''

I am sure his heart was in the right place, but he had no ability to deliver on the statement he made to this conference.

He went on to say:

We are prepared to work with other countries to locate, consolidate, secure, and dispose of high risk radiological sources by developing a system of national regional repositories to consolidate and securely store these sources.

The administration has never requested a penny for this purpose. It seems now that this supplemental appropriations bill is where we should make the Secretary's offer of assistance to the international community credible.

This bill calls for $20 million for nonproliferation assistance to nations other than the former Soviet Union. The Materials, Protection, Controls, and Accounting Agency nuclear nonproliferation programs to date have only targeted nations of the former Soviet Union. There is no money to do anything about it, to assist countries all over the world, especially in Southeast Asia—no money. Obviously, the point is made there.

We have $20 million in this bill for funds that are needed to develop the analytical capability to determine the nature and origin of a stolen nuclear weapon or captured improvised nuclear device or what happened and who did it in the event of nuclear detonation on U.S. soil.

We need research and development. If a nuclear device is found, we need to be able to determine what kind of a device it is, how it will detonate, how to defuse it. We have $20 million, a relatively small amount, the Department needs to improve material and radiochemical analysis methods, the sampling and modeling of nuclear explosion debris, and the implications of nuclear weapons design.

Our weapons labs around this country have the best scientists in the world. I have been to the weapons labs: Livermore, Sandia, Los Alamos. They have the best and the brightest. But they can't do anything to help us unless they have money to do the research. That is what this will do.

In this amendment, we have $15 million for nuclear nonproliferation verification, $12 million for nonproliferation assistance to Russian strategic rocket forces. What is this amount? Certain elements of the Russian military prefer to deal with our Department of Energy rather than the Department of Defense. For example, all work by the United States to secure Russian Navy warheads has been done by DOE. The fiscal year 2004 budget proposes for the first time for DOE to assist the Russian strategic rocket force ICBMs to secure its weapons. It contains funds to secure 2 of the first 10 most viable sites. Additional funds in the supplemental would start the program much earlier and increase the number of sites to be protected.

I have worked with Senator DOMENICI for many years, as the ranking member and chairman—going back and forth—of the Energy and Water Subcommittee on Appropriations. We have the responsibility to take care of our nuclear weapons. Large amounts of money are appropriated every year. We in the United States appropriate large sums of money to make sure our nuclear stockpile is safe and reliable. A nuclear stockpile is not like storing a car. It is not like storing canned goods. These weapons have elements that go bad, and you need to constantly review, examine these weapons to find if they are safe and reliable. The Russians know this. But they have not had the resources to help. It is in our best interest to work with them, with Nunn-Lugar and other such methods, to try to help them make their stockpile safe and reliable. Here is $12 million for additional funds that, as I have indicated, would help the ICBMs in Russia be safe and reliable.

When the war with Iraq ends and we find weapons of mass destruction in with nuclear material, we need to make sure we will have some way of disposing of them. We have provided in this bill for that. We want to make sure there is money for nuclear material detection regarding materials and devices.

Funds are also needed to help develop advanced materials that will enable the fielding of room-temperature, high-resolution, hand-held and portable radiation detection and identification equipment. Our labs can do that with the scientific community, many of which are in the private sector.

We have another problem. We need to be able to detect any nuclear explosion from proliferant countries that have very low yield. We don't have the equipment to do that. We need $10 million to do that. What we have in this amendment is a number of efforts to simply make our country safer, to make homeland security apply also to things nuclear.

I am going to offer this amendment when we get the parliamentary problem worked out. The threat of loose nukes worldwide scares me as much as anything that I am afraid of. We have to do something about it. We have not talked about it. It is like the perennial ostrich sticking his head underground so he cannot see what is going on. I see what is going on, and the Senate must see what is going on. This bill, which is extremely important—as important as anything we do for homeland security—contains $400 million, directed totally to things nuclear.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

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

The PRESIDING OFFICER. Under the previous order, the hour of 1:30 p.m. having arrived, the Senate will now go into executive session and resume consideration of Executive Calendar No. 21, which the clerk will report.

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

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand the distinguished chairman is on his way over. As we have evenly divided time and time is running, I will begin and will yield when he arrives.

We have another in a series of cloture votes on this divisive nomination today. Actually, nothing has changed significantly since the leadership forced the three previous cloture votes.

I did read in the New York Times over the weekend that Mr. Estrada spoke about the memos he wrote as being perhaps somewhat divisive. Maybe that is why the White House does not want us to see them. The only reason we are having these problems is the administration has refused to bring forward the writings on which one could form an idea whether he should have a lifetime appointment to the second highest court in the country.

The White House has had access to all these writings and they eagerly committed the political capital to go forward. But they don't want us to see them. The administration remains insistent that the Senate rubberstamp nominees without fulfilling the Senate's constitutional advise and consent role in this most important process.

Everyone has known for a long time how to solve the impasse in the Miguel Estrada nomination. The Democratic leader's letter pointed the way back in early February. Some say that the administration is proceeding this way because they do not care whether he goes through or not. They think somehow it is a political issue. That is the problem if this administration continues in its efforts to politicize the Federal courts.

There has been too much politicizing. The Federal courts are not a branch that belongs to either the Republican or Democratic party. They are not a branch of whoever is in the White House or in control of the Congress. They are the one independent branch of Government. They are supposed to be above politics, outside of politics, and

yet in this case the White House could easily move forward with this nomination but is choosing to keep it in limbo. Unfortunately, too many Members are willing to dance to that tune.

Remember, it says advise and consent not advise and rubberstamp. The administration and Mr. Estrada do not want to show Members his writings. This is part of the work and experience that made the White House such an eager supporter of him. The American people and their representative ought to know how he thinks and have the best basis to predict how he would act as a judge, whether as an ideologue or as an impartial judge.

Past administrations—and I have been here with President Ford, President Carter, President Reagan, former President Bush, and President Clinton—they have all shown similar type writings to the Senate. We had nominations of Robert Bork, William Rehnquist, Brad Reynold, Ben Civiletti, and others. Even this administration did so for a nominee to the Environmental Protection Agency.

We have had senior members in the Republican Party say they wish the White House would show some cooperation, as past White Houses have, to get forward on this. Instead, we continue being blocked by the administration's position when we should be going forward.

Mr. DURBIN. Will the Senator yield?

Mr. LEAHY. Of course.

Mr. DURBIN. I thank the Senator for his service as ranking Democrat on the Senate Judiciary Committee. I would like to put the Senator from Vermont on the spot with a question.

If the White House will allow these writings that are in controversy here by Miguel Estrada to be released to the Congress for review, and if we are then given a chance to review them, to bring Mr. Estrada for a hearing, if necessary, so we can ask questions, some of which he has not answered completely before, at that point would the Senator from Vermont personally urge the Democrats in committee to allow this process to move forward in an orderly fashion to consideration in committee, to a vote in the committee, and to a vote on the floor?

Mr. LEAHY. I say to my friend from Illinois, of course I would. I have said this right along. I may or may not vote for Mr. Estrada based on what is in the writings, but I will never give a blank check to any President—I have not—Democrat or Republican. I want to know what is in there. After all, there have been statements by this person's supervisor that he did not fairly state the law in the course of his work. We should have the basis to determine the quality of his work.

As the Senator from Illinois knows, when I was chairman of the committee, in 17 months we certainly moved far more of President Bush's nominees than the Republicans did when they were in the chair the previous 17 months for President Clinton. I believe that we actually moved more than the previous 30-month period under them. I did not allow the secret holds they had used extensively to block President Clinton's nominees. At times, they actually required 100 Senators to be for somebody before they would go through it.

A former Republican leader accepted part of the blame for how the Senate came to this, and I appreciate him doing that. He acknowledged you filibuster a lot of different ways. The Republican majority often defeated nominees by making sure they were never given a hearing or a vote. I don't believe in that.

If a nominee will go through the normal process, if the White House will stop playing games, if they will stop stonewalling, I am perfectly willing to go forward.

Mr. DURBIN. I might say to the Senator from Vermont, if he will yield further, in my experience in trial practice before I was elected to Congress, one's curiosity was always raised when the party on the other side refused to disclose a document. You had to go to court and have a decision made by the judge in discovery as to whether they would be required to produce the document. You naturally believed, if they were holding back a document, then certainly it might be a document that would compromise their position or jeopardize their position.

I would like to ask the Senator from Vermont, is it not a fact now that because of this long delay and because of this intransigence by the White House to release these documents, there is more and more curiosity as to what is contained in them? Here we have a nominee who, despite an excellent academic resume, really has little to show in terms of legal writings or things that give us an insight into why he should be selected for a lifetime appointment to the DC Circuit Court.

I ask the Senator from Vermont, isn't it fairly obvious at this point that, if the White House will release these documents and start the orderly process, then we can have a final disposition of Mr. Estrada, just as soon as they respond?

Mr. LEAHY. I would think so, I say to my friend from Illinois. Again, the point is the White House has had access to these papers. Surely they did a thorough review of this nomination. Surely someone in the administration must know what these documents contain if they are refusing to provide them and Republican Senators are asserting that they are ''privileged''. I would hope that no one, and certainly no one with legal training, would assert a privilege without knowing whether it applies. My recollection is that the administration took several weeks to respond to our request for the documents. Surely they were not simply ignoring our request for those weeks. I would have assumed they were using that time to review the documents and determine what could be produced immediately and what might require further discussion. They want to put this young man, at 41 years old, on the second highest court in the land. But they don't want us to know about his legal work and judgment when he was working for the government. They are saying: We'll nominate; you rubberstamp. I am saying it is advice and consent. That has worked in the Constitution for all the history of this country and will continue to work.

We had an example of internal Justice Department documents that were the work on another of the President's controversial nominees that have previously been produced to the Senate. At least the papers came forth. We find that she, working for a previous Republican administration, had strongly organized, in fact, went out of her way to help support a tax exemption for a college that discriminated against African Americans, discriminated against Catholics, discriminated against Mormons, took the most radical position, but was a darling of the Republican Party. Her nomination to a major court of appeals position by this administration is now pending. But at least we knew of her work and at least she could be questioned on it.

I would say to my friend from Illinois that we began this because we were waiting for the distinguished chairman. He is here. I suggest I reserve the remainder of my time and yield to the distinguished chairman as I had agreed when we called off the quorum at the request of the Republican side.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Utah has 15 minutes remaining. The other side has 6 minutes 30 seconds remaining.

Mr. HATCH. Mr. President, this is the first true filibuster in history of a circuit court of appeals nominee—the first one in history. It just has never happened before, no matter how controversial the nominee—and this one certainly is not controversial. They just haven't found anything to criticize him with, and that is the problem.

The distinguished Senator from Vermont says he is not going to rubberstamp anybody. Don't anybody worry about that. The Democrats have not rubberstamped one of these judicial nominations of President Bush so far. In fact, they voted against a high percentage of President Bush's nominees.

Frankly—ask all those who have gone through this process—it is an arduous, difficult, and in many ways a demeaning process as a result of the way my colleagues on the other side seem to be attacking these nominees.

The White House has been accused of political games in putting Miguel Estrada up, and in not allowing fishing expeditions into the most sensitive documents in the Justice Department. Those documents are the appeal, certiorari, and amicus recommendations

made by people such as Mr. Estrada while they are there.

Seven living former Solicitors General have all said there is no way that any administration should give those documents to the Senate. I might add, four of those are Democrats, three of whom were Democratic Solicitors General with whom Miguel Estrada worked and for whom they had great affection. Seth Waxman, who is a great lawyer here in this town and a partisan Democrat, basically said Estrada has every qualification a person should have for the bench and basically said he did a good job while at the Department.

I heard the distinguished Senator from Illinois say he has little to show in legal writings. What about the 15 briefs he has written for the U.S. Supreme Court? That is a lot of legal writings, more than almost any nominee we have had here in the history of my 27 years on the Judiciary Committee. What about all the appeal briefs he has written and the reply briefs he has written, not only on the Supreme Court but in the circuit courts of appeals? They have access to every one of those. What about all the written questions they have given him? Only two asked for them after the hearing, and then we agreed to provide him to answer more written questions, and only one or two have asked further written questions.

There is no desire on the part of my Democratic colleagues to learn more about Miguel Estrada. There is a desire to find something they can hang their hat on to stop him because he is on the fast track to the Supreme Court, they believe. The best way they can show President Bush they are not going to have a conservative Hispanic on the court is by attacking Miguel Estrada, and that is what is behind this matter.

Today we are debating a historic fourth cloture vote on the nomination of Miguel Estrada. No other Executive Calendar nominee, judicial or nonjudicial, has ever been subjected to four cloture votes in this body.

Let me state that a clear majority of this body supports this nomination, as has been determined by the past three cloture votes. So it is regrettable that a minority of Senators have followed their script of obstructionism to prevent the Senate from concluding this debate on this nomination and allowing the Senate to proceed to a final vote. However, it is not surprising they have stalled this nomination. In September of last year, a Democratic staffer on the Judiciary Committee is quoted in The Nation magazine as saying:

> Estrada is 40, and if he makes it to the circuit then he will be Bush's first Supreme Court nominee. He could be on the Supreme Court for 30 years and do a lot of damage. We have to stop him now.

That, by the way, is a Democratic staffer on the Senate side.

Mr. LEAHY. Will the Senator yield? Do you have the name?

Mr. HATCH. I am not going to name names on the floor.

Mr. LEAHY. Is this one of those unnamed sources?

Mr. HATCH. Mr. President, I ask for the regular order.

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

Mr. HATCH. It appears the real reason for the filibuster—I suggest to the distinguished Senator, just read The Nation magazine and you can find out for yourself. Why should I provide information to you anymore?

It appears that the real reason for this filibuster is the threat of a Justice Estrada on the Supreme Court. Of course, I take issue with the assertion that Mr. Estrada would do any so-called damage on any court. In fact, I am confident that he would be a fair and unbiased judge who would follow the law. He would not be an activist, which is probably what this staffer meant when he said that Mr. Estrada would do a lot of damage. But I find it ironic that this staffer knew enough about Miguel Estrada last September to proclaim that he must be stopped at all costs, when some of my Democratic friends insist on continuing this filibuster because they allegedly do not know enough about his views. Read the Nation magazine. I think the real reason for this filibuster lies in the rest of the staffer's quote: That Mr. Estrada is a Supreme Court caliber attorney whose ascension to the Federal bench must be stopped now.

This unparalleled filibuster is one of many weapons of obstruction designed to prevent the President from having his nominees fairly considered and voted upon by the Senate. This is according to a partisan game plan, developed and coordinated as early as April 2001, when, according to the New York Times, Senate Democrats met in a private retreat to forge a unified party strategy to combat the White House on judicial nominees. I would like them to deny this. I would like them to tell me The New York Times misquoted and didn't tell the truth here. They can't deny it. As one participant in the meeting stated, according to that press account, it was ''important for the Senate to change the ground rules'' on judicial nominations.

One of the three noted liberals who coached Senate Democrats on changing the ground rules on judicial nominations was University of Chicago law professor Cass Sunstein. Just the other day I came across a Yale Law Review article that Professor Sunstein co-authored in 1992 entitled The Senate, the Constitution, and the Confirmation Process. This article advocates a confirmation process in which the Senate plays a more aggressive and high-profile role. I found surprisingly familiar many of the principles he propounds in that article because I have heard a number of my Democratic colleagues also arguing for their adoption time and again in the Judiciary Committee and on the Senate floor.

For example, Professor Sunstein says:

> [T]he criticisms of the current process are telling. Supporters of the administration object that members of the Senate, and private groups generally critical of the Administration, expend enormous energy not in disinterested inquiry but in trying to 'catch' the nominee: to find some statement in her record that reveals a belief so extreme as to be 'out of the mainstream.'

When I read this statement, I thought it sounded familiar, so I took a look at the remarks of my colleague from New York Senator SCHUMER, when he chaired a hearing in June 2001 at which he argued that a judicial nominee's ideology should play a role in the confirmation process.

Sure enough, here is what my good friend said:

> [T]his unwillingness to openly examine ideology has sometimes led Senators who oppose a nominee to seek out non-ideological disqualifying factors, like small financial improprieties from long ago, to justify their opposition. This, in turn, has led to an escalating war of ''gotcha'' politics that, in my judgment, has warped the Senate's confirmation process and harmed the Senate's reputation.

Professor Sunstein also argues that:

> [t]he senate should place the burden of proof—with respect to character, excellence, and point of view—on the nominee.

He continues:

> In exercising its consent power, the Senate is entitled to reject nominees simply because they have not established that they have the requisite qualities, even if there is considerable uncertainly on that point.

Well, as we all know, after Senator SCHUMER's hearing on ideology in the confirmation process, he held a second hearing arguing Professor Sunstein's precise point: That the burden of proving worthiness for confirmation should be on the nominee. In fact, this is one of the factors sustaining this filibuster: The ill-formed perception that Miguel Estrada has not proven that he deserves to be confirmed to the DC Circuit.

Back to Professor Sunstein. He also says:

> The President, his opponents say, chooses 'stealth' nominees whom he has reason to believe are deeply conservative, but whose views the Senate will not be able to uncover.

This, of course, is precisely how Senator SCHUMER characterized Mr. Estrada in The Nation magazine last fall. He said:

> Estrada is like a Stealth missile—with a nose cone—coming out of the right wing's deepest silo.

I have heard a number of my other Democratic colleagues join in the chorus of labeling Mr. Estrada a stealth nominee.

Mr. President, I think I have made my point. This 1992 article written by Cass Sunstein provided the basis for the model that some of my Democratic colleagues are using to stall up or down votes on President Bush's judicial nominees, including Miguel Estrada. This filibuster is part of a coordinated attack designed to deny President Bush's circuit nominees a seat on the Federal bench.

Don't get me wrong—Professor Sunstein is an unabashedly liberal law professor, and as such it can be argued that he has carte blanche, or even an obligation, to push the far-left envelope, which he regularly does. But this does not mean that my Democratic colleagues have an obligation to blindly follow him into the far-left. Some of them have refused to do so, and I commend them for that.

For the others, I will repeat my sentiments which I stated here on the Senate floor just a few weeks ago. This historic cloture vote represents another opportunity for my Democratic colleagues to reverse course. This is the time to end their dangerous obstructionist tactics and grant Mr. Estrada the up or down vote any judicial nominee deserves. They are free to vote against confirming him if they truly believe that he has not answered their questions, or that his record is incomplete without examining the Solicitor General memoranda. But they should not continue to obstruct the will of the majority of this body that desires to give this nominee a vote.

Mr. President, how much time remains on my side?

The PRESIDING OFFICER. The Senator from Utah has 6 minutes 10 seconds.

Mr. HATCH. Mr. President, I reserve the remainder of my time.

Mr. LEAHY. To date, there have been at least 77 editorials and op-eds in support of the position of Democratic Senators on the nominations of Mr. Miguel Estrada's nomination to the Court of the Appeals for D.C. Circuit. On March 6, 2003, I placed in the CONGRESSIONAL RECORD excerpts of the editorials and op-eds that had been published by that date, because Republicans had been asserting that there were only a handful of editorials or op-eds in support of our concerns. Here are some excerpts from 24 additional editorials and op-eds expressing concerns about Mr. Estrada's nomination, bringing the total to at least 77. This controversial nomination continues to divide, rather than to unite, the American people.

I ask unanimous consent to print in the RECORD excerpts of 24 recent editorials or op-eds, in addition to those printed last month.

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

[From the New York Times, Mar. 13, 2003]

HOLD FIRM ON ESTRADA

[Supporters] argued that handing over Mr. Estrada's memorandums would be a violation of privacy, although other nominees, including Chief Justice William Rehnquist and Judge Robert Bork, did so in their own confirmation hearings. Supporters have also contended, shamefully, that opposition to Mr. Estrada is anti-Latino, even though his nomination is opposed by the Congressional Hispanic Caucus, the Mexican American Legal Defense and Educational Fund and other leading Latino groups. Now Republicans are attacking Democratic senators for using a filibuster. The criticism rings hollow, given that some Republicans making it, including the majority leader, Bill Frist, voted to filibuster when President Clinton nominated Richard Paez, a Mexican-American, to an appeals court. Rather than demonizing Democratic senators, the White House should look for common ground. In the case of Mr. Estrada, it should respect the Senate's role in the process by making his full record available. And going forward, it should choose judicial nominees from the ideological mainstream, who do not prompt the sort of bitter partisan divisions that Mr. Estrada has.

[From the Connecticut Law Tribune, Mar. 24, 2003]

NOMINATION BATTLES

Because federal judgeships are for life, what is at stake is what the law of the land will be for the next two or three decades. That's why the continuing Senate filibuster transcends Estrada. Its aim is to use what little Democratic power is left to force the White House and Senate Republicans to the table to hammer out a more bipartisan, more balanced approach to judge-picking.

[From the Daily News, Mar. 31, 2003]

THE QUOTABLE LINCOLN

By President Lincoln's reasoning, Mr. Estrada is not qualified for the court appointment if his opinions are unknown publicly. The full quotation comes to light as the Senate Republicans vow to keep bringing up the Estrada nomination against the opposition of all but a handful of the Democrats. The Republicans, including both Maine senators, have been unable to muster more than 55 of the necessary 60 votes to break the filibuster.

[From the Times Union, Mar. 20, 2003]

ESTRADA SHOULD ANSWER QUESTIONS IN PUBLIC

Since Mr. Estrada doesn't have experience to bolster his candidacy, he must provide convincing evidence of his ability to perform. If he is qualified to serve, he should step up to the plate and tell us, in a public hearing. If not, he should step aside and let the Senate get on with its business.

[From the Orlando Sentinel Tribune, Mar. 23, 2003]

WILL ESTRADA PROTECT THE RIGHTS OF LATINOS?

At his hearing before the Senate, Estrada failed to answer senator's questions, and he hid his views from the Senate and the public. Because of his limited record, it was important for Estrada to be forthcoming and give senators the opportunity to find out more about the kind of judge he would be; yet he chose to remain silent. . . . The little we do know about his record is very troubling. . . . Defeating his nomination would not send the message to Latinos that ''only a certain kind of Latino need apply.'' On the contrary, it would send the message that everyone in America is judged by the same standard. If you cannot be fair and protect the basic constitutional rights of the common person, you do not deserve to serve in a judicial appointment, no matter what your race or ethnicity is.

[From the Connecticut Law Tribune, Mar. 24, 2003]

NOMINATIONS BATTLES

Miguel Estrada is being treated the same way Republicans treated Democratic nominees for years, Hispanic or otherwise. The battle is intense because the stakes are high. At issue is the American principle of checks and balances, and more. Republicans already control the White House and Congress and are now aiming for the third branch of government. Not only will Bush likely get the chance to push the divided Supreme Court rightward with an appointment or two. He already is reshaping the appeals courts one level below the Supreme Court. Because federal judgeships are for life, what is at stake is what the law of the land will be for the next two or three decades. That's why the continuing Senate filibuster transcends Estrada. Its aim is to use what little Democratic power is left to force the White House and Senate Republicans to the table to hammer out a more bipartisan, more balanced approach to judge-picking.

[From the Troy Record Editorial, Mar. 10, 2003]

SENATE JUDGMENT WISE IN ESTRADA NOMINATION

In reality, a Court of Appeals judgeship is a lifetime appointment. This means that the 39-year-old Estrada could be making decisions from the bench for 30 or 40 years. . . . Democrats on the Committee want to get a feel for how Estrada will rule when the rubber meets the road, and that is certainly fair. Is it out of the question for Estrada to let the committee know the name of a judge he admires? Why wouldn't he name a Supreme Court decision he disagrees with, or approves of? These are not unreasonable questions. . . . The Senate is right not to simply rubber stamp his nomination.

[From the American Prospect, Mar. 17, 2003]

RULE BREAKER: WHEN IT COMES TO HELEN THOMAS, MIGUEL ESTRADA AND ACTS OF WAR, GEORGE W. BUSH ISN'T BIG ON CONVENTION

Then there's the tussle over judicial nominee Miguel Estrada. Bush doesn't like the fact that Democratic senators are filibustering Estrada's nomination. So he suggested changing the rules to ''ensure timely up-or-down votes on judicial nominations both now and in the future, no matter who is the president or what party controls the Senate.'' According to the Senate's Web site, filibusters have been around since the early days of Congress and have been popular since the 1850s. It's hard to remember the last time a president suggested that the Senate change one of its oldest traditions. There have been plenty of presidents who haven't liked congressional rules, but that doesn't mean they've suggested changing them just to accomplish one goal.

[From the Times Herald-Record, Mar. 9, 2003]

HOW TO END THE FILIBUSTER

That's not nearly as bad as the charge by some Republicans that Democrats are opposing Estrada because he's Hispanic and, as a result, Democrats are preventing a group of people from achieving a milestone. Do these people ever listen to themselves? For a host of reasons, including support of immigration and education reform, pro-union and pro-labor policies and a philosphy that embraces affirmative action, the Democratic Party has enjoyed the support of a majority of the nation's growing Hispanic community for some time. In fact, many Hispanic groups oppose Estrada's nomination because they do not think he understands or is sensitive to issues and aspirations that are important to Hispanics in America. . . . It would have been nice, then, had Clinton been able to secure a floor vote for other highly qualified Harvard Law School graduates whose nominations languished and eventually died in the Senate Judiciary Committee, which was controlled by Republicans. . . . The Senate

should not rubber stamp a president who wants to tilt the court heavily to one side.

[From the Dayton Daily News, Mar. 14, 2003]

THERE'S EASY FIX FOR JUDGE HOLDUPS

President Bush has called on the Senate to permanently ban any filibustering over judicial nominations. . . . A president genuinely interested in a judiciary that works won't map a strategy that allows presidents to push through any nominee at will. Doing so allows for, even invites, an ideological judiciary prone to extremes. It undermines merit appointments in favor of lifetime appointments handed out like so many political plums.

[From the Sarasota Herald-Tribune, Mar. 16, 2003]

POWER, NOT ETHNICITY, AT ISSUE

The Republican strategy is to win his approval by charging that opponents are motivated by prejudice. . . . It is also a totally despicable tactic, designed to avoid discussion of the reason most Democrats oppose Estrada. This reason has nothing to do with Estrada's ethnicity or legal ability, but rather the drive by Bush and like-minded Republicans to pack the federal courts from top to bottom with radical rightists. Not, mind you, conservatives interested in preserving our institutions and values but radical activists who want to uproot many of the laws and court decisions of the last 50 years. Estrada would be such a judge. . . Senators who try to keep that from happening deserve the thanks of the American people, not the calumny heaped on them by a president who last week showed his lack of understanding of the roles of the separate branches of government by pressuring the Senate to change its rules for debate and allow a one-vote majority to ramrod presidential appointments through the Senate.'')

[From the Copley News Service, Mar. 20, 2003]

WISE WORDS FOR THE SENATE

Republicans like to blame Democratic stalling for judicial vacancies. But that starts the book in the middle. The early chapters, which the GOP ignores, deal with Republican inaction on Clinton's nominees.

[From the Capital Times, Mar. 11, 2003]

BLOCKING A BAD CHOICE

The White House has stonewalled the request for the papers and has refused to allow Estrada to participate in a public hearing where he could be asked further questions. Those hardball tactics have upset even moderate and conservative members who might be inclined to support Estrada. Daschle and the Democrats are right on this one. Unless Estrada and the White House are willing to cooperate with the confirmation process, the Senate need not consider this nomination.

[From the Reno Gazette Journal, Mar. 11, 2003]

YOUR TURN: JUDICIAL CANDIDATE SHOULD ANSWER QUESTIONS

When asked his views on civil rights, women's rights, environmental protections, workers' rights, Mr. Estrada said he had no views. When asked which Supreme Court justice he would emulate, Mr. Estrada said he couldn't answer. The service promoting Mr. Estrada—the White House—surely asked these questions before nominating him. To be sure, they got the answers . . . . Other nominees have asked similar questions. They are provided the same type of documents. . . . Would you hire him for the job? Would you hire him if you couldn't fire him? Of course not.

[From the Orlando Sentinel, Mar. 16, 2003]

SENATE NEEDS MORE INFORMATION ON ESTRADA

[T]he issue we are debating, the relative roles of the executive and legislative, is not a trivial issue. It goes to the heart, as John Adams said, of the stability of government, because it goes to the independence of the judiciary. . . . I believe we are being called to resist an effort to inappropriately utilize executive power and to exclude the legislative role in the appointment of federal judges.

[From the San Antonio Express, Mar. 13, 2003]

AN OK FOR ESTRADA WON'T HELP NATION

We should expect more than a federal judicial nominee, and we should not set a precedent that would allow future presidents and nominees to act without regard for the Senate's role in a system of checks and balances.

[From the Chattanooga Times/Chattanooga Free Press, Mar. 12, 2003]

THE CASE AGAINST ESTRADA

Senate Democrats are hanging tough against President Bush's nomination of Miguel Estrada for a federal appellate judgeship. Wish them well. They are doing righteous work. The Constitution obliges the Senate to advise and consent on judicial appointments. This is the advise part and, no, this meltdown does not have anything to do with who is pro- or anti-Hispanic, as Republicans are charging in a campaign that is cynical even by Washington standards. There is a very serious issue at the core of this dispute—nothing less than the fundamental nature of the federal judiciary—and the attempt to defame opposition to Estrada as anti-Hispanic prejudice is absurd on its face.

[From the Sarasota Herald-Tribune, Mar. 16, 2003]

POWER, NOT ETHNICITY, AT ISSUE

The Republican strategy is to win his approval by charging that opponents are motivated by prejudice. This is a powerful weapon in states with heavy Mexican or Cuban populations. It is also a totally despicable tactic, designed to avoid discussion of the reason most Democrats oppose Estrada. This reason has nothing to do with Estrada's ethnicity or legal ability, but rather the drive by Bush and like-minded Republicans to pack the federal courts from top to bottom with radical rightists. Not, mind you, conservatives interested in preserving our institutions and values but radical activists who want to uproot many of the laws and court decisions of the last 50 years. Estrada would be such a judge. At least that is a fair assumption based on the record of the Senate committee hearing on his confirmation. He wasn't willing to offer his views on many of the most pertinent and controversial constitutional questions of concern to courts, Congress and the public. He declined to make available memoranda he wrote for the office of solicitor general when he worked there. The solicitor general has provided such documents in other confirmation hearings, including those of Rehnquist, Bork and Esterbrook.

[From the New Republic, Apr. 7, 2003]

PRIVATE OPINION

One reason Senate Democrats haven't been swayed by these arguments is that they're really not true: Democratic researchers have unearthed records from at least five judicial-confirmation hearings in which government legal memoranda were delivered to the Senate. Their favorite example is the Justice Department's release of memos during Robert Bork's 1987 confirmation battle, written by a lawyer in the solicitor general's office who held precisely the same job as Estrada.

[From the Chicago Sun Times, Mar. 14, 2003]

IF ESTRADA THINKS THAT BEING LATINO IS ENOUGH TO GET HIM CONFIRMED, HE'S IN FOR A RUDE AWAKENING

Bush obviously wants to score political points with Latino voters . . . Latinos deserve and demand better. Estrada may be well-qualified, but so are other Latinos whose legal writings are not being guarded as if they were state secrets. Bush may be able to get Congress to pass a bill without allowing it to be read first, but the Senate should not abdicate its constitutional obligation to give its advice and consent on these lifetime appointees. Bush's political stock is sinking, and Latino political stock is rising. The way I see it, Bush needs us more than we need him. So Bush should nominate someone most Latinos can live with, be proud of and support, or no one at all. Time is on our side. Bush doesn't get it: Not just any Latino judge will do.

[From the Copley News Service, Mar. 6, 2003]

THE DECISION OF A LIFETIME

Miguel Estrada, along with the White House and Republican Senate leadership, would do well to take notice. They complain that the Democrats seek too much information as their price for putting Estrada's nomination to a vote. . . . Under White House coaching, perhaps, Estrada proved strangely tight-lipped. Inasmuch as he has not served a previous judgeship, there was no ''paper trail'' by which to gauge the man's legal philosophy.

[From the Houston Chronicle, Mar. 16, 2003]

OH, NO, IDEOLOGICAL JUDGES; SAY IT ISN'T SO

Estrada is bright and far right. Just how far right is a question that the Bush administration doesn't want to answer. The White House is refusing to let senators see memos Estrada wrote while working in the solicitor general's office and that would shed plenty of light on the issue. Instead, Republicans are offering a second Estrada appearance before the Judiciary Committee. Judging by Estrada's lock-jawed performance last September, it would be a gigantic waste of time (which, of course, the White House knows). There is a common theme in Estrada's and Owen's attempts to get on the circuit court bench. It involves, to put it mildly, evasion and equivocation.

[From the Ventura County Star, Mar. 16, 2003]

WHAT DO WE KNOW ABOUT JUDICIAL NOMINEE?

Judges are supposed to be able to look at attorney's arguments with impartiality and determine which side has a stronger case within the letter and spirit of the law. To be effective and just, the judiciary must be neither liberal nor conservative. The judiciary must be independent, concerned only with the integrity of law. That's a high ideal and, of course, nearly impossible to reach, but it's what we should be reaching for. The fact is we have no idea if Mr. Estrada is capable of impartiality, and he's not willing to discuss it.

[From the Houston Chronicle, Mar. 7, 2003]

YAKETY, YAK—KEEP TALKING SENATORS

So undemocratic, wail the Republicans desperate to get on with a vote on the nomination of Miguel Estrada to the U.S. Circuit Court of Appeals for the District of Columbia before anyone can find out how right-wing the former Justice Department official

might actually be. Some of these Republicans are the same people—and are certainly of the same party—who over the years have attempted to talk to death many bills and nominations.

Additionally, here is an excerpt of an additional news article that is noteworthy for its assessment of the refusal of the White House to release the documents requested, despite the precedent and despite the interest of some Republican Senators in doing so:

[From the Weekly Standard, Mar. 17, 2003]

FILIBUSTER SI, ESTRADA NO!

The White House refused . . . access to Estrada's working papers. Period. This adamantine posture, in the eyes of some in Senate GOP leadership circles, handcuffed Frist. ''There's some frustration,'' said a top GOP leadership aide. ''From the very beginning we told them that was the only way out and a face-saver for everyone. But it came down to the fact that no one on the White House or Justice team wanted to walk into the Oval Office and say to the president, ''You might have to give up these memos.'' The administration's position on the memos reflects its deeply held ethic of aggressively defending executive branch prerogatives. Though the White House has never characterized the Estrada matter as one of executive privilege ... it falls into the broad category of executive branch muscularity. And while most Republicans generally support this posture, some Bush allies on and off Capitol Hill have come to question the administration's fastidiousness in the Estrada fight.

In addition, there have been dozens and dozens and dozens of letters to the editor published in opposition to editorials supporting the Republican position on this nomination. Here is just one sample of those many letters from citizens across the country:

[From the Washington Post, Mar. 20, 2003]

BEHIND THE ESTRADA FILIBUSTER

The depth of Mr. Estrada's sentiments on issues facing the federal courts seems to be known only to the far-right members of the legal community who support him and to the Bush administration. The question is whether the Senate, which has an equal say in whether Mr. Estrada will sit on the U.S. Court of Appeals for the D.C. Circuit, has an equal right to the information, including Justice Department memorandums, that is available to the administration. It is far from extortionate that senators not be forced to vote without the information the administration holds.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, I try to keep a straight face when I hear my good friend, the distinguished Senator from Utah, speaking, but it is hard. He has been able to master the ability to look stern and self-righteous, as he has throughout a recitation of the revisionist history here.

The question of precedent? The Republicans joined the filibusters of Stephen Breyer to the First Circuit, Judge Rosemary Barkett to the Eleventh Circuit, Judge H. Lee Sarokin to the Third Circuit, Judge Richard Paez to the Ninth Circuit, and Judge Marsha Berzon to the Ninth Circuit. We had to have cloture votes on all but one of these and on several others.

But as the former Republican leader admitted—and I commend him for this—they did not have to go to filibusters on most of these because they never brought them up at all. They never had a hearing on them. They never had a vote on them in committee or anywhere else. In effect, they had a filibuster of one. If any one Republican Senator objected to any one of President Clinton's nominees, or just a few, the caucus would make the determination they would never get a hearing. The distinguished chairman at that time would not give them a hearing. They would not get a vote. It was only if the caucus decided that they would be allowed to go forward would they even get a vote.

So it begs credulity to hear this kind of sophistry on the Senate floor and the nature of a ''filibuster'' being constantly redefined. They would not allow them to come to a vote at all.

During the 17 months when we controlled the Senate Judiciary Committee, we confirmed 100 of President Bush's nominees. We had hearings on 103. We voted down 2. We confirmed 100. There was no similar period of time when President Clinton was in office and the Republicans were in control that they passed anywhere near as many judges for President Clinton.

I wonder if I could have order just for the sake of precedent.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Vermont.

Mr. LEAHY. We moved them through. And we got rid of the anonymous holds. We got rid of the secret holds. I will explain in greater detail.

Mr. President, the Republican leadership in the Senate has chosen today for another in a series of cloture votes on this divisive nomination. Nothing has significantly changed since it forced the three previous cloture votes. The administration's obstinacy continues to impede progress to resolve this matter. The administration remains intent on packing the Federal circuit courts and on insisting that the Senate rubber stamp its nominees without fulfilling the Senate's constitutional advise and consent role in this most important process. The White House could have long ago helped solve the impasse on the Estrada nomination by honoring the Senate's role in the appointment process and providing the Senate with access to Mr. Estrada's legal work. Past administrations have provided such legal memoranda in connection with the nominations of Robert Bork, William Rehnquist, Brad Reynolds, Stephen Trott and Ben Civiletti, and even this administration did so with a nominee to the Environmental Protection Agency. In my statement in connection with the last cloture vote I outlined additional precedent for sharing the requested materials with the Senate as did Senator KENNEDY.

We have the statement of Attorney General Robert H. Jackson, who later became one of our finest Supreme Court Justices, when he wrote an Attorney General Opinion in 1941 acknowledging that among the occasions when exceptions should be made and Executive department files would be produced to the Congress would be confirmations. As Attorney General Jackson noted:

Of course, where the public interest has seemed to justify it, information as to particular situations has been supplied to congressional committees by me and by former Attorneys General. For example, I have taken the position that committees called upon to pass on the confirmation of persons recommended for appointment by the Attorney General would be afforded confidential access to any information that we have—because no candidate's name is submitted without his knowledge and the Department does not intend to submit the name of any person whose entire history will not stand light.

I mentioned the additional example of similar materials that were provided to Congress in 1982 by the Reagan administration when the Senate Finance Committee held a hearing to consider legislation to deny federal tax-exempt status to private schools practicing racial discrimination. A number of Justice Department memoranda, as well as communications between high-level officials, were turned over by the Reagan administration to the Senate Finance Committee in connection with the hearing, just months after the documents were first written. The issues at that hearing reveal that some of the documents turned over were much more sensitive than those requested of Mr. Estrada, but they were still provided to Congress by the Reagan administration.

The documents turned over to the Senate included:

Letters from Representative TRENT LOTT to Secretary Regan, IRS Commissioner Egger, and Solicitor General Lee, urging change in the administration's position on Bob Jones; memorandum from Associate Deputy Attorney General Bruce Fein to Deputy Attorney General Edward Schmults, advising Schmults on private schools; memorandum from Carolyn Kuhl, Special Assistant to the Attorney General, to Ken Starr, noting Reagan/Bush campaign statements on private schools; memorandum from Peter Wallison, Treasury General Counsel, to Secretary Regan briefing him on meeting with Representative LOTT; memorandum from Treasury General Counsel Wallison to Deputy Secretary McNamar and Secretary Regan on Government's position in Bob Jones case; memorandum from Civil Rights Division Head, William Bradford Reynolds, to Attorney General Smith justifying changes in administration's position on Bob Jones; memorandum from Treasury Assistant Secretary for Public Affairs, Ann McLaughlin, to Deputy Secretary McNamar on ''press strategy'' for releasing Bob Jones decision; memorandum from IRS Chief Counsel Gideon to Treasury Deputy General Counsel Government's statement in

Bob Jones; letter from IRS Chief Counsel Gideon to Civil Rights Division Head Reynolds on formulation of Government's statement in Bob Jones; and memorandum from Assistant Attorney General Theodore Olson, Office of Legal Counsel, to Attorney General Smith and Deputy Attorney General Schmults responding to the analysis in Reynolds' memo on Bob Jones.

In 1982, the Republican administration at that time released to the Senate documents that included internal memoranda among high-level Justice Department officials, inter-agency communications, and documents relating to the government's position in an important Supreme Court case. They also included letters to the Solicitor General.

Moreover, the Reagan administration turned over these documents within months after being written, and no harm was done to the workings of the Justice Department or the administration. The Bush administration is claiming that it is unprecedented to turn over such documents—and that the release of documents written by Mr. Estrada 6 to 10 years earlier would irreparably harm the government. I urge the administration and Republican Senators to consider this additional precedent.

I also noted how in 2001, this White House agreed to give access to memoranda written by Jeffrey Holmstead, nominated to be an Assistant Administrator of the Environmental Protection Agency. The Senate Committee on Environment and Public Works requested memoranda from Holmstead's years of service in the White House counsel's office under former President Bush. In particular, the Committee was interested in materials related to Holmstead's handling of an amendment to the Clean Air Act and other environmental issues. In the summer of 2001, the Bush administration resolved an impasse with the Committee over the nomination by permitting Committee staffers to review memoranda that Holmstead wrote while in the White House counsel's office. In sum, the administration allowed access to documents from the White House counsel's office—a more sensitive post than the one Mr. Estrada held when he was in the Department of Justice.

So, despite this administration's continued insistence on confidentiality, it has turned over, allowed access or worked to reach an accommodation on access to documents similar to those requested in connection with the Estrada nomination in other cases and for other committees. In the matter of the Estrada nomination, the question before the Senate concerns a lifetime appointment to the second-highest court in the land.

The former Republican leader accepted ''part of the blame'' for how the Senate has come to consider judicial nominations. I appreciate that because it is one of the few times a Republican Senator has accepted responsibility for what happened during the years in which the Republican majority in the Senate blocked and delayed so many of President Clinton's judicial nominees. The Senator from Mississippi also acknowledged that ''you filibuster a lot of different ways.'' I thank the Senator from Mississippi for trying to be constructive and for suggesting that ''something can be worked out'' on the request for Mr. Estrada's work papers from the Department of Justice.

A recent edition of The Weekly Standard, a report suggests that other Senate Republicans, ''several veteran GOP Senate staffers'' and ''a top GOP leadership aide'' asked the White House to show some flexibility and to share the legal memoranda with the Senate to resolve this matter, but they were rebuffed. It is regrettable that the White House will not listen to reason from Senate Democrats or Senate Republicans. If they had, there would be no need for this cloture vote. The White House is less interested in making progress on the Estrada nomination than in trying to score political points and to divide the Hispanic community.

The real ''double standard'' here is that the President selected Mr. Estrada based in large part on his work for four and a half years in the Solicitor General's Office as well as for his ideological views, but the Administration says that the Senate may not examine his written work from the office that would shed the most light on his views. The White House says that the Senate should not consider the very ideology the White House took into account in selecting a 41-year-old for a lifetime seat on the country's second-highest court. Another double standard at work here is that this is a nominee who is well known for having very passionate views about judicial decisions and legal policy and is well known for being outspoken, and yet he has refused to share his views with the very people charged with evaluating his nomination. It seems to be a perversion of the constitutional process to require the Senate to stumble in the dark about his views, when he shares his views quite freely with others and when this Administration has selected him for the privilege of this high office, and for life, based on those views.

Just this past weekend, a story in The New York Times reported that during his nomination hearing which I scheduled and Senator SCHUMER chaired last September, ''Mr. Estrada took what is often called 'the judicial fifth,' declining to answer many questions by saying that he could not comment on issues that might come before him should he be confirmed.'' The report correctly continued: ''It is a common approach for judicial nominees, but Mr. Estrada was more reticent than most.'' The report also notes that: ''Mr. Estrada gave a hint that what the memorandums might disclose was his impatient manner when he told the committee he might have harshly dismissed some arguments by junior lawyers.'' Our review of the requested documents would end the mystery and speculation.

One of the most disconcerting aspects of the manner in which the Senate is approaching these divisive judicial nominations is what appears to be the Republican majority's willingness to sacrifice the constitutional authority of the Senate as a check on the power of the President in the area of lifetime appointments to our federal courts. It should concern all of us and the American people that the Republican majority's efforts to re-write Senate history in order to rubber stamp this White House's federal judicial nominees will cause long-term damage to this institution, to our courts, to our constitutional form of government, to the rights and protections of the American people and to generations to come.

Republicans are now willing to breach the 24-year-old rule of the Judiciary Committee that had always protected the right of the minority to debate a matter. Republicans have now established a double standard with respect to the opposition of home-state Senators. If the opposition to a judicial nominee is that of a Republican home State Senator to a nominee of a Democratic President, it is honored and no hearing may go forward. But if the opposition is to a judicial nominee of a Republican President by a Democratic home State Senator, well that is too bad and the Republican majority does not choose to defer or care or honor that objection.

The White House is using ideology to select its judicial nominees but is trying to prevent the Senate from knowing the ideology of these nominees when it evaluates them. It was not so long ago when then-Senator Ashcroft was chairing a series of Judiciary Committee hearings at which Edwin Meese III testified:

> I think that very extensive investigations of each nominee—and I don't worry about the delay that this might cause because, remember, those judges are going to be on the bench for their professional lifetime, so they have got plenty of time ahead once they are confirmed, and there is very little opportunity to pull them out of those benches once they have been confirmed—I think a careful investigation of the background of each judge, including their writings, if they have previously been judges or in public positions, the actions that they have taken, the decisions that they have written, so that we can to the extent possible eliminate people who would turn out to be activist judges from being confirmed.

Timothy E. Flanigan, an official from the administration of the President's father, and who more recently served as Deputy White House Counsel, helping the current President select his judicial nominees, testified strongly in favor of ''the need for the Judiciary Committee and the full Senate to be extraordinarily diligent in examining the judicial philosophy of potential nominees.'' He continued:

In evaluating judicial nominees, the Senate has often been stymied by its inability to obtain evidence of a nominee's judicial philosophy. In the absence of such evidence, the Senate has often confirmed a nominee on the theory that it could find no fault with the nominee.

I would reverse the presumption and place the burden squarely on the shoulders of the judicial nominee to prove that he or she has a well-thought-out judicial philosophy, one that recognizes the limited role for Federal judges. Such a burden is appropriately borne by one seeking life tenure to wield the awesome judicial power of the United States.

Now that the occupant of the White House no longer is a popularly-elected Democrat but a Republican, these principles seem no longer to have any support within the White House or the Senate Republican majority. Fortunately, our constitutional principles and our Senate traditions, practices and governing rules do not change with the political party that occupies the White House or with a shift in majority in the Senate.

The White House, in conjunction with the new Republican majority in the Senate, is purposeful in choosing these battles over judicial nominations. Dividing rather than uniting has become their modus operandi. The decision by the Republican Senate majority to focus on controversial nominations says much about their mistaken priorities. The Republican majority sets the agenda and they schedule the debate, just as they have again here today.

I have served in the Senate for 29 years, and until recently I have never seen such stridency on the part of an administration or such willingness on the part of a Senate majority to cast aside tradition and upset the balances embedded in our Constitution, in order to expand presidential power. What I find unprecedented are the excesses that the Republican majority and this White House are willing to indulge to override the constitutional division of power over appointments and longstanding Senate practices and history. It strikes me that some Republicans seem to think that they are writing on a blank slate and that they have been given a blank check to pack the courts.

They show a disturbing penchant for reading the Constitution to suit their purposes of the moment rather than as it has functioned for more than 200 years to protect all Americans through its checks and balances.

The Democratic Leader pointed the way out of this impasse again in his letter to the President on February 11. It is regrettable that the President did not respond to that reasonable effort to resolve this matter. Indeed, the letter he sent last week to Senator FRIST was not a response to Senator DASCHLE's reasonable and realistic approach, but a further effort to minimize the Senate's role in this process by proposing radical changes in Senate rules and practices to the great benefit of this Administration.

A distinguished senior Republican Senator saw the reasonableness of the suggestions that the Democratic leader and assistant leader have consistently made during this debate when he agreed on February 14 that they pointed the way out of the impasse. Regrettably, his efforts and judgment were also rejected by the administration.

The Supreme Court, in an opinion authored last year by none other than Justice Scalia, one of this President's judicial role models, instructs that judicial ethics do not prevent candidates for judicial office or judicial nominees from sharing their judicial philosophy and views.

With respect to ''precedent,'' Republicans not only joined in the filibuster of the nomination of Abe Fortas to be Chief Justice of the United States Supreme Court, they joined in the filibuster of Stephen Breyer to the First Circuit, Judge Rosemary Barkett to the Eleventh Circuit, Judge H. Lee Sarokin to the Third Circuit, and Judge Richard Paez and Judge Marsha Berzon to the Ninth Circuit. The truth is that filibusters on nominations and legislative matters and extended debate on judicial nominations, including circuit court nominations, have become more and more common through Republicans' own actions.

Of course, when they are in the majority Republicans have more successfully defeated nominees by refusing to proceed on them and have not publicly explained their actions, preferring to act in secret under the cloak of anonymity. From 1995 through 2001, when Republicans previously controlled the Senate majority, Republican efforts to defeat President Clinton's judicial nominees most often took place through inaction and anonymous holds for which no Republican Senator could be held accountable. In effect, these were anonymous ''filibusters.''

Republicans held up almost 80 judicial nominees who were not acted upon during the Congress in which President Clinton first nominated them, and they eventually defeated more than 50 judicial nominees without a recorded Senate vote of any kind, just by refusing to proceed with hearings and committee votes.

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

Other executive branch nominees who were filibustered by Republicans include Walter Dellinger's nomination to be Assistant Attorney General, and two cloture petitions were required to be filed and both were rejected by Republicans. In this case we were able finally to obtain a confirmation vote after an elaborate effort, and Mr. Dellinger was confirmed to that position with 34 votes against him. He was never confirmed to his position as Solicitor General because Republicans had made clear their opposition to him. In addition, in 1993, Republicans objected to a number of State Department nominations and even the nomination of Janet Napolitano to serve as the U.S. Attorney for Arizona, resulting in cloture petitions.

In 1994, Republicans successfully filibustered the nomination of Sam Brown to be an Ambassador. After three cloture petitions were filed, his nomination was returned to President Clinton without Senate action. Also in 1994, two cloture petitions were required to get a vote on the nomination of Derek Shearer to be an Ambassador. And it likewise took two cloture petitions to get a vote on the nomination of Ricki Tigert to chair the FDIC. So when Republican Senators now talk about the Senate Executive Calendar and presidential nominees, they must be reminded that they recently filibustered many, many qualified nominees.

Nonetheless, in spite of all the intransigence of the White House and all of the doublespeak by some of our colleagues on the other side of the aisle, I can report that the Senate has moved forward to confirm 115 of President Bush's judicial nominations since July 2001. That total includes 15 judges confirmed so far this year, including two controversial nominees to the circuit courts.

Those observing these matters might contrast this progress with the start of the 106th Congress in which the Republican majority in the Senate was delaying consideration of President Clinton's judicial nominees. In 1999, the first hearing on a judicial nominee was not until mid-June. The Senate did not reach 15 confirmations until September of that year. Accordingly, the facts show that Democratic Senators are being extraordinarily cooperative with a Senate majority and a White House that refuses to cooperate with us. We have made progress in spite of that lack of comity and cooperation.

We worked hard to reduce federal judicial vacancies to the lowest level it has been in more than seven years. That is an extremely low vacancy number based on recent history and well below the 67 vacancies that Senator HATCH termed ''full employment'' on the federal bench during the Clinton administration.

It is unfortunate that the White House and some Republicans have insisted on this confrontation rather than working with us to provide the needed information so that we could proceed to an up-or-down vote. Some on the Republican side seem to prefer political game playing, seeking to pack our courts with ideologues and leveling baseless charges of bigotry, rather than to work with us to resolve the impasse over this nomination by providing information and proceeding to a fair vote.

I was disappointed that Senator BENNETT's straightforward colloquy with

Senator REID and me on February 14, which pointed to a solution, was never allowed by hard-liners on the other side to yield results. I am disappointed that all my efforts and those of Senator DASCHLE and Senator REID have been rejected by the White House. The letter that Senator DASCHLE sent to the President on February 11 pointed the way to resolving this matter reasonably and fairly. Republicans would apparently rather engage in politics.

Republican talking points will undoubtedly claim that this is ''unprecedented''. They will ignore their own recent filibusters against President Clinton's executive and judicial nominees in so doing. The only thing unprecedented about this matter is that the administration and Republican leadership have shown no willingness to be reasonable and accommodate Democratic Senators' request for information traditionally shared with the Senate by past administrations. That this is the fourth cloture vote on this matter is an indictment of Republican intransigence on this matter, nothing more. What is unprecedented is that there has been no effort on the Republican side to work this matter out as these matters have always been worked out in the past. What is unprecedented is the Republican insistence to schedule cloture vote after cloture vote without first resolving the underlying problem caused by the administration's inflexibility.

I urge the White House and Senate Republicans to end the political warfare and join with us in good faith to make sure the information that is needed to review this nomination is provided so that the Senate may conclude its consideration of this nomination. I urge the White House, as I have for more than two years, to work with us and, quoting from a recent column by Thomas Mann of The Brookings Institute, to submit ''a more balanced ticket of judicial nominees and engag[e] in genuine negotiations and compromise with both parties in Congress.''

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

Mr. President, does the Senator from Massachusetts wish the remainder of my time?

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my friend from Vermont for making very plain for the record and to the American people exactly what has happened over the last period of time. As he has pointed out, there have been more than 100 judges who have been recommended by President Bush, many of them pro-life, which have been favorably considered by this body.

It was not the Members on this side who have changed the rules. The fact is, it has been this administration's attempt to shape the Federal judiciary. And as the constitutional debates showed so clearly, there was to be a balance.

Initially, during the Constitutional Convention, the Senate of the United States was to be the sole namer of Federal judges. It was only at the end that that was to be a shared responsibility.

There are some who just want us to rubberstamp whatever the President recommends. We do not believe that is what our Founding Fathers intended us to do, as bearing responsibility for the Federal judiciary.

The fact remains, this nominee is known only to the administration, but not to the Judiciary Committee or the American people. They know how he stands. They have understandings of all of his positions. But the Judiciary Committee and the American people do not. That is what is being asked of now.

There have been other times in our history where we have had nominees who did not respond to questions, but they had written documents, and they had articles, speeches, and other decisions that reflected their judicial philosophy. This does not exist here. This is a unique, special situation. And the Senator from Vermont has stated time in and time out over the course of the debate the reasons for it. He should be supported on it. I stand with him. I stand with the institution, the Senate, that says to be able to exercise our responsibility in advice and consent, we ought to be exercising balanced judgment based on the views of the nominee and his views of the Constitution of the United States. We have not received his views on it. And he refused to give it. Nor do we understand from past writings, statements, or other positions what his views are. And the American people are entitled to it.

Mr. President, we must be very clear about what is at stake in this debate over the nomination of Miguel Estrada to the second highest court in the land. Confirming Mr. Estrada to the DC Circuit would give a major victory to the Republican drive to pack the Federal courts with judges who are hostile to civil rights, workers' rights, and many other basic guarantees that define the rights and liberties of all our citizens.

Confirming him would also deal a blow to the Senate's advice and consent role in the selection of federal judges. This role is among the most important of the checks and balances that make our government work. It has ensured that whoever is in the White House cannot use their short term in power to pack the courts by giving lifetime appointments to judges who will decide cases for years in a biased way.

As we all know, the debates at the constitutional convention make clear that the Senate has a very important role in the selection of judges. In fact, the power initially was to rest solely with the Senate. Although now the power to nominate rests with the President, it is clear that the Senate's advice and consent role is a substantive role, and a critical role. As Alexander Hamilton said in Federalist No. 77:

> If by influencing the President meant restraining him, this is precisely what must have been intended.

The role of the Senate is vital to ensuring a strong and independent judiciary that will protect citizens' rights. When Republicans try to force the Senate to confirm Mr. Estrada without any significant information about him, they are attacking the role of the Senate and undermining this important constitutional provision.

Despite a growing and disturbing trend during this administration, of giving the Senate less and less information about judges, the Senate has made clear our position that we need this information to fulfill our constitutional role. We have had many nominees who were not particularly forthcoming in their committee hearing about their views on certain topics. But we typically had a large written record to help us understand those nominees' approach to judging. Often, the Senate attempted in good faith to accommodate the President and review the record as it was given to us. In other cases, if a nominee had only very little record to examine, we could rely on their answers at their hearing to give meaningful advice and consent.

Mr. Estrada represents the extreme of this trend. At his hearing, he was silent on important issues that would help us determine what kind of judge he would be. He does not have a written record to review. The one thing that would help us is the body of work by Mr. Estrada at the Justice Department. But the White House will not turn these documents over, despite the fact that they have turned over similar documents for other nominees in the past.

Confirming Miguel Estrada on this record would not only undermine the Senate's important advice and consent role, it would also threaten the rights of millions of Americans who are affected by the judges of the DC Circuit.

Unless we preserve this important role, the independence of the Federal courts will be lost. And it is this independence of the judicial branch from the executive and legislative branches that gives the Federal courts an indispensable role in protecting and upholding the basic rights guaranteed by the Constitution.

In defending the role of the Senate in confirming judicial nominees, we are also protecting the role of the Federal courts in our constitutional form of government. It is our responsibility to defend both of these important aspects of our democracy, and we intend to continue to do so. I urge my colleagues to vote against cloture today.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Utah has 6 minutes 7 seconds.

Mr. HATCH. Mr. President, how much time remains on the other side?

The PRESIDING OFFICER. The other side has 1 minute 22 seconds.

The Senator from Utah.

Mr. HATCH. Mr. President, I think the Senator is correct to say that opponents have a right to feel the way they do, but they do not have a right constitutionally to filibuster a judicial nominee, in my opinion. And they can vote against this nominee if they want to. If they feel that deeply about their points of view, they ought to vote against the nominee, but they should not use some phony fishing expedition request, knowing that no administration can give up these documents because they are the most privileged documents in the Justice Department. And the former Democrat Solicitors General who are alive say that.

I talked to the current Solicitor General, and he said there is no way they can give those documents up. It would ruin the work of the people's attorney, the Solicitor General. And they know that. So that is just a phony excuse to be able to try and stop this nominee.

By the way, with regard to what the distinguished Senator from Vermont said—he brought up that certain nominees Stephen Breyer, Rosemary Barkett, Richard Paez, and Marsha Berzon were filibustered. Not one of them was filibustered. He brought up they were not confirmed, but they were all confirmed. There has never been a judicial nominee to the circuit court of appeals in this country stopped by a filibuster—never—until this one. And, as far as I am concerned, this one is not going to be stopped either, if we do what is right.

And, of course, a cloture vote does not always signify a filibuster. A lot of these cloture votes we have had in the past—that is why I talk in terms of true filibusters versus time management devices used by the majority leader, whoever that may be. In some cases, our own majority leader moved for cloture. So don't give me the argument that this is not the first filibuster. This is the first filibuster, first true filibuster of a circuit court of appeals nominee in history.

Now, no Republican has claimed that Lavenski Smith or Julia Smith Gibbons were filibustered, but both of these Bush circuit nominees were subjected to cloture votes last year. So that is just a phony argument.

Now, they have so much information on this man there is little or no excuse for not proceeding to a vote. The problem is, they cannot find anything wrong with him. There is so much that is right about Miguel Estrada. And I just cannot quite see some of the arguments that have been given.

Mr. President, how much time is left?

The PRESIDING OFFICER. The Senator has 3 minutes 30 seconds.

Mr. HATCH. Mr. President, I would like to be interrupted at the end of 1 minute so I can give 2 minutes to the distinguished Senator from Pennsylvania.

Let me say something about the memoranda that my Democratic colleagues demand the White House release. These are appeal, certiorari, and amicus recommendations that Mr. Estrada authored while a career lawyer at the Justice Department. Let's be clear on that.

I keep hearing my Democratic colleagues say there is all this precedent for the release of documents by the White House. Well, of course, the White House releases documents to the Senate every day. But they are not appeal, certiorari, and amicus recommendations, and there is absolutely no precedent for the large-scale fishing expedition they seek on Mr. Estrada—not any.

I agree with the seven former living Solicitors General, four of whom are Democrats, who say that the White House is right not to release Mr. Estrada's memoranda.

The PRESIDING OFFICER. The Senator from Utah has 2 minutes 30 seconds remaining.

Mr. HATCH. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the chairman for yielding time to me.

When you strip this argument down, it boils down to an effort by the other side of the aisle to rewrite the advice and consent clause of the Constitution. For more than 200 years, the President has had discretion in the nomination of Federal judges. And unless there is some reason not to confirm them, they then are confirmed.

Miguel Estrada has an extraordinary record, Phi Beta Kappa, Columbia; magna cum laude, magna at Harvard, Harvard Law Review, 15 cases in the Supreme Court. The issue of wanting to see some of his writings is a red herring. The issue of wanting further amplification of his views on the Constitution is another red herring. This is simply an effort, when 41 Members from the other side of the aisle decide to oppose cloture, to continue this filibuster.

It is my view that we are not going to resolve this matter until we have a real, live, honest to goodness filibuster, and that where the other side of the aisle has to talk. We haven't had one since 1987. The American people do not know what is going on inside the beltway and are likely not to find out until this issue is raised in the conscious level of the American people. Then I think we will find more than four Members of the other side of the aisle joining 51 on this side of the aisle to invoke cloture and to confirm this worthy nominee.

I do believe there is going to have to be some dramatic action taken so that Americans understand the travesty going on in the Senate Chamber today.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Vermont.

Mr. LEAHY. Madam President, as my statement indicated, the Senate did have filibusters on Judge Stephen Breyer, Judge Rosemary Barkett, Judge H. Lee Sarokin, Judge Richard Paez, and Judge Marsha Berzon, contrary to the implication of my good friend from Utah.

I actually have sympathy for my friend from Utah. He has been put in an untenable position. He is seeking to uphold an unreasonable position taken by the White House. The White House is trying to tell the Senate what to do. He is being a good soldier and I commend him for that.

The fact is, if the Senate was allowed to be the Senate and make its own decisions and not let the White House dictate what to do, this matter would have been settled a long time ago. We would have followed the tradition and logic set forth by former Supreme Court Justice Robert Jackson when he was Attorney General. He indicated that such material should be provided to the Senate. He wrote:

> . . . I have taken the position that committees called upon to pass on the confirmation of persons recommended for appointment by the Attorney General would be afforded confidential access to any information that we have—because no candidate's name is submitted without his knowledge and the Department does not intend to submit the name of any person whose entire history will not stand light.

The White House has access to Mr. Estrada's papers. It is hard to believe that they have not reviewed these papers. They are part of the information that the administration has about one of its nominees. All previous administrations followed the path of working with the Senate and making sure that the entire history of the person would stand the light of scrutiny. This administration does not want us to know.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Madam President, Secretary Rumsfeld will be here at 2:30. I spoke briefly to the manager of the bill, Senator STEVENS. He indicated to me he would have no problem with a recess. I checked with our leader. He said he would have no problem with it either. During this break, the two leaders will have to determine whether there is going to be a recess for Secretary Rumsfeld. I wanted to say this to alert Members that there may be a break after this vote to go listen to the Secretary.

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, the clerk will report the motion to invoke cloture.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

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

Bill Frist, Orrin G. Hatch, John Ensign, Sam Brownback, Jim Inhofe, Michael B. Enzi, Wayne Allard, Michael Crapo, Susan M. Collins, Robert F. Bennett, Pete V. Domenici, Conrad R. Burns, Kay Bailey Hutchison, John E. Sununu, Norm Coleman, Charles E. Grassley.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, shall be brought to a close.

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessary absent.

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

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

The yeas and nays resulted—yeas 55, nays 44, as follows:

[Rollcall Vote No. 114 Ex.]

YEAS—55

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

NAYS—44

Akaka	Dorgan	Leahy
Baucus	Durbin	Levin
Bayh	Edwards	Lieberman
Biden	Feingold	Lincoln
Bingaman	Feinstein	Mikulski
Boxer	Graham (FL)	Murray
Byrd	Harkin	Pryor
Cantwell	Hollings	Reed
Carper	Inouye	Reid
Clinton	Jeffords	Rockefeller
Conrad	Johnson	Sarbanes
Corzine	Kennedy	Schumer
Daschle	Kohl	Stabenow
Dayton	Landrieu	Wyden
Dodd	Lautenberg	

NOT VOTING—1

Kerry

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

LEGISLATIVE SESSION

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

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

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

SUPPLEMENTAL APPROPRIATIONS ACT TO SUPPORT DEPARTMENT OF DEFENSE OPERATIONS IN IRAQ FOR FISCAL YEAR 2003—Continued

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, is the pending business the Durbin amendment to the Stevens amendment?

The PRESIDING OFFICER. The Senator is correct, that is the pending question.

Mr. STEVENS. Madam President, I am pleased to yield to the Senator from Illinois. I believe we have reached an agreement on this amendment, and I would be glad to have him modify his amendment if he wishes to do so.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 437 TO AMENDMENT NO. 436, WITHDRAWN

Mr. DURBIN. Madam President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right.

Mr. DURBIN. I ask unanimous consent to withdraw my second-degree amendment.

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

AMENDMENT NO. 436, AS MODIFIED

Mr. DURBIN. Madam President, I thank the Senator from Alaska. I particularly thank the Senator from Virginia, Mr. WARNER, who has acted as good counsel to both the Senator from Alaska and the Senator from Illinois.

Let me tell my colleagues what this amendment does because I think the Senate can be proud of the outcome. What we are going to do is to increase combat pay for the men and women in uniform by 50 percent from $150 a month to $225 a month, and we are going to increase the family separation allowance by 150 percent from $100 month to $250 a month. Our action in this fiscal year will be retroactive to October 1. So it covers the entire fiscal year. It is going to mean a helping hand through a difficult time for the men and women in uniform, and their families.

As I have said, and I am sure the Senator from Alaska will agree, there is no amount of money that we can give these men and women, nor their families, to compensate them for what they are giving to our country, but this effort on the Senate floor, in a bipartisan fashion, shows we are dedicated to work together to express our gratitude not just in speeches but by giving a helping hand to these families who are struggling.

I send a modification of the amendment to the desk on behalf of myself, Senators STEVENS, INOUYE, WARNER, CHAMBLISS, MIKULSKI, DOLE, DASCHLE, LANDRIEU, CLINTON, and PRYOR.

Mr. STEVENS. Madam President, I now ask that this be deemed the original amendment before the Senate, that it be the Stevens-Durbin amendment, plus any other Senators who wish to add their name to it.

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

Mr. STEVENS. I ask that the Senate cast a unanimous vote in support of this raise of combat pay and family allowances for our men and women who are in harm's way.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 436, as modified.

The amendment (No. 436), as modified, was agreed to, as follows:

In the amendment strike are after the first word and insert the following:

(a) INCREASE IN IMMINENT DANGER SPECIAL PAY.—Section 310(a) of title 37, United States Code is amended by striking ''$150'' and inserting ''$225''.

(b) INCREASE IN FAMILY SEPARATION ALLOWANCE.—Section 427(a)(1) of title 37, United States code, is amended by striking ''$100'' and inserting ''$250''.

(c) EXPIRATION.—(1) The amendments made by subsections (a) and (b) shall expire on September 30, 2003.

(2) Effective on September 30, 2003, sections 310(a) of title 37, United States Code, and 427(a)(1) of title 37, United States Code, as in effect on the day before the date of the enactment of this Act are hereby revived.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on Oct. 1, 2002 and shall apply with respect to months beginning on or after that date.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, I would like to make sure we show this was a unanimous vote. Beyond that, I have a letter I received from the Boeing Company which is relevant to what we have just done, because some of the people who are covered by this amendment are men and women of the National Guard and Reserve. The Boeing Company has notified me it has 2,000 valued employees who serve our Nation in the military as members of the National Guard and Reserve. They state:

Over the last 3 years, some 950 men and women have proudly stepped forward for differing periods of military duty in support of the September 11-related operation. To date,

371 Boeing teammates have been activated for Operation Iraqi Freedom, with many more receiving notice of impending call-up. To stress our commitment, Boeing has extended the benefits we provide these citizen soldiers because we want them to be able to focus on their military mission—with no worry that their families are provided for in the interim. For a period of up to 60 calendar months, we will make up the difference between their military and Boeing pay, plus maintain their medical, dental and life insurance benefits. We have also extended reemployment rights to these talented teammates for up to five years of military service. Boeing's long-standing policy provides these benefits for 90 days.

I am not doing this to blow up Boeing, although I think it is a tremendous gesture. I ask unanimous consent that the letter, in full, be printed in the RECORD.

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

THE BOEING COMPANY,
Arlington, VA.

Hon. TED STEVENS,
U.S. Senate,
Washington, DC.

DEAR SENATOR STEVENS: The Boeing Company is honored to have more than 2,000 valued employees who also serve our Nation in the military as members of the National Guard and Reserve. Over the last three years, some 950 Boeing men and women have proudly stepped forward for differing periods of military duty in support of September 11th-related operations. And to date, 371 Boeing teammates have been activated for Operation Iraqi Freedom—with many more receiving notice of impending call-up.

To stress our commitment, Boeing has extended the benefits we provide these citizen soldiers because we want them to be able to focus on their military mission—with no worry that their families are provided for in the interim. For a period of up to 60 calendar months, we will make up the difference between their military and Boeing pay, plus maintain their medical, dental and life insurance benefits. We have also extended reemployment rights to these talented teammates for up to five years of military service. Boeing's long-standing policy provides these benefits for 90 days, with reviews for adjustments depending upon circumstances.

The Boeing Guard and Reserve Network was created to help focus support to these men and women. With membership from employees and senior staff, this network was instrumental in President Bush naming Boeing a winner of the prestigious Employer Support Freedom Award in 2001 for continued support to National Guard and Reserve employees.

Boeing is proud of this leadership role and firmly committed to all our talented men and women called to serve the Nation.

Sincerely,

RUDY F. DE LEON,
Senior Vice President,
Washington, DC Operations.

Mr. STEVENS. This shows much of the problem that the Senator from Illinois has been trying to handle, the problem of people who have been called up who are not regulars. Theirs is a problem that is more acute than those who are in the military and are called up and they have their full military pay continue. The civilian pay of those who have been called up is many times quite a bit in excess of what they get in the military.

We have very complicated problems in a period of the callup cycle we are in right now because our country has called up people for the war on terrorism, called up people for the war in Afghanistan, and are now calling up people for the war in Iraq. Sometimes there have been multiple callups in the same calendar year. It is a very difficult problem to deal with, and I urge the Armed Services Committee to work on it and give us a comprehensive package so we do not have to deal with it in regard to appropriations bills.

That is my point I make now. I prefer that not be the case.

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.

RECESS

Mr. STEVENS. Madam President, the Secretary of Defense is giving a classified briefing, and I ask unanimous consent that the Senate recess until 3:30.

There being no objection, the Senate, at 2:43 p.m., recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mrs. DOLE).

SUPPLEMENTAL APPROPRIATIONS ACT TO SUPPORT DEPARTMENT OF DEFENSE OPERATIONS IN IRAQ FOR FISCAL YEAR 2003—Continued

AMENDMENT NO. 435

Mr. STEVENS. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending question is amendment No. 435, by the Senator from Alaska.

Mr. STEVENS. I ask that that may be set aside for the Senator from Nevada.

Mr. REID. Madam President, I debated my amendment. I have an amendment at the desk. I would call that up, ask that it be set aside, and then yield to Senator HOLLINGS.

Mr. STEVENS. Set them both aside, I assume.

AMENDMENT NO. 440

Mr. REID. I ask unanimous consent that the pending amendment be set aside and the clerk report my amendment.

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, Mrs. CLINTON, Mr. SCHUMER, Mr. LIEBERMAN, and Ms. STABENOW, proposes an amendment numbered 440.

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 provide critical funding to safeguard nuclear weapons and nuclear material in the United States and around the world)

On page 18, line 8, strike all that follows through page 20, line 10 and insert the following:

CHAPTER

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATIONS AND MAINTENANCE, GENERAL

For an additional amount for homeland security expenses, for ''Operations and Maintenance, General,'' $29,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for homeland security expenses, for ''Water and Related Resources,'' $25,000,000, to remain available until expended.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for ''Science'' for emergency expenses necessary to support safeguards and security activities, $10,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for ''Weapons Activities'' for emergency expenses necessary to safeguard nuclear weapons and nuclear material, $70,000,000, to remain available until expended: *Provided,* That $30,000,000 of the funds provided shall be available for secure transportation asset activities: *Provided further,* That $40,000,000 of the funds provided shall be available to meet increased safeguards and security needs throughout the nuclear weapons complex, including at least $15,000,000 for cyber security.

NUCLEAR NONPROLIFERATION

For an additional amount for ''Nuclear Nonproliferation'' for emergency expenses necessary to safeguard fissile nuclear material, $300,000,000, to remain available until expended: *Provided,* That $135,000,000 of the funds provided shall be available for the development and deployment of nuclear detectors at mega seaports, in coordination with the Department of Homeland Security Bureau of Customs and Border Protection: *Provided further,* That $40,000,000 of the funds provided shall be available for detection and deterrence of radiological dispersal devices: *Provided further,* That $20,000,000 of the funds provided shall be available for nonproliferation assistance to nations other than the Former Soviet Union: *Provided further,* That $20,000,000 of the funds provided shall be available for nonproliferation forensics and attribution: *Provided further,* That $15,000,000 of the funds provided shall be available for nuclear nonproliferation verification programs, including $2,500,000 for the Caucasus Seismic Network: *Provided further,* That $12,000,000 of the funds provided shall be available for nonproliferation assistance to Russian strategic rocket forces: *Provided further,* That $10,000,000 of the funds provided shall be available for the packaging and disposition of any nuclear material found in

Iraq: *Provided further*, That $10,000,000 of the funds provided shall be available for nuclear material detection materials and devices: *Provided further*, That $10,000,000 of the funds provided shall be available for lower yield nuclear detection: *Provided further*, That $10,000,000 of the funds provided shall be available for nuclear material characterization: *Provided further*, That $5,000,000 of the funds provided shall be available for a radionuclide deployable analysis system: *Provided further*, That $5,000,000 of the funds provided shall be available for U.S. export control nuclear security: *Provided further*, That $5,000,000 of the funds provided shall be available for international export control cooperation activities: *Provided further*, That $2,000,000 of the funds provided shall be available for support of proliferation analyses in post-war Iraq: *Provided further*, That $1,000,000 of the funds provided shall be available for vulnerability assessments of spent nuclear fuel casks.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for ''Defense Environmental Restoration and Waste Management,'' or emergency expenses necessary to support safeguards and security activities at nuclear and other facilities, $15,000,000, to remain available until expended.

DEFENSE FACILITY CLOSURE PROJECTS

For an additional amount for ''Defense Facility Closure Projects'' for emergency expenses necessary to support safeguard and security activities at nuclear and other facilities, $5,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For an additional amount for ''Other Defense Activities,'' $18,000,000, to remain available until expended, for increased safeguards and security of Department of Energy facilities and personnel, including intelligence and counterintelligence activities: *Provided*, That this amount shall be available for transfer to other accounts within the Department of Energy for other expenses necessary to support elevated security conditions 15 days after a notification to the Congress of the proposed transfers.

The PRESIDING OFFICER. Under the previous order, the amendment is set aside.

The Senator from South Carolina.

AMENDMENT NO. 445

Mr. HOLLINGS. Madam President, port security is much like the weather: Everybody talks about it, but we haven't done anything about it. The fact is, we are in a crisis, in an emergency. If anything would respond to an emergency supplemental, port security would.

I just had a word with the distinguished chairman. The chairman believes there are pots of money. I wanted to make sure I wasn't duplicating everything. I have in my hand the particular reported emergency supplemental. On page 20, what we find is the Department of Homeland Security; you have the various items, as you can see, listed beginning at that second paragraph, where they get $1.135 billion. I said: Well, we have $1.135 billion we can get for port security.

Then I looked at the breakdown. The $580 million for the Coast Guard has been spent. The Coast Guard has been waiting on this money. They are deployed in the Gulf. The distinguished Commander in Chief only 2 days ago, in Philadelphia, emphasized what a magnificent job the Coast Guard was doing in the gulf, around the clock, doubling up their effort. So this is for reimbursement of that $580 million.

We have the rest of the year to deal with, and we have an authorization bill trying to deal with it. But that is not the appropriation. I do not think we can wait for an authorization appropriation and then go through the rest of the spring and summer with the Coast Guard unfunded. So that $580 million is not for the Coast Guard for the rest of the year but that is to reimburse it.

Otherwise, the $215 million you see under the $1.135 billion is for terrorism; the $120 million goes to the Transportation Security Administration. That is for aviation, that is the overtime for screeners and everything else of that kind; $65 million of that is for overtime of the Customs and Border Patrol; $10 million is for the Secret Service; $10 million for the vulnerability assessment; and $15 million for emergency support teams. That is just a little over a billion some-odd million, which takes up the amount on page 20 of the Department of Homeland Security.

There are not any pots of money that we can take from. That has been a concern of the Senator from South Carolina. In the past, we spoke with one voice. This is not a partisan amendment whatsoever; 100 Senators, all Republicans and all Democrats, voted for port security. This is only $1 billion of the $2.8 billion that we authorized. We have only had, of that authorized and appropriated, some $93 million that has been released. They are now trying to complete this and compete for $105 million, but then they will run out of money.

Right to the point, we have to join forces together and take care of one of the finest entities you have ever seen.

Let me divert for a second and talk about the ports of America. There are some 365 ports; 55 of those are major ports. We didn't want to rush in last year and just start throwing money at the problem. They have to get a concerted plan for each of the ports, particularly those that have been designated major ports and are subject to serious terrorist action.

We have put the money up. They have completed five ports. They will only complete some six or seven additional, so it will be about nine by the end of the fiscal year under the present circumstance.

That is totally unacceptable. We can't be running around waiting to get through by 2009, planning for port security with al-Qaida, with the terrorists, with the most vulnerable target you could possibly imagine.

Let's go to Philadelphia. Osama bin Laden has 10 vessels, according to Lloyd's of London, and he controls 10 more. He easily knows terrorists who can crew those vessels. It was his ship that went into Mombasa, the port in Kenya, and blew up the embassy at Nairobi and the one at Dar es Salaam in Tanzania. So he knows about ship operations. He is intimate with it. He could easily put his crew in. He could get a shift on a particular ship of Exxon, let's say, going up the Delaware River to the port in Philadelphia, and just before they get there, they can take the crew and captain, throw them overboard, kill them, or whatever, just as they did in New York and at the Pentagon. Then they can blow that ship up at that tank farm in Philadelphia.

We have studied this. The eastern seaboard would close down. I have seen port security war games—there has been a lot of work done on this. This is not just an amendment of the moment. On the contrary, we find out from Booz Allen Hamilton in their particular study—it is too voluminous to have printed in the RECORD at this point—that the eastern seaboard could close down. And what would happen if they would have to close down the stock market and everything else? There would be total chaos just from one particular incident of that kind.

So we know the jeopardy that we experience here. We have to take care of these ports. We also have to take care of the waterway systems such as the Golden Gate Bridge and those other things.

We tried to get $2 billion for 2 years and in the supplemental and budget we just passed, we passed unanimously, $1 billion. This is just what we voted on a week before last, $1 billion.

I know my distinguished chairman is going to say we don't have any money. We have money, come on. Here we are already $232 billion in the red that we borrowed, and that stopped the first week in March. So for the month we have just been saying it is $232 billion public debt to the penny that the Secretary of Treasury puts out. That will go up, up, and away. We will get a kicker here in 14 days with the April 15 tax returns, but then just as we had in 2001, we were in the black on June 1, we passed a tax cut on June 8, and on June 28 we were $50 billion in the red. And by September 10, 2001, it was $99 billion in the red.

Everyone says: Well, 9/11 caused the deficit. No. It is the fact that we have been having voodoo tax cuts that caused the deficit to balloon. The distinguished Presiding Officer of the Senate knows what voodoo is because that is what Vice President George Herbert Walker Bush called President Reagan's tax cuts that were supposed to grow and grow the economy.

You only have to turn to this morning's paper and look at the cartoon to see that with so-called growth, the only thing growing are these deficits. And they are going up, up, and away.

So let's not start getting frugal and careful. Let's do get responsible and vote for the money that gives our ports

a start at security. You have the Coast Guard. You have the Drug Enforcement Administration. You have the Customs. You have the various other entities of the State port administrations. You have the FBI.

We are trying to coordinate them all under the particular plan. It has to be approved by the Transportation Security Administration before any money is disbursed. This is not just sending back grants and that kind of thing—unless and until we can get this money here to help out these local folks.

When I talk about security at the port, let me talk about the actual practice before 9/11. Operators of ports were not concerned with security. It was about No. 10 or 20 on their list of concerns. As a result, the FBI has found that between $12 and $24 billion in theft is going through the ports of America every year. They just added that into the cost of doing business.

The name of the game in port operation is swiftness, speed, expedition; get the cargo in, get it out, don't let it stay on the dock. It costs those ships at the dock $15,000 to $20,000 a day. So they try to compete with each other on speed, and it is a healthy competition.

But now they have to change their attitude—and I don't have any lobbyists looking out for port security. I wish they would hire the airline lobbyists. We gave out $1 billion—just gave the money—$1 billion for airlines. We gave them another $1 billion just for the cost of security. But $1 billion was just because they did not know how to run the airlines.

And now we are going to talk about $1 billion for all the ports of America. I hope I can get the help of the distinguished Senator from Texas. She has a very dangerous situation in Houston. You can come 50 miles up that river, and those gas plants on either side—propane plants and otherwise—you could blow it. And according to these studies by Booz Allen, it blows down the economy for a year. We are playing around with the airlines not having enough business so we give them $1 billion. And we give them another $1 billion for the security.

This particular amendment—which should be bipartisan because this is what we all voted for last year—is just exactly what is needed.

Go to the expenditure of that $1 billion, and it calls for $93 million to remain available until December 31 for the Coast Guard. That is $50 million for port vulnerability. That is the boarding equipment and everything else of that kind with respect to those assessments.

There is $7 million for the purchase of radiation detection equipment. And there is some $36 million for the maritime safety and security teams.

We know every plane that approaches the United States of America. We have alerts, and they respond. But we do not know with respect to the ships themselves.

So we need not only a transponder arrangement, but we have to have at least, at the 12 major ports, the equipment to receive the message. We don't have that. Even if they all had transponders like the aircraft in America, we don't have the equipment within the Coast Guard to identify them.

So this $57 million is for radar coverage of two-thirds of the United States with positioning systems to pick up that broadcast. A third, of course, goes into the internal river system, such as the Mississippi River and everything else for which the Coast Guard is responsible. That is exactly what is needed in the Coast Guard.

I felt bad two days ago when I was watching the President on TV, and the nearest thing we have to port security at the Port of Philadelphia was his Coast Guard jacket. He had all the Coasties standing behind him, but they didn't have any money in their pockets. They were dead broke, I can tell you that right now. If you don't believe it, just read the headline in this morning's Washington Post: ''Traditional Coast Guard Duties Suffer, Study Says.''

[Admiral] Collins said President Bush's $6.8 billion budget request for the Coast Guard represents a $1.6 billion increase over the agency's initial fiscal 2002 budget. He said that by fiscal 2004, the Coast Guard will have increased its workforce by 4,100 people since Sept. 11, 2001. . . .

But he said:

I assure you that nothing is more important to the United States Coast Guard than to be ready to perform all of these missions with distinction and with excellence.

I quote from the this particular article:

After questioning from lawmakers, [Admiral] Collins conceded the 42,000-person Coast Guard has more challenges than resources to meet them. He said some equipment and personnel will have to be diverted from more traditional roles to homeland security efforts, although partnerships with the Navy and foreign governments could help take up the slack.

And they are working on those.

We have had hearings with Admiral Loy, and now with Admiral Collins, and with Commissioner Bonner of the Customs Service. We have gone overseas to try to streamline this issue so that we can actually inspect the cargo and facilitate it when it comes to port here in the United States. And he has worked that out with some 17 ports; that is, Commissioner Bonner. You have to give him credit. We have all been working. We have not just sat around pouting and sucking our thumbs waiting for the money. But here it says:

Do we have more business than we have resources?

The answer is:

Yes, Collins said. We are challenged like never before to do all that America wants us to do.

The GAO cataloged a 60 percent decline in Coast Guard hours spent on drug interdiction. . . . [They got] a 38 percent decline in fisheries enforcement. . . .

And I could go on. Madam President, I ask unanimous consent to have the entire article printed in the RECORD.

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

[From the Washington (DC) Post, Apr. 2, 2003]

TRADITIONAL COAST GUARD DUTIES SUFFER, STUDY SAYS

(By Christopher Lee)

Coast Guard efforts to capture drug traffickers and patrol commercial fisheries have suffered as it has turned its focus to homeland security since the Sept. 11, 2001, terrorist attacks, according to a study released yesterday.

The declines uncovered by the General Accounting Office, the congressional watchdog agency, stoked concerns among some lawmakers that the Coast Guard might neglect its old missions as it trains its energy on securing the nation's ports, waterways and coastal areas.

At a hearing yesterday on the Coast Guard's transition to the Department of Homeland Security, which it joined March 1, Rep. Frank LoBiondo (R–N.J.), chairman of a House subcommittee on Coast Guard and maritime transportation, called the GAO report ''thorough and eye-opening.''

''The Coast Guard's traditional missions such as search and rescue, drug and migrant interdiction, pollution prevention, boater safety and fisheries law enforcement must be preserved.'' LoBiondo said.

Adm. Thomas H. Collins, head of the Coast Guard, tried to assure lawmakers that his agency could meet all of its old obligations while ramping up its counterterrorism efforts, such as conducting vulnerability assessments at all of the nation's ports and, more recently, supporting military operations in the Middle East.

''I assure you that nothing is more important to the United States Coast Guard than to be ready to perform all of these missions with distinction and with excellence,'' he testified yesterday.

Collins said President Bush's $6.8 billion budget request for the Coast Guard represents a $1.6 billion increase over the agency's initial fiscal 2002 budget. He said that by fiscal 2004, the Coast Guard will have increased its workforce by 4,100 people since Sept. 11, 2001, and mobilized thousands of reservists. He said Bush has asked for an additional $580 million for the agency in his 2003 supplemental funding request.

After questioning from lawmakers, Collins conceded the 42,000-person Coast Guard has more challenges than resources to meet them. He said some equipment and personnel will have to be diverted from more traditional roles to homeland security efforts, although partnerships with the Navy and foreign governments could help take up the slack.

He also conceded that the Coast Guard is behind schedule in completing its vulnerability assessments of 55 ports.

''Do we have more business than we have resources? Yes, ''Collins said. ''We are challenged like never before to do all that America wants us to do.''

The GAO catalogued a 60 percent decline in Coast Guard hours spent on drug interdiction in the past three months of 2002, compared with the same period in 1998. It also found a 38 percent decline in fisheries enforcement—protecting fishing grounds from foreign encroachment and enforcing domestic fishing laws.

At the same time, the Coast Guard dramatically shifted resources to protect the nation's ports and waterways, including redeployments of search-and-rescue boats for harbor patrols. The Coast Guard devoted 91,000 ''resource hours''—a measurement of

equipment used on missions—to coastal security in the first quarter of fiscal 2002. That was up from 2,400 hours during a similar period in fiscal 1999. The number fell to 37,000 hours during the beginning of fiscal year 2003.

Other areas, such as search-and-rescue efforts and maintaining navigation aids, remained at more or less the same levels as before Sept. 11, 2001, the GAO said.

JayEtta Z. Hecker, the GAO analyst who presented the report, told lawmakers the Coast Guard ''cannot be all things to all people.''

''Even if you give them more money,'' she said, ''the challenge of absorbing more money is such that you cannot naturally solve this.''

Collins agreed with the GAO figures, but said they account for only resource allocation, not results. He noted, for instance that the Coast Guard seized 72.2 tons of cocaine in fiscal 2002, its third-highest yearly total.

''We're getting outcomes and high productivity,'' he said. ''That's efficiency.''

Committee members told Collins they recognized that Congress has heaped new responsibilities on the Coast Guard.

''We're yelling about security and we're saying, 'Keep your traditional roles' at the same time,'' said Rep. Bob Filner (D–Calif.). ''We've put you in a very difficult position.''

Mr. HOLLINGS. So, Madam President, we are not just for ports, and are going to come and get a lot of money, and ride in on an emergency supplemental. We begin with this fact: this is an emergency. We have these folks working around the clock.

And let me continue, before I yield, to make sure that we have outlined exactly what we need the amount for.

Now, there is an additional amount for customs and border protection of $160 million. That is broken down with $110 million for the deployment and installation of port screening equipment. We have $110 million for the radiation detection equipment at U.S. ports. Already, the railroads at the tunnels have that particular radiation equipment. So when it goes into the tunnel, they know, bam, that train has to stop, there is radiation there. We do not have that equipment at ports.

And we get the poor Coast Guard captains at the port, or these young lieutenants in their twenties, with all of this responsibility. If something went awry in one of the ports of America this afternoon, the captain of the port, some 20-year-old lieutenant, would be in charge and be the responsible one. And he has not been given the resources.

Congress has outlined his responsibility in law, but by way of appropriation, they have not given him the help. And he is trying to get the Customs and the DEA, the Ports Authority, the Immigration Service, the sheriff's department, the FBI—he is trying to get them all together.

We have done that, for example. I can show where it has been done in our own backyard. I won't include the entire report in the RECORD, but you can see the particular work involved and the deliberateness now. It is not just to put money in. It is detailed. That is $50 million of the $160 million for the evaluation, implementation, and coordination by the Transportation Security Administration to secure the systems of transportation such as the container security initiative. That container security initiative is exactly what I was talking about. The Commissioner of Customs is already overseas and making arrangements with 17 different ports so far. But then you have for the cargo and employees, the standards, the good conduct, the inspection equipment, the computers and everything else. That fleshes out that particular $160 million. What I just referred to was under the Customs and border protection.

Now to the Transportation Security Administration. For an additional amount of salaries and expenses, it is $680 million, but that is one half of what we authorized. The $600 million will be available for port security grants. It is just like during the Walter Mondale campaign, when he asked, Where is the beef? Well, where is the beef in your port security measure, Senator? I say this is the beef. This is the one thing the ports are really interested in so they can finance the different endeavors going on.

The weekend before last we raised the alert to orange. At that particular time, we had everybody fighting over the same personnel. Secretary Rumsfeld wanted them in Iraq, and my National Guard and my Reserves are gone. My Reserves are in the C–17 field in my own backyard. They have been going since September 12, 2001, around the clock, 8-hour shifts. There are three teams. I have been there to the hangar and visited with them. They have been doing a magnificent job. But they are concerned because some of them are mechanics, security officers, that kind of thing. So the Governor of South Carolina, on this orange alert the week before last, had to get patrol officers to place around the port of Charleston. I saw it myself. That is the kind of strain and stress from the emergency we are in.

But $30 million is for the worker identification card. That was a tough one for us. We worked with the unions on the background checks, and they are ready to move quickly. Now the unions said, you put that in law. You know how it is when they recommend somebody for a judge, then sit another 3 months before the FBI gets around to them. That is the situation here with all of these security personnel. Anybody who enters that secure area has to have a criminal background check. That is the money that is needed there. It is not in the emergency bill.

Otherwise, there is $50 million for the Bureau of Customs and Border Protection to flesh out their Operation Safe Commerce which is the Coast Guard assessment in the Register. The Coast Guard submitted into the Federal Register exactly what it would cost to get these assessments and things going. I ask unanimous consent to print that in the RECORD.

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

Based on this analysis, the first year cost would be approximately $1.4 billion, with costs of approximately Present Value (PV) $6.0 billion over the next 10 years (2003–2012, 7 percent discount rate). The preliminary cost analysis in Appendix C presents the costs in three sections: vessel security, facility security, and port security. The following is a summary of the preliminary cost analysis.

Vessel Security. The first-year cost of purchasing equipment, hiring security officers, and preparing paperwork is approximately $188 million. Following initial implementation, the annual cost is approximately $144 million. Over the next 10 years, the cost would be PV $1.1 billion approximately. The paperwork burden associated with planning would be approximately 140,000 hours in the first year and 7,000 hours in subsequent years.

Facility Security. The first-year cost of purchasing equipment, hiring security officers, and preparing paperwork is an estimated $963 million. Following initial implementation, the annual cost is approximately $535 million. Over the next 10 years, the cost would be PV $4.4 billion approximately. The paperwork burden associated with planning would be approximately 465,000 hours in the first year and 17,000 hours in subsequent years.

Port Security. The first-year cost of establishing Port Security Committees and creating Port Security Plans for all port areas is an estimated $120 million. The second-year cost is approximately $106 million. In subsequent years, the annual cost is approximately $46 million. Over the next 10 years, the cost would be PV $477 million approximately. The paperwork burden associated with planning would be approximately 1,090,000 hours in 2003, 1,278,000 hours in 2004, and 827,000 hours in subsequent years.

Mr. HOLLINGS. You can see this is not going to solve the problem, but it shows an awareness of the Congress of what they have mandated in law. We have required these local communities to do lots of things, and they haven't done anything about it. And we need this money. It is an emergency.

The Senate and the House last year said it would cost $2.8 billion. The Senate just the week before last in the budget resolution said $1 billion at least for this year. And we are trying our best to do that with this particular amendment, just put the money to where the mouth is.

I yield to our distinguished chairman.

The PRESIDING OFFICER. Does the Senator wish to send his amendment to the desk.

Mr. HOLLINGS. I thought the amendment was called up by Senator REID.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 445.

Mr. REID. 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:

At the appropriate place insert the following:

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $93,000,000, to remain available until December 31, 2003, of which not less than $50,000,000 shall be for port vulnerability assessments and the port vulnerability assessment program, and not less than $7,000,000 shall be for the purchase of radiation detection equipment, and not less then $36,000,000 shall be for the establishment of Maritime Safety and Security Teams.

ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction and Improvements'', $57,000,000, to remain available until December 31, 2003, to implement the Automated Identification System and other tracking systems designed to actively track and monitor vessels operating in United States waters.

BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION

For an additional amount for ''Customs and Border Protection'', $160,000,000, to remain available until December 31, 2003, of which not less than $110,000,000 shall be for the deployment and installation of portal screening equipment at our Nation's seaports, and of which not less than $50,000,000 shall be for the evaluation and implementation, in coordination with the Transportation Security Administration, to secure systems of transportation such as the Container Security Initiative and the Customs-Trade Partnership Against Terrorism.

TRANSPORTATION SECURITY ADMINISTRATION

For an additional amount for ''Salaries and Expenses'', $680,000,000, to remain available until December 31, 2003, of which not less than $600,000,000 shall be available for port security grants for the purpose of implementing the provisions of the Maritime Transportation Security Act, not less than $30,000,000 shall be for continued development and implementation of the Transportation Worker Identification Card as well as for background checks of transportation workers who work in secure areas or who work with sensitive cargo or information, and not less than $50,000,000 shall be for the evaluation and implementation, in coordination with the Bureau of Customs and Border Protection, of secure system of transportation such as Operations Safe Commerce.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $10,000,000, to remain available until September 30, 2004, for the development of seaport security training programs, and for equipment and personnel to provide training to Federal, State and local law enforcement agencies and, notwithstanding any provision of law, private security personnel performing seaport security functions.

Mr. BYRD. Mr. President, the amendment before the Senate addresses what many experts view as the largest vulnerability in the Nation's defenses here at home. This amendment would direct critical funds to the Nation's seaports.

During the Senate Appropriations Committee's homeland security hearings last year, one witness, Stephen Flynn, noted that the Nation's seaports ''are the only part of an international boundary that the Federal Government invests no money in terms of security. . . . Most ports, the best you get is a chain link fence with maybe some barbed wire.''

Is that comforting?

Consider that U.S. ports receive 16,000 cargo containers per day and 6 million containers per year that U.S. ports are home to oil refineries and chemical plants that process noxious, volatile chemicals; that there are 68 nuclear power plants located along U.S. waterways; that the average shipping container measures 8 feet by 40 feet and can hold 60,000 pounds; and that a ship or tanker transporting cargo can hold more explosives and dangerous materials than could ever be smuggled in an airplane or a truck crossing a land border.

Yet, despite the clear danger, the best port protection the American people have is a chain link fence? It is unfathomable why we have not insisted that this amendment be signed into law months ago.

Last November, the President signed the Maritime Transportation Safety Act. This amendment provides $1 billion to begin addressing these Federal requirements.

Specifically, this amendment provides $600 million in port security grants to begin to assist our seaports in hardening their physical security to comply with the Federal law. Additionally, the authorizing legislation requires that all vessels operating in U.S. waters carry equipment which will allow the Coast Guard to actively track and monitor their movements. This amendment provides $57 million so the Coast Guard can establish a system to track these vessels.

The amendment also addresses other critical port security needs such as providing additional cargo screening equipment for our seaports and funds to expedite the port security assessment program. Funds are also included to establish three additional Coast Guard Maritime Safety and Security Teams for domestic port security needs.

Funding is providing to improve secure systems of cargo transport from the port of departure overseas to the port of arrival in the United States.

The Port of Los Angeles and the Port of Long Beach, each in California, account for 35 percent of the international trade moving into and out of the United States. Port officials estimate that they need $10 million to build a container inspection facility where suspicious packages and freight can be opened and inspected. Similar realities face ports up and down the Atlantic and Pacific seaboards. Last December, the U.S. Coast Guard issued a report stating that the first year cost to implement port security authorizing legislation that the President signed in November would total $1.3 billion and that total costs for the next decade would be $6 billion. But despite the clear danger, and despite the overwhelming vote of approval by Congress to authorize security improvements at our seaports, the dollars have not been forthcoming.

International authorities have linked 20 merchant vessels to Osama bin Laden. Some of the vessels are thought to be owned outright by bin Laden business interests, while others are on long-term charter. The Times of London reported in October 2001 that bin Laden used his ships to import into Kenya the explosives used to destroy the U.S. embassies in Kenya and Tanzania in 1998.

This amendment would make sure that more than a chain link fence is protecting the nation's ports. Children learn to hop a fence at an early age. How hard would it be for a terrorist?

I urge my colleagues to support this amendment.

Mrs. BOXER. Mr. President, I am pleased to co-sponsor the port security amendment offered by Senator Hollings.

In the wake of the terrorist attacks on September 11, ports are struggling with an entirely new set of challenges to protect ports, citizens and the economy from the possible threat of terrorism. This is a huge task.

I was fortunate to be named as a conferee on the port security bill last year. The bill that became law was a good bill.

It will greatly improve security at our Nation's port in light of the challenge following September 11. But only if we provide the money. And so far, we have failed to do so.

I feared this would happen. Many potential funding options were suggested during the conference. But, all of them were rejected by the other body. So, we had no funding source. We had to rely on appropriations. And, we are not providing enough funding for our local ports.

Let me explain why this law is so crucial and why we must fund it with this amendment.

The law creates national and regional maritime transportation/port security plans to be approved by the Coast Guard, including better coordination of Federal, State, local, and private enforcement agencies.

The law mandates the development of regulations to determine secure areas in ports and to limit access to these areas through background checks that will result in a transportation security identification card.

The bill also establishes a grant program for local ports, waterfront facilities operators, and State and local agencies to provide security infrastructure improvements.

But again, there's no money.

Port Security must be a priority.

The Hart-Rudman report was released last October. Their report, ''America Still Unprepared—America Still in Danger,'' discusses the shortcomings in port security. This report

recommends making ''trade security a global priority.''

According to the report, 43 percent of all maritime containers that arrived in the United States in 2001 came through the ports of Los Angeles and Long Beach.

The ports of Los Angeles and Long Beach requested $70 million in post-September 11 security grants. To date, they have received only $6.175 million.

That's just one port. The American Association of Port Authorities estimates the costs of adequate physical security at the Nation's commercial seaports to be $2 billion. Only $92.3 million in Federal grants have been authorized and approved.

We know that last year with the closing of the West Coast ports because of a lockout, the cost to the economy was $1 billion per day for the first five days. Then, the costs increased exponentially. This shows how vital it is for our economy to keep the ports operating.

If there was an incident at any port in the country, all the ports would be closed. This would cost billions and billions per day.

The Hart-Rudman report also says we need to be proactive. We have identified the threat, but we haven't done enough to protect our ports.

This amendment provides $1 billion for port security, including $600 million in grants for local ports.

We cannot leave our homeland unprotected against terrorism. This is why I encourage my colleagues to support this amendment to add more funding for port security.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I am grateful to my friend from South Carolina for the way he has put this amendment. Unfortunately, it is part of a large stream of amendments. If this were the only amendment offered for Coast Guard expenses and to homeland security in addition to this bill, as manager of the bill, I would have no difficulty in dealing with it. But we expect a whole series of amendments during this period.

I want to point out this bill came to us as a defense supplemental for the purpose of meeting the needs of the conduct of three separate war operations. We have a war on terrorism, a war in Afghanistan, and a war going on in Iraq. Of the total that we have coming out on the committee bill, we have $78.7 plus billion. It is really $78,736,600,000. Even Everett Dirksen thought that was a lot of money. But when you look at this, what was asked for, for the total for homeland defense, $4,676,000,000, that is on top of what has already been appropriated for the Department of Homeland Security in the omnibus bill we just passed and what will be appropriated in the fiscal year 2004 that is coming.

I know many people, including myself, believe there should be more money allocated to homeland security. But what should we do? If I were to say I would accept the Senator's amendment, but behind it there is a total of $6.5 billion that I have been told so far dealing with homeland security amendments, another $6.5 billion will lead this bill to being assaulted in the House and severely questioned by the President. We don't have the emergency procedure available. We don't have a budget. So this can't be dubbed an emergency under the Budget Act and just sent downtown and ignored by the President, which is something we have done in the past. This either has to be in the bill or it is not going to be in the bill.

I want the Senator to know, as I have said, we believe there is money here. Requests are going to come at us for purchasing of community-oriented policing policies, interoperable equipment problems, the problem of firefighters and emergency medical service teams in terms of their equipment that is currently not interoperable. We have money I certainly think is needed in terms of the screening equipment and new technology screening at ports. That is another $110 million.

Once you start down this line, you have to ask yourself, why aren't these being raised in the 2004 bill. None of them are going to be spent this year. This isn't money for the immediate emergency. This is money that should be addressed in the 2004 bills. They are still pending out there. We will have this same debate on the 2004 bills. These same amendments will be offered then.

Why don't we wait until then? That is my advice to the Senate. Let's wait. We know these are pending requests. We know many of them are very important, and some of them I shall join in urging we try to get money. But right now we are trying to get money for the President so he can handle these wars. This is not port security. It is not interoperability of equipment. It is not money for Guard and Reserve equipment. It is not money that is going to be spent next year.

(Mr. CORNYN assumed the chair.)

Mr. STEVENS. This is money for this year—not only this year, but within the next 8 weeks it has to be to the armed services. I say to my friend, very respectfully, when the time comes, I am going to have to move to table this amendment, although I hate to do it because I agree with it in many ways. But it is not the only thing coming at us. Every one of these, like another straw on the camel's back, will take more time to deal with in conference with the House and with the President, and meanwhile we don't get the money out there for the troops.

I hope the Senate will stay with us. Let's restrict this bill to the emergencies related to the war effort, and the homeland security money in here is related to the war effort. It is nuclear security, it is a transfer of treasury for homeland security. One of the items is a smallpox amendment which is already in the bill. Those moneys can and will be spent before September 30 of this year. They must be. We don't have an extension on them. They are all money to be spent this year.

This money the Senator seeks is money that could be spent over the next 2, 3 years. Who knows how long it will be before we identify the tracking systems that can track and monitor vessels in U.S. waters that are better equipment than we have now. We have some, but it is not good. We know that. It is not up to date. In particular, I seek to join in trying to check the backgrounds of transportation workers. I would very much like to be involved in finding ways to finance the screening equipment that deals with containers coming into our ports. But this isn't the place to do it.

I told the Senate before this morning—I have asked the Chairman of the Joint Chiefs and the individual service chiefs when this money is needed. They started in early May and continued through June, so this money has to be there. It cannot be there if we get items to continue this bill and carry us into a period beyond the recess we intend to take for Easter. I say respectfully to my friend, it is just not something we can handle.

The administration takes the position that the 2003 bill and 2003 supplemental and the 2004—those are all fiscal years—appropriations bills have started the process of providing money for port security, customs, transportation, law enforcement, domestic preparedness, and other items.

The bill we have in place—the 2003 Appropriations Act—contains the largest increase for Coast Guard in the history of the United States, over $1 billion more than 2002. The Senator from South Carolina and I were partially responsible in that. We joined together in that fight on the omnibus bill. At 2004, the discretionary funding of the Coast Guard will be increased by another billion and a half, another 36 percent over 2002. That will add to the Coast Guard in excess of $2.5 billion for the period of 2004.

Now, we are moving toward these things, but we cannot do them all in this bill, which is designed to be a supplemental for 2003.

By the way, I am very concerned about the container security initiative. The Senator from New York and I have worked on that. We are continuing to try to push and push and push to identify the type of technology that could give us the ability to increase the surveillance on containers as they are placed on ships destined for the U.S. We want to reach out and put them on the foreign ports. We don't have to wait until they are in our ports before we discover things dangerous to us.

I commend the Senator from New York and the Senator from South Carolina for working on this, but we don't need more money now. We need some results, as far as the basic investments in technology. The President's

budget has $375 million in the 2004 budget for just that—initiatives and technology investments, radiation detection, x-ray machines for cargo containers. That is not even available yet. We don't have the state-of-the-art equipment to do what some of these amendments insist we must do—and things I want to do in the long run.

This Senator still represents more than half of the coastline in the United States. Everything we eat and consume and put on our backs comes to us from outside of our State. We are the one State totally dependent upon transportation, particularly marine transportation. I will work night and day with my friend to see we can get there when we develop the technology that we can approve. But we cannot put the money out in front of the technology. I think we have to have more money for assessments, portal monitors, maritime safety, and response teams—I support those—automated identification system, long-term security programs, transportation worker IDs. But these are not wartime-related costs.

We are in three wars at one time. Please, let me ask the Senate to remember that. That is what my job is—to try to get the bill passed as quickly as possible to address wartime-related costs at the request of the President of the United States. That is what I intend to do.

This amendment should not be included in wartime supplemental funding. I regret that when the time comes I shall move to table my friend's amendment. I don't know whether he wants to respond or not. I don't know whether we want to vote at this time or not. A lot of things are going on in the building. I will rely on the leadership. I ask my friend if he wishes me to allow him to respond.

Mr. HOLLINGS. I want to respond.

Right to the point, the distinguished chairman says that, yes, he generally agrees, and he talks knowingly of the importance of the ports and the need for security. He knows because Alaska has coastlines. We have ANWR that we have all been debating. I wish they would read the book on John D. Rockefeller. Rockefeller made his money not on oil, but on the delivery of oil. This is the delivery of ANWR and oil out of Alaska at the Port of Valdez, which has no security whatever. It is a typical port, just like in my hometown, that wasn't interested in port security. But after 9/11 things changed, and we are just bringing them in now and getting those plans promulgated.

Let me emphasize that this was done totally in conjunction with Secretary Mineta and the Transportation Security Administration. Specifically, Admiral Loy was then head of the Coast Guard when he found those needs out. He reaffirms those needs as the Administrator of the Transportation Security Administration.

Now, my distinguished friend talks about things ''wartime related.'' Oh, yes, Iraq is a war, Afghanistan is a war, but here at home is terrorism not a war? What is he talking about? We are responsible for the security and we ran around and did just that—we passed the port security measure 100 to 0 through here, but we didn't put the money behind it. So they haven't had but $93 million distributed out of $29.8 billion that we authorized.

I have served on the Appropriations Subcommittee on Defense for over 30 years. I know about wartime-related expenses. We would not deny in a second the troops in uniform, but the troops out on the line at the ports, at the airports, and different other places in America, we say, well, that is pork, or there just wasn't money back home.

I told you about our Governor. He had to put parole officers around the Port of Charleston last week. That is the way it continues with all these particular ports over America.

This is not a measure to be tabled and say we have other amendments coming. I cannot defend or talk for or against the other amendments coming. I know this particular need. I can tell you here and now, it has been justified by the administration and by Senators, both Republican and Democrat.

We did not say we have all these amendments for the airlines. We just gave them a billion dollars because they did not know how to run an airline. Their troubles were long before 9/11. Many have gone into bankruptcy.

Then we gave them another billion dollars for security, and then we gave them $1.5 billion more to make sure they had $3.5 billion all together, but we will not give money for port security.

Yes, this is going to be spent not in 8 weeks, but in 5½ months. We have the rest of April, May, June, July, August, and September—5½ months. It is not just that the money is not going to be spent. The ports have been waiting for the money. They have been holding on endeavors. This is not just the amendment of the Senator from South Carolina, this is the amendment that should be supported by all for ports in America, but the ports have not learned what the airlines have learned. I am going to try to get them on the line and see if they can't hire the airline lobbyists where they get $3.5 billion for not knowing how to run an airline, and yet when I come forward with this amendment, the Senator says: We have some other amendments coming and, therefore, I do not want to approve this amendment. He says he is going to have to table this one. In other words, we are on a course to table all amendments.

The Senator says this bill is for wartime-related items. The war started on 9/11, the terrorism war, and that is just as serious a war as anything going on in Afghanistan or in Iraq. We just do not have uniforms, and we have taken those frontline troops and have sent them to Iraq. The policemen, the firemen, the Reserve officers, the National Guard—we have drained them all for Iraq, and then all of a sudden act like there is not a terrorism war.

The Senator says this is a wartime-related Defense supplemental. That is what I am talking about: Money to be expended on defense, on home security defense, that we are all worried about, and we act like it is not important at all; that it is just some domestic program we can get to later on. I wish I had a ship. I would run it up some river and blow it up and wake this crowd up, and then the money would come. But right now we have a system where the chairman—I can't even get anybody on the floor, the chairman has told them to stay off the floor—but this chairman is going to table all these amendments.

Since I have the floor, let me talk about paying for these expenses. In January, I offered an amendment to pay for the war. I did not think back in April we were going to be debating and appropriating some $75 billion for the war. We are not paying for the war. We are going to borrow for the war. The distinguished chairman is saying, I am just not going to borrow anymore, like there is some restriction against borrowing in America.

What we have is not a stimulus, and I am going to bring it in to focus. Everybody runs around here cutting taxes. Why? To get reelected. That is Carl Rove's tax cut. That is all it is. It is a Carl Rove tax cut to get reelected. He told the President: To get reelected next year, you have to have a tax cut.

That is outrageous nonsense. We do not have any taxes to cut. We ran a $428 billion last year. We have under the President's budget a $554 billion deficit this year. I say to the distinguished Presiding Officer that does not include the cost of Iraq, which the President says is $75 billion, just for 6 months. God knows what it is for a year. Next year, the deficit will be $569 billion without the cost of the war and the occupation, by that time, I take it, of Baghdad.

What we will have is a $600 billion to $700 billion deficit in the election next year. Tell Carl Rove that. The interest cost, instead of $350 billion, is going to be $400 billion to $500 billion. We are in a meltdown because there is no responsibility.

I resent the idea of my distinguished friend from Alaska acting like ''I am not going to spend the money; I am just trying to get money that could not be spent in the next few months and is not needed'' when we vetted this issue, Republicans and Democrats. We need this money. We need this kind of security, but, oh, no, they will pass $3.5 billion for the airlines, and they will pass nothing for port security. They will pass a tax cut to get reelected next year.

We have a country that will be worse than we inherited. This will be the first time in history that one generation is going to leave the country worse off for the next generation. We always received a better country.

We have to go through these gymnastics up here of playing games for

tax cuts, playing games for the lobbyists and the airlines, and then when they do not have the lobbyists, they act as if this is a casual one and I will just move to table the amendment.

We aren't going to table right now because I have the floor. We are going to talk some more about paying for the war.

I think it is a disgrace that we would send our GIs to Iraq and say: We hope you don't get killed, and the reason we hope you don't get killed is because we want you to hurry back so we can give you the bill. We aren't going to pay for it. We have to have a tax cut so we can get reelected.

We look out for No. 1, not for the fellow on the battlefield. Oh, yes, we have the Flag in the lapel. We recite the Pledge of Allegiance to the American Flag. We have a moment of silence before we meet in subcommittee and other hearings. We stand up. We are very reverent. There are millions and millions for tribute, but not one red cent for defense. This is homeland defense. That is what it is.

I am sure the distinguished chairman of the party of Lincoln remembers well that Lincoln, to pay for the Civil War, put a tax on dividends; to pay for the Civil War, he put a tax on estates.

Now this party of Lincoln wants to take the tax off dividends and off estates and lecture about the port security that somehow the money is not needed; that we could not spend it; that we have other measures coming along the line and we are going to move to table all the amendments; we have already met in caucus, so we are going to table all the amendments and say: We got this money for the war effort; we did not get it for the terrorism war. That is what the Senator from South Carolina is talking about. We do not have any idea what is happening on the floor of the Senate. It is all politics. It is all applesauce, as Will Rogers said, and we are not paying attention to the real needs.

Here we have a real need, and we have to get the security around the ports of America.

As I said, there are some 55 important ports that terrorists could blow up and close down the economy for 1 year to 2 years. We all know that, but we pass it over because we have a system: We are going to leave this weekend, and we want to make sure we get rid of this bill before the weekend; what he wants to do is move to table these kinds of amendments.

Let me speak about this port security. I ask unanimous consent to print the details of my port security amendment to the supplemental appropriations bill in the RECORD.

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

HOLLINGS' PORT SECURITY AMENDMENT TO THE APPROPRIATIONS SUPPLEMENTAL

Sen. Hollings amendment to the ''Iraqi Freedom/Liberty Shield'' supplemental appropriations bill would add $1 billion for seaport security needs through the Department of Homeland Security. Sen. Hollings recommends that the money be spent consistent with the Maritime Transportation Security Act of 2002, as follows:

THE BORDER AND TRANSPORTATION SECURITY DIRECTORATE ($840 MILLION)

$110 million to Customs for the installation of screening equipment, and to be used to help develop new technologies to help develop and prototype screening and detection equipment at US ports.

$100 million to TSA and Customs; $50 million each, to evaluate and implement cargo security programs.

$30 million for the Transportation Security Administration (TSA) to develop and implement the Transportation Worker ID Card, and to conduct criminal background checks of transportation workers who work in secure areas or who work with sensitive cargo or information.

$600 million for grants to states, local municipalities, ports and waterfront facilities for port security contingency response and to help ensure compliance with federally approved security plans.

COAST GUARD ($150 MILLION)

$50 million for port security assessments.

$57 million to help implement the Automated Identification System (AIS) and other tracking systems designed to actively track and monitor vessels operating in US waters.

$36 million for Maritime Safety and Security Teams (MSST's) to increase the number of teams and provide capital equipment.

$7 million for radiation equipment development and implementation at cargo portals.

FEDERAL LAW ENFORCEMENT TRAINING CENTER ($10 MILLION)

$10 million to develop a seaport security training curriculum, in conjunction with the Maritime Administration, for the certification of federal and state law enforcement officers and private security personnel working at seaports.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to print on page 20 and 21 of the supplemental appropriations report, under chapter 5, Department of Homeland Security, the itemizations for the sections listed.

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

OTHER BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

IRAQI RELIEF AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

2003 appropriation to date	
2003 supplemental estimate	$2,443,300,000
Committee recommendation	2,468,300,000

The Committee provides $2,468,300,000 for the Iraq Relief and Reconstruction Fund for humanitarian assistance in and around Iraq and for rehabilitation and reconstruction in Iraq. The Committee expects that the transfer authority provided by this provision will not be used to transfer funds to the Department of Defense. Prior to the initial transfer of funds, the Secretary of State shall consult with the Committee on Appropriations on plans for the use of the funds appropriated under this heading.

The Committee provides that funds appropriated under this heading shall be used to fully reimburse accounts administered by the Department of State, the Department of the Treasury, and the United States Agency for International Development for expenses relating to the pre-positioning of relief and reconstruction assistance for Iraq prior to the enactment of this Act. The Committee notes that the following accounts should be reimbursed from funds appropriated under this heading: $157,000,000 for ''Development Assistance''; $3,900,000 for ''Transition Initiatives''; and $100,000,000 for ''Economic Support Fund''. The Committee requests to be notified when reimbursements have been requested and fulfilled.

The Committee notes that funds appropriated under this heading are subject to the regular notification procedures of the Committee on Appropriations, except that notifications shall be transmitted at least 5 days in advance of the obligation of funds.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 501. The Committee includes transfer authority between certain accounts, and requests to be consulted before this authority is exercised.

SEC. 502. The Committee provides the request for authority to provide assistance or other financing in this chapter for relief and reconstruction efforts in Iraq notwithstanding any other provision of law. Funds made available pursuant to this authority shall be subject to the regular notification procedures of the Committees on Appropriations, except that notification shall be transmitted at least 5 days in advance of the obligation of funds.

SEC. 503. The Committee provides the request for the repeal of the Iraqi Sanctions Act of 1990, and other limitations on assistance for Iraq.

SEC. 504. The Committee provides the request for the authority to export to Iraq any item subject to the Export Administration Regulations or controlled under the International Trafficking in Arms Regulations on the United States Munitions List, if the President determines that to do so in the national interests of the United States. The Committee requests the President, after consulting with all relevant departments and agencies, to report to the appropriate congressional committees on a semiannual basis on all Commerce and Control Munitions List items transferred to Iraq, and the person or entity to which each item has been transferred. The Committee requests that the first report be submitted to Congress no later than 90 days after enactment of this Act.

SEC. 505. The Committee provides $10,000,000 in ''Economic Support Fund'' assistance for the establishment of a tribunal for the prosecution of Saddam Hussein and other Iraqi war criminals.

SEC. 506. The Committee includes the Sense of Congress providing that, to the maximum extent practicable, contracts and grants for relief and reconstruction in Iraq should be awarded to United States companies and organizations, those located in the Near East region, and those from countries who have provided assistance to Operation Iraqi Freedom. The Committee believes that reconstruction efforts should include employment and other opportunities for the Iraqi people.

SEC. 508. The Committee provides the Secretary of State with a national security interest waiver for certain restrictions on assistance for Ukraine contained in Public Law 108–7.

Mr. HOLLINGS. That is a total sum of $1.135 billion, not a thing of what the Senator's amendment encompasses. We have $12 billion to $20 billion that is stolen from the ports, and we are trying our best to change the culture there. We have had good success with respect to the background checks. That was a big holdup on the Senate side.

We worked with the unions and they agreed that we should have background security checks for the workers. So in checking that out, they now are anxious because they said now you have it in law that we have to have the cards, but they are not coming through with the cards in the system. So how can we comply? That is in this Senator's provision for port security. The distinguished Senator from Maine, Ms. OLYMPIA SNOWE, was asking questions at the hearings and Admiral Collins said he was hopeful by the end of fiscal year 2003 we will have 17 of the 55 port plans done.

Here is Admiral Collins's answer:

We have an $11 million recurring base to do port-security assessments. Part of the feature of the 2004 budget was that $11 million was moved to the Department, Under Secretary for Information Analysis and Infrastructure Protection. The same approach taken with TSA, Transportation Security Administration also has money to do assessments in other modes of transportation. They have been centralized. The funds—as part of the President's budget, those funds have been centralized in the Under Secretary for Information Analysis and Infrastructure Protection. Although we remain the executive agent, if you will, of that Under Secretary to perform in the maritime.

So we have not gotten the money.

It is an $11 million issue. As that new Under Secretary, who is still filling empty chairs as we speak matures, we will develop the working relationship, a very collaborative, congenial relation to date on the issue, no contention. And we will continue to pursue our assessments.

But then we are only going to have by the end of the year some 17 of the 55 done.

This is an emergency. I implore my colleague from Alaska, the chairman of our Appropriations Committee, get some money into this endeavor. I do not know about these other amendments that are coming along. He knows this better than any Senator in the Senate because I know Alaska, and I know the Senator's record. We do not have that money. That is why I went down and itemized. I knew that I was not going to ask for money that the Senator knew more about than I did, so I had to rehearse myself and break down every particular item in the supplemental appropriation. I did not have the money, so that is why I pointed out where in the billion it comes from.

Mr. GRAHAM of Florida. Mr. President, I rise today in support of the Hollings amendment to this supplemental appropriations bill, which would provide $1 billion to this Nation's seaport security programs.

Seaports are one our Nation's greatest assets, serving as the lifeline for economy and trade, for the fishing and cruise ship industries, and to military operations. But they remain one of our greatest vulnerabilities.

Our ports are susceptible to misuse by a terrorist organization. When a cargo container arrives on our shores, it is quickly loaded onto a truck or a train, and is transported to any of our cities, leaving all Americans vulnerable to a security lapse.

Right now, the Federal Government is not completely fulfilling its responsibility to protect our seaports. I am very pleased that the Maritime Transportation Security Act was signed into law last year. But for this legislation to be effective, it must have a predictable and sustained funding source for the agencies tasked with maintaining the security of our maritime borders.

We will never have enough law enforcement personnel or the perfect intelligence to detect and deter all potential threats. Technology is a promising approach to closing this gap—it may aid in container tracking, security, anti-tampering, and examination. These systems may also eventually have the ability to detect the presence of chemical, biological, and nuclear weapons at our Nation's ports.

I agree with Senator HOLLINGS that an attack on our seaports would be devasting. Compounded by the reality of our economic dependence on ports and the available intelligence on threats, it is inexcusable that we have not done more. Senator HOLLINGS' amendment would provide funding for industry and port security grants, State and local entities, the Maritime Administration, the Coast Guard, the Customs Service, and the Transportation Security Administration.

Since the tragedy of September 11, 2001, the threat and impact of terrorism has become real to many Americans. The global war on terrorism must be waged with equal intensity and commitment, both overseas and—here in our own Nation including at our seaports.

My colleagues may argue that this amendment is not war related, but I disagree. Our war effort depends on access to our 13 strategic military seaports, which support our operations in Iraq. These ports, like the rest of our 361 ports, are insufficiently vulnerable. If a terrorist threat were to affect one of our ports, our military operations could be negatively impacted.

The security of our borders is a national responsibility. Investing in maritime security is as vital as investing in our intelligence capabilities or investing in our Nation's airports.

I urge my colleagues to support the Hollings amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I regret the problem we have with regard to the funding for these items. I call attention to the fact that we are trying to get a supplemental appropriations bill to deal with the costs of the war primarily, not just one war but the war against terrorism, the war in Iraq, and the war in Afghanistan.

I know of no other way to do it than to say we have reached a limit as far as what we are going to do. This thought just came to my mind. We have gone beyond the President's request to deal with the most pressing need, and that is the aviation industry relief. We have some benefits for that industry, almost $4 billion, that deal with trying to give that industry the ability to rejuvenate the economy. If they come back, the whole economy comes back, in my judgment.

In any event, the more we put in the supplemental, the more we will have a situation where we will not get that either. The aviation industry relief, I am told, needs to be finished almost immediately. Some of these companies are going into chapter 11 right now. Others are indicating that they may cease operation.

I really believe the major factors in this bill are defense, homeland defense and aviation industry relief. I urge the Senate to think about it and confine it to that.

I move to table the amendment of the Senator from South Carolina, and I ask that the vote on that amendment take place following the amendment of the Senator from Louisiana, Ms. LANDRIEU. I further ask that prior to Ms. LANDRIEU, the Senator from Colorado and the Senator from Arkansas share 15 minutes on the amendment they have, which it is my understanding we are in the position now where we will adopt that amendment. I do not know the final status of the amendment of the Senator from Louisiana so I will not move to adopt it, obviously, since it is not before us yet. But that will be my intention when we finish.

My friend from Nevada and I are trying to estimate when these votes would take place. I want 5 minutes to respond to the Senator from Louisiana after she offers her amendment. So it would be 5:15 that we would be voting.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If the distinguished Senator will yield, I ask that the matter proceed as the Senator from Alaska has outlined: that there would be no second-degree amendments in order, and following the offering of the amendment by the Senator from Louisiana and the statements of the two Senators from Arkansas and Colorado, we would proceed to vote on the motion to table; and then following that, the Landrieu amendment, whatever the Senator decides to do on that.

On our side, Senator CORZINE is ready to offer his amendment. Following that, Senator BYRD is ready to offer his amendment. That is not a UC. That is just for the information of Senators. The rest of the unanimous consent agreement, I ask be adopted.

Mr. STEVENS. Reserving the right to object, I think we should go back and forth.

Mr. REID. That is not part of the deal.

Mr. STEVENS. I certainly have no objection to the Senator's unanimous consent request.

Mr. REID. Mr. President, the staff had some question about the time on

Landrieu. The time was 15 minutes for the Senator from Louisiana and 5 minutes for the Senator from Alaska.

Mr. STEVENS. It is my understanding that there will be no second-degree amendments to the Landrieu amendment or to the amendment of the Senator from Colorado.

The PRESIDING OFFICER. That would be the Chair's understanding.

Mr. STEVENS. That does not apply to subsequent amendments.

Mr. REID. That is right.

The PRESIDING OFFICER. That is the Chair's understanding.

Is there objection?

Mr. ALLARD. No. I want to ask for a clarification. Will I introduce my amendment following the Landrieu amendment?

Mr. STEVENS. The Senator from Colorado is first. He and the Senator from Arkansas share 15 minutes.

The PRESIDING OFFICER. It is the Chair's understanding that the Senator from Colorado will be first.

Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. ALLARD. I ask that the pending amendments be set aside.

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

AMENDMENT NO. 451

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself, Mr. WARNER, Mr. MCCAIN, Mr. PRYOR, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mrs. DOLE, Mr. CHAMBLISS, Mr. NELSON of Florida, Mr. CORZINE, Mr. CORNYN, and Mrs. CLINTON, proposes an amendment numbered 451.

Mr. ALLARD. 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 establish a panel to determine responsibility for an atmosphere at the United States Air Force Academy that was conducive to the recent acts of sexual misconduct at the United States Air Force Academy)

On page 89, between lines 4 and 5, insert the following:

TITLE V—PANEL TO REVIEW SEXUAL MISCONDUCT ALLEGATIONS AT UNITED STATES AIR FORCE ACADEMY

SEC. 501. ESTABLISHMENT OF PANEL.

(a) ESTABLISHMENT.—There is established a panel to review allegations of sexual misconduct allegations at the United States Air Force Academy.

(b) COMPOSITION.—The panel shall be composed of seven members, appointed by the Secretary of Defense from among private United States citizens who have knowledge or expertise in matters relating to sexual assault, rape, and the United States military academies.

(c) CHAIRMAN.—The Secretary of Defense shall, in consultation with the Chairmen of the Committees on Armed Services of the Senate and House of Representatives, select the Chairman of the panel from among its members under subsection (b).

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(e) MEETINGS.—The panel shall meet at the call of the Chairman.

(f) INITIAL ORGANIZATION REQUIREMENTS.—(1) All original appointments to the panel shall be made not later than May 1, 2003.

(2) The Chairman shall convene the first meeting of the panel not later than May 2, 2003.

SEC. 502. DUTIES OF PANEL.

(a) IN GENERAL.—The panel established under section 501(a) shall carry out a study in order to determine responsibility and accountability for the establishment or maintenance of an atmosphere at the United States Air Force Academy that was conducive to sexual misconduct (including sexual assaults and rape) at the United States Air Force Academy.

(b) REVIEW.—In carrying out the study required by subsection (a), the panel shall—

(1) the actions taken by United States Air Force academy personnel and other Department of the Air Force officials in response to allegations of sexual assaults at the United States Air Force Academy;

(2) review directives issued by the United States Air Force pertaining to sexual misconduct at the United States Air Force Academy;

(3) review the effectiveness of the process, procedures, and policies used at the United States Air Force Academy to respond to allegations of sexual misconduct;

(4) review the relationship between—

(A) the command climate for women at the United States Air Force Academy; and

(B) the circumstances that resulted in sexual misconduct at the Academy; and

(5) review, evaluate, and assess such other matters and materials as the panel considers appropriate for the study.

(c) REPORT.—(1) Not later than 90 days after its first meeting under section 501(f)(2), the panel shall submit to the President, the Secretary of the Air Force, and Congress a report on the study required by subsection (a).

(2) The report shall include—

(A) the findings and conclusions of the panel as a result of the study; and

(B) any recommendations for legislative or administrative action that the panel considers appropriate in light of the study.

SEC. 503. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—(1) Members of the panel established under section 501(a) shall serve without pay by reason of their work on the panel.

(2) Section 1342 of title 31, United States Code, shall not apply to the acceptance of services of a member of the panel under this title.

(b) TRAVEL EXPENSES.—The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel.

Mr. ALLARD. Mr. President, I thank the chairman for giving me an opportunity to offer this amendment. Twice this past week, the Secretary of the Air Force, James Roche, and the Air Force Chief of Staff, GEN John Jumpers, testified before congressional committees on the progress of the Air Force's investigation into the allegation of sexual misconduct at the U.S. Air Force Academy.

Like many of my colleagues, I was stunned to hear these officials exonerate the leadership of the Academy. The Air Force investigation has not been completed, yet Secretary Roche and General Jumper have already determined that these officials were not responsible. To make this determination before the investigation is completed is irresponsible and inappropriate, in my view.

Mr. President, 42 former and current cadets who allegedly were sexually assaulted or raped have contacted my office. Some of these cases are between 5 and 10 years old. Most, however, took place within the last 5 years; 20 have occurred within the last 2 years. Let me repeat that: 20 cadets say they were sexually assaulted or raped in the last 2 years at the U.S. Air Force Academy.

The Air Force said the current leadership did not know about this problem. I disagree. I believe they chose to ignore it. Since 1998, the Academy Office for Character Development has been conducting student surveys on sexual assaults. The surveys, which were reviewed by the Academy's leadership, clearly indicated a pervasive problem with sexual assaults at the Academy.

Here are some of the results from these surveys. In 1998, 22 cadets said they had been sexually assaulted at the Academy. In 2000, 17 cadets say they had been sexually assaulted at the Academy. In 2001, 167 cadets indicated they had been sexually assaulted—167. In 2002, 80 cadets said they had been sexually assaulted at the academy. These surveys were, at the very least, a warning that the Academy leadership chose to ignore.

I served on the Academy's Board of Visitors for 4 years, and never during that time did the Air Force leadership or Academy officials bring up this issue. The first time problems of sexual misconduct at the Academy were discussed was last week. I issued repeatedly over the last year at Board of Visitors meetings a concern about sexual misconduct. Last June, for example, I urged Academy officials to investigate a highly sexual drama competition put on by cadets. I was assured that the Academy would review sexual misconduct at the Academy.

Last September, I again brought up a number of concerns raised by parents of cadets about sexual assaults at the Academy. Again I was assured the Academy would look into it.

Enough is enough. It is time to take action. I appreciate the fact that the Air Force moved so quickly on its investigation. I am also pleased the Air Force has issued a number of directives. But clearly, given the history involved and the lack of action in the past, an external review is necessary.

Therefore, Senator WARNER, Senator PRYOR, Senator MCCAIN, Senator

GRAHAM, and I, along with several others, will offer an amendment to the legislation currently before the Senate. This amendment will create an independent panel that will review the Air Force's directives and determine those who were responsible for the atmosphere that was conducive to recent acts of sexual misconduct at the Air Force Academy. The panel will begin its work by May 1, 2003, and submit a report to the President, Secretary of Defense, Secretary of the Air Force, and Congress within 90 days.

I still believe in the Air Force Academy. It is a fine institution. It has trained and equipped thousands of Air Force officers. Yet this current crisis has tarnished the reputation of the school and cast doubt on its graduates. It is time for us to take action. I urge my colleagues to support our amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I see the Senator from Arkansas, the prime cosponsor, along with the Senator from Colorado. I will briefly make a comment to thank them for producing this amendment. I thank Senator WARNER, as well as Senator CHAMBLISS and others on both sides of the aisle who are responsible for this amendment. It is much needed.

We had a hearing on this issue yesterday. It was one of the most remarkable evasions of responsibility I have ever seen. Basically, in summary, testimony by the Secretary of the Air Force and Chief of Staff of the Air Force said, really, no one is responsible.

We know people are responsible and people are held responsible, including the Chief of Staff of the Air Force and the Secretary of the Air Force. The Secretary of the Air Force has proven, to our satisfaction, that he cannot and will not address this situation, this crisis, at the Air Force Academy in a mature and efficient fashion. That is what triggered this amendment by Senators ALLARD and PRYOR. I strongly support it. Clearly, the quicker this panel will act and send its recommendations, the sooner we will implement changes in policy that will prevent a recurrence.

I might add, the situation apparently has been going on for 10 years. That is clearly an unacceptable situation at one of our finest institutions.

I thank the Senator from Arkansas, the Senator from Colorado, and others involved in this important amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I concur and join in the comments of my esteemed colleague from Arizona and my colleague from Colorado on this very important amendment the Senate is now considering. I believe the Senate needs to send a very strong signal that we will not tolerate sexual misconduct at our military academies. It is not only important for the cadets and their families but also for the Nation.

Yesterday I received notice that a young woman in Arkansas has now been accepted to the Air Force Academy. I called her on the phone. She is excited, eager, ready to go. We talked about the situation at the U.S. Air Force Academy. I have no doubt it will be a great experience for her, it will be a great education, and she will excel and achieve great things in her military career.

As I continue to recommend that young men and women go to our military academies, I want to proceed with confidence and know they are going into a healthy environment. These institutions are institutions of honor. There have been dozens of allegations of sexual misconduct at the U.S. Air Force Academy. It is time we stop and honor these victims, that we listen to them.

One thing that became very clear the other day in the hearing we had was that there were a lot of facts we did not know. There is a lot of evidence we still need to uncover. We need a clear picture of the atmosphere at our military academies. We need to ensure this Nation, the Air Force, the cadets, and the families that when we send young men and women to the Air Force Academy, they are going to a constructive environment, they are going into a culture that will not tolerate sexual impropriety.

This is not about a witch hunt. It is not about pointing fingers. It is about admitting to a problem, identifying the problem, and making sure it never happens again.

I thank my colleague from Colorado for all of his hard work. The chairman of the committee also had a hand in this and is a cosponsor. We are honored to have him. I thank the Members of this body for their time and patience, especially Senator STEVENS of Alaska, who has worked this in on short notice, along with Senator BYRD of West Virginia, who has been very kind with the time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I add an additional cosponsor to the amendment, Senator DODD.

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

Mr. ALLARD. I join my colleague from Arkansas in thanking Senators and thanking Senator MCCAIN personally for his efforts on this amendment. It has been a delight to work in a bipartisan manner with the Senator from Arkansas. I also thank Senator WARNER and his staff. All our staffs have worked hard, as this has been a last-minute amendment.

We are happy to yield back.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. The only addition I would like to make is Senator CORZINE would like to be added as a cosponsor.

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

The Senator from Louisiana.

AMENDMENT NO. 452

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

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Ms. LANDRIEU) proposes an amendment numbered 452.

Ms. LANDRIEU. 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 appropriate $1,047,000,000 for procurement for the National Guard and Reserves)

In chapter 3 of title I, under the heading ''PRO-CUREMENT'', insert the after the matter relating to ''PRO-CUREMENT, DEFENSE-WIDE'' the following:

NATIONAL GUARD AND RESERVE EQUIPMENT.

For an additional amount for ''National Guard and Reserve Equipment'', $1,047,000,000.

Ms. LANDRIEU. Mr. President, I come to the floor to support the supplemental appropriations bill that is before us because it is a bill that supports our troops, it strengthens our Nation, and it sends a very positive and I hope united signal that we are unified in support of our men and women on the battlefield and our men and women who are supporting our warriors on the battlefield.

We are acting as quickly and as deliberately as we can to debate and delve in some detail into a bill that is fairly significant in size, almost $75 billion. I support that effort.

I also say I support the course of this administration. I supported the use of force. I support the course of action we are on, a tough and aggressive action toward this rogue regime. I believe, as the political leadership of this Nation, leading the world in this effort, we need to continue our support, morally, spiritually, and politically as represented by the bills we pass in Congress.

Last week, Senator DURBIN and I offered an amendment in a bipartisan partnership with Senator WARNER and Senator CHAMBLISS from Georgia. We received 100 votes for an amendment that would steer or direct some of the funding—a very small portion of the funding but funding very much needed by the Guard and Reserve—to the Guard and Reserve, which are picking up a larger share of the burden of this war, this campaign.

I am here today to offer another amendment that will support the 100-to-0 vote of last week to actually fund a portion of that amendment.

Last week, we said we wanted to raise the combat pay for Guard and Reserve and for Active military. I am pleased the Senator from Alaska has

worked out an arrangement that is going to actually make that possible. We have, I think, agreed on a doubling of the amount and have fit that within the framework of this bill. I know that is going to be received with gratitude and happiness on the part of the families who have their loved ones right there on the battlefront.

In addition to increasing the combat pay and the separation pay for all our Guard and Reserve units, I also think we need to do everything we can possibly do to send our Guard and Reserve on the battlefield with the equipment they need to win the war and to protect themselves, to stand up the American flag and be victorious in this effort. I am very concerned, as a member of the Appropriations Committee, as a former member of the Armed Services Committee, that our budgets do not reflect the commitment to our Guard and Reserve that their actions and their contributions warrant.

Let me quote the Deputy Assistant Secretary of Defense, Mr. Charles Cragin:

> The nature and purpose of reserve service has changed since the end of the cold war. They are no longer weekend warriors. They represent almost 50 percent of the total force.

If we are not members of the Reserve ourselves or do not have family members in the Reserve, I am not sure we recognize the significant change that has occurred in the last 20 years in the makeup of our armed services. Mr. President, 45 percent of the total force is made up by our National Guard and National Reserve; 1.2 million men and women who serve as reservists today are being called up to an unprecedented extent.

He goes on to say:

> We are currently calling reservists to duty involuntarily under three separate Presidential orders: For Bosnia, Kosovo, Southwest Asia. Thousands of reservists have served with great distinction around the globe, including more than 5,000 who recently deployed to Europe in support of the air campaign over Kosovo.

Of course, this was several years ago. The bottom line is they are a significant part of the total force; weekend warriors no more.

Let me state for the Record the Center For Strategic and Budgetary Assessment says:

> The reserve component represents 47 percent of our military structure but consumes only 8.3 percent of the Department of Defense budget.

There is a bias in the Department for the Active units. I am not saying one is more important than the other, but our budget needs to reflect the contributions that both the Active-Duty and the Guard and the Reserve are contributing, reflective of their contribution and their position in the total force. Our budget does not, today, do that.

My amendment attempts to add $1 billion. It is not going to bring the percentage up to where I believe it needs to be, but it is a step in that direction and it is something we can do right now. There is no reason to wait. The supplemental bill I hope to vote for—I am proud to vote for, I want to vote for—has $62 billion for Active Forces but only $271 million for the Reserve Force. Let me repeat, $62 billion for the Active Forces but only $271 million for the Reserve Forces. Yet every day, every night in America, the telephone rings in households in Louisiana, in Texas, in Mississippi, with a commanding officer saying: ''Sir or Ma'am, report for duty. You will get your orders when you arrive. Please make arrangements.''

Do you know what those arrangements are that the Guard and National Reserve make? They write their wills. They kiss their spouses goodbye. They tell their children goodbye. They call all the friends they went to school with to tell them goodbye because they may not see them again.

Those are the arrangements that are made when that telephone rings. Yet this budget that is supporting that effort fails to give them the equipment and support they need.

I know that is a strong statement. But the facts support that statement. This Senate and House have a responsibility to begin to fix that. We can fix it. We have $65 billion. My amendment asks to add $1 billion. I am prepared to take it out of the $65 billion. We are prepared to add it. We are prepared to find an offset. But to continue to ask our Guard and Reserve to make arrangements—perhaps we should make arrangements to provide them the equipment they need to fight a war we are asking them not only to fight but to win.

If people say, Senator, let's just wait until the 2004 budget, I can tell you it is not any better. We are going to spend $400 billion on defense, but a meager $1.9 billion is devoted for Guard procurement. That means we are prepared as a nation to spend less than the cost of one submarine for all the equipment needs of nearly 50 percent of our troops.

That does not make any sense. When we talk about force protection and minimizing casualties, you don't have to be an expert in warfare to understand one of the ways you can minimize casualties is to give your Guard and Reserve the best training and the best equipment, so when they ship out, they have a chance to ship back.

I am going to spend a few minutes. I wish I had more time because I want to talk about the thousands of men and women who are called up, State by State, so when people come down in a few minutes to vote on this amendment, they will know exactly how many families they are voting for in their districts and their States, and how many families they are voting against.

Let's start with the States that have over 50 percent of their forces called up: Alabama, 5,961. This is a portion of the forces. That means the telephones rang in 5,961 houses and a voice said, ''We need you. Close your business. Leave your employment. Make your will. Tell your wife, your spouse goodbye. Hug your children. Tell your family goodbye, and we will let you know when to ship off.'' These people are gone. And then there are going to be thousands more who are called up.

In Washington State: 4,066. In my home State of Louisiana, which is over, I think, 35 percent: 2,328.

Now, this is the number of personnel mobilized out of the Army Guard. This isn't all of the Reserve components. And we are trying to get a handle on those numbers. Some of those numbers are classified for obvious reasons.

But suffice it to say, they are not showing up for a weekend of work in Iraq. They are going for 6 months or for a year.

Some people say, ''Senator, you don't need equipment for the Guard and Reserve because they get the equipment when they go over there.''

Let me ask you, on the television that we have seen, just think about what the visuals have been about the war. Have we seen any tanks that don't have people in them? Have we seen any armored vehicles just sitting there waiting for a driver? Because that is not true. The truth is, the soldier shows up with his rifle, with his uniform, with his chemical detection equipment. The planes have to have the radar on them already. They have to show up with their equipment to fight the battle. And we are not funding the Guard and Reserve at the level we should.

I want to tell my people in Louisiana, when that phone rings, their Senator was on this floor fighting for them to have this equipment. And the argument is, ''Well, they can't buy it in 30 days, so we can't put it in this bill.'' And then the next time we have a bill, they will say, ''We can't buy it in 30 days, so let's not put it in that bill.'' And then the next time we have an appropriations bill, it is going to be the same story.

I am saying today, as we call up 100,000 more troops, half of whom are going to be Guard and Reserve, please, let's give them the equipment they need to win the war. And that is what my amendment does.

I have talked to the chairman. I have asked the chairman. We could add the money. We can take it out of the $65 billion. We can offset the money that is going to Turkey, $1 billion. I would rather send it to the Reserves. I don't want to cut it in half, but I am willing to compromise. But to tell our Guard and Reserve, no, I just am not willing to do it.

I want to list some of the items this money will buy. A great many of these items do not take a great amount of time to order. You could pick up the phone and dial it and ask them to deliver it. Let me just give you a couple of examples in the few minutes that I have.

The collective protection fund would be used to procure collective protection shelters for deployed forces in the event that chemical and biological weapons are fired on them. They would have a shelter to protect themselves.

Skin exposure reduction paste, I am sure someone produces that and manufactures it now. It is not something we have to invent. All they have to do is pick up the phone and order it. The skin is exposed, and it helps them against chemical warfare agents.

Increased resources will be used to procure additional mobile chemical agent detectors for use by forces performing the mission of determining whether weapons of mass destruction are present. How will they know if they don't have the equipment to detect it? And there are some things that are classified in this list that I cannot speak to.

I think our Active Forces would agree with this amendment. I think our Active Forces realize how important the Guard and Reserve are, what capable soldiers they are. And some units are better trained than others. I understand that. And some States have it better organized than others.

I happen to represent a State that has one of the finest National Guards in the Nation. I guess I am so proud of them, I want to do my very best by them, and to say we are doing a disservice by having $62 billion in this bill for Active Forces and we have added up only $271 million for Reserve Forces. Yet almost 50 percent of the men and women fighting the war are in the Guard and Reserve.

It just does not make sense. And perhaps it was an oversight. I do not think anyone means—I ask unanimous consent for 3 more minutes.

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

Ms. LANDRIEU. I do not think anyone means harm to the Guard and Reserve. And I know that every Member of the Senate is most certainly patriotic and wants to do their best. But I have spoken about this in meetings. I had to bring it to the Senate floor to give it attention. And I must ask for a vote because, that way, then people can go on the RECORD, and they can then be on the RECORD explaining to these 5,000 families why we could support these billions of dollars of equipment for the Active Forces and shortchange our Reserves.

I know that is not the intention of the Chair. And I would not in any way say he does not have an extremely difficult job of managing this bill. And I have no intention of holding up the bill. But I thought it was only fair to offer this amendment, to speak for 20 minutes, to ask for the money that I think our Guard and Reserve need.

So when the phone rings in Louisiana, and the Smith family or the James family or the Fonteneau family or the Thibodeaux family is called, they can say our Senator did her very best to try to convince people that maybe there was a slight imbalance in the money that was given for the Actives versus the Reserves, and that she is not sending my son, my husband, my wife, my grandmother, or my grandfather out there, at a loss to his or her income, a sacrifice to the family, without the equipment he or she needs to fight a war we asked them to fight, which is what we are doing in Iraq.

So I offer my amendment. I ask for support. I am sorry if the leadership cannot support this amendment, but I am going to ask for a vote. And I will continue, every time there is an appropriations bill on this floor—whether it is a supplemental appropriations or whether it is part of our next year's budget—I will continue to say, if 47 percent of our force fighting the war today—not next week; today—are Guard and Reserve, don't they deserve more than 8 percent of the money we are sending to support the war.

I say that answer is yes. And I want the families in Louisiana to know that I get it, I understand it, and I don't want them to put their lives in any more danger than what is absolutely necessary.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the amendment of the Senator from Louisiana would add over $1 billion, which would be earmarked for National Guard and Reserve equipment.

The amendment proposes to increase the supplemental appropriations fund to add funding for something that the Department of Defense does not tell us is a high priority.

Equipment is not requested to be funded in the supplemental or in the budget that was submitted by the President for the next fiscal year.

Most of the items the Senator is describing are for the purposes of training. What we are trying to do today is provide funds for the Department of Defense to wage the war on terror and to pay for what is needed now so that we can win a victory in Iraq and protect the security of our homeland, not for items that will reach their destination or be usable by the Guard and Reserve Forces 2 years from now. And that is what these funds will do. They are for future projects.

Three of the projects are for construction—$20 million worth of construction projects—so they are not warfighting funding program dollars that are requested by the administration of this Congress at this time.

The committee has made available a sum of $11.019 billion in the Defense Emergency Response Fund that can be used for any of these items that the military thinks are necessary in order to wage the war on terror, so we are not denying the military the opportunity to spend funds for purposes such as the Senator describes. But we are not telling them they have to. We are not earmarking funds and saying you have to spend this for this purpose at this time.

The bill that is before the Senate also contains $1 billion in procurement accounts that can be used for Guard and Reserve Forces. So we are not ignoring the Guard and Reserve in this bill. The Guard and Reserve equipment, and the use of them in the operations at this time, is fully provided for in the bill.

We hope the Senate will reject the amendment. It has not been requested by the Department of Defense. The requests the Department are making for waging the war are met by the funding provided in the bill.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. What is the pending measure? The first vote will occur on the amendment of the Senator from Colorado?

The PRESIDING OFFICER. The amendment of the Senator from South Carolina. The Landrieu amendment is currently pending.

Mr. STEVENS. But under the unanimous consent request, we vote first on the Hollings amendment; is that correct?

The PRESIDING OFFICER. The Hollings vote was scheduled after the Landrieu amendment.

Ms. LANDRIEU. Will the Senator yield for a moment?

Mr. STEVENS. One second till I straighten this out. I don't care which one. This Senator has no priority on it. I am agreeable to either one first. The amendment I am trying to address after that, though, is the amendment of the Senator from Colorado. What has happened to it in my absence?

The PRESIDING OFFICER. That has been set aside.

Mr. STEVENS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Senator from Alaska indicated he didn't care. The Senator from Louisiana thought her vote would be second. She would rather that her vote follow the Hollings amendment motion to table.

Mr. STEVENS. The Senator has that right. I ask unanimous consent that the vote on the motion to table the Hollings amendment occur first.

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

Mr. REID. I further ask unanimous consent that there be 2 minutes equally divided between the two votes.

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

Mr. REID. One minute on each side.

Mr. STEVENS. I have no objection. I ask for the yeas and nays on the Hollings amendment.

The PRESIDING OFFICER. On the motion to table.

Mr. STEVENS. On a motion to table. I have made that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on the motion to table amendment No. 445.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY), is necessarily absent.

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

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

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—52

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

NAYS—47

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

NOT VOTING—1

Kerry

The motion was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 452

Mr. STEVENS. Madam President, parliamentary inquiry: What is the pending business now?

The PRESIDING OFFICER. The pending business is the motion——

Mr. STEVENS. Madam President, could we have order in the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

The pending business is the motion to table the amendment offered by the Senator from Louisiana, Ms. LANDRIEU.

The Senator from Alaska is recognized for 1 minute.

Mr. STEVENS. I yield to the author of the amendment first. The Senator from Louisiana is entitled to 1 minute. I hope my colleagues will let her speak.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Madam President, will the Senate be in order?

The PRESIDING OFFICER. The Senate will be in order. We will not proceed until the Senate is in order. Senators will cease their conversations and move from the aisles to their seats.

Mr. STEVENS. Madam President, where is the Sergeant at Arms?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair.

This is a very important amendment, and I ask my colleagues to consider carefully their vote. Last week, we voted 100 to 0 in a bipartisan fashion to support an increase in combat pay for Active and Reserve and to increase the funding for necessary equipment for our Guard and Reserve. This amendment adds $1 billion to this bill for a very good reason: Because the Reserve component represents 47 percent of our military structure and only 8.3 percent of the budget. In the underlying bill, we have $62 billion for Active and $271 million for the Reserves.

In every State, thousands of people are being called up. When they get the call, they put on their uniform and go. This amendment gives them the equipment to fight and win the war. I ask for everyone's support.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, of the $62.6 billion requested by the President for defense, no less than $10.8 billion in this bill is for the direct support of the Guard and Reserve for this fiscal year. The monies that the Senator from Louisiana wishes would be spent in 2004.

I yield the remainder of my time to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, we are addressing the immediate needs. This is an emergency supplemental. The needs as identified by the Senator from Louisiana are all nice to have, but they should go through the orderly process, through the Senate Armed Services Committee, a request by the President of the United States, and then a full and open debate. This is neither the appropriate nor, I believe, fiscally responsible thing to do at this time. I urge a ''no'' vote.

Ms. LANDRIEU. Madam President, I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. On each side is all right with me.

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

Ms. LANDRIEU. Is the Senator from Arizona suggesting the $6 billion that is on the list for the Reserves has not gone through the regular order?

Mr. MCCAIN. I am suggesting to the Senator from Louisiana, this is a very large appropriation which has not been examined by members of the committee themselves in this context and is added after carefully thought out, carefully requested amounts of funds have gone through the Appropriations Committee in the form of an emergency supplemental. I am sure these are all worthy causes. There are billions and billions of dollars of worthy causes.

Ms. LANDRIEU. With all due respect to the Senator from Arizona, I am a member of the Appropriations Committee, and this $6 billion has gone through, and we are asking $1 billion of the $6 billion.

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

The Senator from Alaska.

Mr. STEVENS. Madam President, the money that is in this bill will help the Guard that has been called up. That is the case. We want to help the people who are fighting the wars now. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

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

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

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—52

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

NAYS—47

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

NOT VOTING—1

Kerry

The motion was agreed to.

Mr. COCHRAN. 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.

Mr. REID. It is my understanding Senator MCCAIN is on the floor to offer an amendment. He has graciously consented, since we are going back and forth on amendments——

The PRESIDING OFFICER. The Senator will suspend. The Senate will be in order.

The Senator from Nevada.

Mr. REID. The senior Senator from Arizona has graciously consented to allow Senator EDWARDS to speak for up to 5 minutes on an amendment that will be offered at a subsequent time by Senator CORZINE and himself. Following that 5-minute statement by the Senator from North Carolina, then Senator MCCAIN will be authorized to offer an amendment.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. Madam President, I rise today to talk about an amendment Senator CORZINE and I plan to offer later during debate. At the outset, I thank Senator CORZINE for his leadership and say he is far and away the Senate's greatest champion on this particular issue.

The issue is simple. Will we protect our chemical plants from terrorist attacks? The answer to that question has to be yes. All Americans are praying for our soldiers overseas today. Their courage, patriotism, and dedication is an inspiration to every one of us. Today it is time for folks here in this Chamber to summon a little bit of courage to make sure we do our part to protect America.

Folks have been talking about chemical security for months. Everyone knows the vulnerability of these plants is a major problem, but nobody is acting. The time for talk is past. It is time for us to put the security of the American people ahead of special-interest lobbyists and pass this bill now.

Our chemical plants remain dangerously at risk for terrorist attack. According to the EPA, there are 123 chemical plants that would endanger a million people each if they were attacked, and those are just the chemical plants that are located near big cities. The U.S. Army Surgeon General found the No. 2 threat to the American public, second only to a major biological attack, is a terrorist attack on a chemical plant. And the terrorists know it.

Government officials at the National Infrastructure Protection Center have warned that al-Qaida operatives may plan to launch attacks on our chemical and nuclear infrastructure, ''to cause contamination, disruption, and terror.''

Based on their information, chemical plants remain viable targets for terrorists. Despite these enormous and serious threats, our Nation's chemical plants remain unprotected. The Agency for Toxic Substances and Disease Registry issued a report just a few weeks ago that found the security at chemical plants ranged from fair—which is the best—to very poor.

Last fall, on the anniversary of September 11, Newsweek gave the chemical industry an F for failing to beef up its security—an F. Newsweek described the threat to chemical plants as 1,000 points of vulnerability, risk that has remained largely below the radar. One blown-up plant, truck, or train, and the press will be calling for the scalps of those who let it happen.

We have a chance to stop it. We cannot let this happen. That is our responsibility.

Senator CORZINE has been on top of this issue from day one. He has taken the lead on getting an effective chemical plant safety bill through the Senate and signed into law. He introduced his bill, the Chemical Security Act, back in October of 2001, more than a year and a half ago. It passed unanimously out of the Environment and Public Works Committee. Back then, everyone agreed we needed to protect our chemical plants and keep all the American people safe.

Unfortunately, since then, some of our colleagues have changed their minds. In fact, some of the Members who voted for the Chemical Safety Act in committee later reversed themselves and attacked it when it was considered in legislation to create the Department of Homeland Security.

Senator CORZINE has reintroduced the bill, but now it is stalled in committee. Why is it a bill that was so popular to Congress has now become so controversial? I will tell you one thing that has happened. The industry lobbyists have gotten the word out that they are against this bill. They do not like it. They say they don't want Government telling them what to do. They want voluntary standards, not mandatory standards. Now it is beginning to look as if the administration is going to take the same line.

I have a few questions for these lobbyists. Do we have voluntary standards for whether the air our family breathes is going to be clean? Do we let each powerplant decide how much it is going to pollute? That may be what some people want, but I don't think it is a good idea.

Do we let sewage plants decide how much toxic waste they are going to send into the water our kids drink? Of course not. When it comes to physical security, do we have voluntary standards for security at airports, standards where each airport gets to decide whether they are going to check bags and how? Of course we don't. When thousands of Americans lives are on the line, we set minimum standards. We have to do exactly the same thing here.

Let me go into what this amendment would do. First, it would require minimum standards for improving security and reducing potential hazards at chemical plants and other industrial facilities that store large quantities of hazardous materials. Specifically, the bill would require identification of high-priority chemical facilities within 1 year of enactment. These high-priority facilities are the very dangerous ones, the plants that have significant quantities of toxic or flammable chemicals and the ones located near major population centers.

This amendment would not affect facilities located in remote areas, including the vast majority of agricultural facilities.

The PRESIDING OFFICER. The 5 minutes of the Senator have expired.

Mr. EDWARDS. I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, and I will not object, I always enjoy hearing from candidates for higher office.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. EDWARDS. The Senator from Arizona should know, having been a candidate for higher office himself. I appreciate his courtesy.

For the high-priority plants, the amendment would create a process where the plants are required to figure out what their vulnerabilities are and then address them. It is that simple.

Senator CORZINE has been extremely reasonable in accommodating legitimate concerns. For example, we heard from some farm groups that they wanted the Department of Homeland Security taking on key tasks under the bill, not EPA. Therefore, we have made those changes.

But let me mention one thing in this bill that has not changed and that has become controversial for reasons I do not understand. This bill requires what is called hazard reduction. It says to chemical plants: If you can use a safer chemical, you have to use a safer chemical. This should not be a controversial idea. We all try to practice hazard reduction every single day. We put our kids in car seats when we are driving, and we cover up electric outlets. We wear seatbelts. That is what we are talking about. We are talking about individual lives.

Here we are talking about thousands and thousands of lives. We have to reduce these hazards. Terrorists want to attack targets where they can hurt as many people as possible. If we can make chemical plants less dangerous, the terrorists are less likely to attack them.

This works in the real world. Right near Washington, DC, the Blue Plains sewage treatment plant has completely eliminated its use of chlorine gas. Before, if it had been attacked, the chlorine gas could have been released and blanketed this city in a deadly cloud.

Now they use a less dangerous substance that gives them the same results. We need to make sure that every plant takes the same approach.

A GAO report, issued last month, found that neither the EPA nor other Federal agencies have gone far enough to gather information about plants' vulnerabilities and to reduce their level of risk. The report recommended legislation that would:

require these chemical facilities to expeditiously assess their vulnerability to terrorist attack and, where necessary, require these facilities to take corrective action.

This should not be a partisan issue.

Let me quote a recent statement by former Senator Warren Rudman, a Republican, and one of the country's acknowledged experts on homeland security. Here's what he said about chemical security:

The federal role needs to be able to set standards and make sure those standards are observed just as we do with clear air and clean water and workplace standards. I think we have to have security standards, and people are going to have to meet those standards.

When hundreds of thousands of Americans' lives could be at risk, it is not enough to hope that chemical plants will change their ways. It is not enough to ask. We have to make certain they are doing what needs to be done to make the American people safe.

I thank Senator CORZINE for his leadership, and I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Arizona.

AMENDMENT NO. 456

(Purpose: To strike the appropriation of $50,000,000 for the Maritime Loan Guarantee Program under title XI of the Merchant Marine Act, 1936)

Mr. MCCAIN. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 456.

On page 42, strike lines 16 through 22.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, with the consent of the Senator from Arizona, I ask unanimous consent that there be 30 minutes equally divided for debate prior to a vote in relation to the McCain amendment, with no amendments in order to the language of the amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Reserving the right to object, I also ask that the consent include the fact that Senator CORZINE be recognized following the disposition of the matter about which the unanimous consent agreement is made.

Mr. COCHRAN. I so modify my request.

The PRESIDING OFFICER. Is there objection to the request as modified?

Mr. MCCAIN. Reserving the right to object, and I will not object, if I need a few more minutes than that—I don't think I will—I hope the Senators from Mississippi and Nevada will indulge me.

Mr. COCHRAN. Mr. President, the Senator has my assurance that will be the case.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, before I get into the amendment, we have made a preliminary examination of the—this is the reason I said to the Senator from Mississippi we may need a few more minutes—we have made a preliminary examination of the bill, and the first time through it, tragically—I say tragically because the title of this bill is ''making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.''

The first thing we find is $98 million under the Agriculture Research Service, buildings and facilities, to complete a research center in Ames, IA.

What is that all about? How in the world do you call $98 million for an agricultural research service center in Ames, IA—remember, it is designated for Ames, IA, not Des Moines, IA; Ames, IA,—that fits into a bill that is called ''making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003.'' Disgraceful.

We have $1 million for the Jobs for America's Graduates school-to-work program for at-risk young people. I am sure that is an important program. Someone will have to tell me how that is related to the title of this legislation.

There is $6.8 million from O&M Air Force to build and install fiberoptic and power improvements and upgrades at the 11th Air Force Range in Elmendorf Air Force Base in Alaska.

There is $3 million from O&M Army to build a rifle range for the South Carolina National Guard.

There is $12 million for research, development, test, and evaluation Defense-wide for airfield improvements in Alaska that may be associated—may I emphasize: may be associated—with the ground-based midcourse missile defense program.

There is requiring a study regarding delivery of pediatric health care in northeastern Oklahoma.

There is $225,000 for the Mental Health Association of Tarrant County, TX.

There is $200,000 for the AIDS Research Institute at the University of California, San Francisco, for developing a county medical program to facilitate clinician exchange between the United States and developing countries.

There is $1 million for the Geisinger Health System, Harrisburg, PA, to establish centers of excellence for the treatment of autism.

Why can't we, for once—for once—bring forward a bill—especially when we are at war, especially when we have young men and women fighting and dying—that is free of these outrageous kinds of spending? Can't we do that just once?

Well, now let's get to the $50 million for the title XI Maritime Loan Program, which is the subject of the amendment.

Mr. President, chapter 10 of the bill would provide $50 million in funding to the Maritime Administration's title XI loan guarantee program for shipbuilders and shipyards. It is not justified as part of an emergency supplemental to fund the ongoing war. Not only is the program riddled with problems, but the administration has proposed no funding for it in either its fiscal year 2004 budget or for the prior year, and for good reason. The title XI program does not serve any defense or homeland security purpose, and it should not receive funding under the guise of a wartime need.

I have never been a proponent of the Title XI program. I think that many of my colleagues must be as shocked as I to learn that $50 million for this program has been added to this emergency supplemental appropriations bill in the name of defense. The Appropriations' Committee report accompanying this bill claims that this funding is needed to help transport military equipment and supplies to deployed military forces during the time of war. Such an allegation is simply not true.

According the Maritime Administration, there are 51 vessels currently being utilized in direct support of Operation Iraqi Freedom. Only one of those 51 vessels was constructed with the use of a title XI loan guarantee. Any claims by the proponents of this mismanaged pork barrel program that it serves an essential military purpose are ridiculous.

The title XI program is, without question, one of the most wasteful and mismanaged guarantee programs in the Federal Government. Since 1998, loan defaults—loan defaults—have totaled $490 million. On Monday of this week, the Department of Transportation's Office of Inspector General released a report that details the multiple problems with the program's administration.

The IG's report details the increasing number of loan defaults, coupled with the increasing number of bankruptcies of companies that have been granted loan guarantees. The report notes that Enron—Enron—has three loan guarantees that will soon go under and cost the taxpayers $122 million—Enron.

The DOT Inspector General found that ''MARAD needs to improve administration and oversight in all phases of the Title XI loan process . . .'' The report says:

The financial interests of the United States would be better protected through use

of compensatory loan provisions to reduce risk, improved loan application review procedures, more rigorous financial oversight of borrowers during the term of loan guarantees, better monitoring and protection of vessels and shipyards while under guarantee, and more effective stewardship of assets acquired through foreclosures.

The Senate Commerce Committee will hold a hearing next month to consider the IG's findings, along with a report being prepared by the General Accounting Office. I am informed that the GAO's preliminary findings fully support the Department of Transportation IG's findings and provide even greater detail on missteps by MARAD that, again, have led to this program having suffered losses of nearly $500 million.

I close by reminding my colleagues of just how awry this program can go when Congress jumps in without full and complete consideration of what is being done. In exchange for a Congressionally ordered monopoly for service among the Hawaiian Islands, American Classic Voyages entered into a contract to build two cruise ships in a U.S. shipyard. It is that requirement that has led to the most outrageous example of how provisions inserted to benefit special interest can and often do lead to waste and burden American taxpayers.

To help push the program, MARAD, in the face of strong political support for the project, approved a $1.1 billion title XI loan guarantee for the construction of these two vessels. Loan guarantees and commitments to this company represented over one quarter of the title XI portfolio.

On October 19, 2001, American Classic Voyages filed a bankruptcy petition under Chapter 11 of the U.S. Bankruptcy Code. The petition listed total assets of $37.4 million and total liabilities of $452.8 million. The cruise line said in its petition that it had more than 1,000 creditors, including the American taxpayers being represented by the Department of Transportation.

MARAD never once sounded the alarm that this project was in trouble. It did nothing to further protect the taxpayers' interest. To the contrary, as noted by the DOT IG in its report, just weeks before American Classic Voyages filed for bankruptcy, MARAD granted ACV additional exemptions and modifications to the requirements of the program and their contract.

The failed project is the most costly loan guarantee ever granted under the Maritime Loan Guarantee Program, resulting in the U.S. Maritime Administration paying out over $187.3 million of the American taxpayers' money to cover the loan default for this project. Only $2 million was recovered from the sale of some of the construction materials and parts.

Overall, American Classic held a total of six loan guarantees that cost the American taxpayer $329 million.

I ask my colleagues to learn from this lesson. Fifty million dollars in MARAD guarantees on a bill like this is, first, wrong. And to continue to fund this program until it is fundamentally reformed, according to the Department of Transportation's inspector general's report and an upcoming GAO report, is a criminal waste of American tax dollars. It has no place on this bill.

The Senator from Arizona and I were talking, and I believe the best thing to do, given these projects I just listed, is probably to have one amendment that we will propose tomorrow, Senator KYL and myself, to strike all of these provisions so we give everybody a chance to vote yes or no on all these provisions of the bill.

Then we can answer to the American taxpayer as to whether $98 million for Agricultural Research Service building facilities; whether money for the Mental Health Association of Tarrant County, TX; whether the Geisinger Health System in Harrisburg, PA, to establish centers of excellence for the treatment of autism are what is needed to win the war on terrorism and the war in Iraq today.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, I find, in reviewing the report of the subcommittee with jurisdiction over appropriations for the Department of Transportation, that $50 million is needed by the Maritime Guaranteed Loan Program. This is a program that provides subsidies for guaranteed loans for purchases of vessels built in U.S. shipyards and includes the guarantee for facilities or equipment pertaining to marine operations related to any of those vessels.

The committee report contends that the program is critical for those who transport military equipment and supplies to deployed military forces during time of war. There is currently only $1 million available in this account for pending and new loan guarantees. There are future maritime projects also which can use these funds.

There is a critical need for auxiliary maritime sealift capacity during time of war. This program has provided loan guarantees for companies that have ordered cargo ships which are available to serve as a military auxiliary fleet to the Department of Defense during overseas operations. Without the funding in the committee recommendation, ship owners will not have access to this financing system which has proven to help sustain our Nation's commercial, energy transportation, and military sealift needs.

I urge the Senate to reject the McCain amendment.

I yield such time as he may consume to the distinguished Senator from Mississippi, Mr. LOTT.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, let me say again that I appreciate what Senator MCCAIN does with this amendment and the effort he makes on a lot of these bills, to come to the floor with projects that are pretty hard to explain and justify. I know he is acting in good faith. I think his amendment, sort of a wrap-around amendment, is going to be a very interesting one to hear discussed tomorrow.

Let me talk about title XI because I am sure he will not be surprised to hear me speak on it. I have supported the title XI program over the years. It is an important program in helping to meet our national objectives, our energy self-sufficiency, increase domestic commerce, strengthen shipbuilding, our industrial base, and a large commercial fleet of militarily useful ships to meet DOD sealift requirements in our war on terrorism, the war we are involved in right now.

The point that Senator MCCAIN made, that of the 51 ships that are carrying cargo now and perhaps, I guess, some equipment, both liquid and dry cargo, 51 of them that are involved in the effort now in the war in Iraq, only 1 of them had the title XI funds. In fact, probably if you check, you will find that most of those ships are foreign ships, ships built in foreign shipyards. I suspect probably there are some Dutch and German and, who knows, maybe even some French ships on which we are dependent. Some of them have American flags and I guess are crewed by American crews. That is all important.

But it is a tragedy in America if we don't have a maritime industry. When I go to the port in my hometown and look at the grain elevators and look at the ships hauling poultry products to Russia, there is no American flag on those ships. It is Liberian, Panamanian, Ukrainian, Russian. It is everywhere in the world but the United States.

Is this program perfect? No. Should we try to make sure that it is run better and we get more money for our investment? Yes. But I still have a real trouble with a country such as the United States not having the capability to build our own ships and be crewed with American crews. More and more and more we are dependent on foreign ships.

There are good explanations for that. I guess the market is supposed to take care of those problems, but it is a danger. How many countries in the history of the world have survived very long without their own merchant fleet? Our shipyards now are building Navy combatants basically. That is it. No cruise ships, no cargo ships. We are getting out of the business. Maybe that is OK. But I think there is a danger there.

We are dependent now on these maritime vessels to move cargo and equipment. Right now they are involved in what is going on in Iraq. This program did not get any funds in fiscal year 2003. It is true the administration didn't ask for additional funds. It did not receive any funds in the omnibus bill. That is one of the reasons why it is badly needed now. If we don't have some funds, they might have like $1 million in funds. There are no funds for the backlog in this area.

By the way, title XI is not so important to the big shipyards. The big shipyards are not in this business. When they try to get into this business, it doesn't work. The best example in the world, I guess, even though it was a victim of timing, was the cruise ship situation.

Most of this money goes to the medium and small yards, and it is a loan program. Maybe it is not administered closely enough, and I acknowledge that. We need to understand what we are doing. If we don't fund it with this $50 million, or fund it in 2004, the program is dead. I think that is a mistake for our country.

I still believe we need our own merchant fleet. I hate to see all those jobs lost—engineers and other workers—and go to the shipyards around the world. I still would like to think that those ships are on call to America as American ships.

I understand that maybe this is not the right place for it, but there is a relationship to the war that is going on right now. It does affect our future ability to make sure we have our ships and crews on call that can deliver the dry products, liquid products, and the equipment around the world.

So I urge defeat of this amendment. I reserve my right to look at the package that Senator MCCAIN may be offering later on this week.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. I yield such time as I have remaining to the Senator from Arizona, Senator KYL.

Mr. KYL. Mr. President, how much time is left?

The PRESIDING OFFICER. There are 4 minutes 53 seconds remaining.

Mr. KYL. Mr. President, I support the Senator's amendment. One could make an argument for this particular case, as the Senator from Mississippi has just done. That argument should be made in a place and a time that doesn't, however, attempt to take advantage of this funding resolution for the war.

The President sent up a request for funding for the war specifically, and Congress is responding to that in this legislation. By and large, this legislation is directed specifically to that. What is perplexing to the other Senator from Arizona and I is why we have this handful—just a handful, six or seven—of items that have absolutely nothing to do with the war, such as an agricultural research station at Iowa State University, or mental health, autistic help, and others that have nothing whatsoever to do with this war effort. There may be a good case to be made for every one of these. And there is an appropriations process for that case to be made. So why are they being put on this bill at this time? It is not fair to all of those other people who can make equally good cases for other things.

There are a lot of things that need to be done in an emergency way or with timing as a factor. There are other provisions in the bill that don't necessarily relate to the war, but don't cost any money, such as a study for this, or a change in the language on something. We don't have objection to that.

Our objection is taking advantage of this process for the expenditure of money on items that have nothing to do with the war. One of the reasons for it is because it only relates to a handful of projects, primarily for people who happen to be on the Appropriations Committee. That is not fair to the vast number of Members of this body who have equally good requests but don't happen to be in the room when the bill is put together.

That is why, as an ordinary proposition, these bills are presented to us on the floor clean. For those who are not familiar with the Senate process, that means without extraneous provisions, little pieces of pork that specific Members add on. The reason for that is because we can all trust the process from the Appropriations Committee to put out a clean bill that supports the President's request to run the war.

I commend the chairman of the Appropriations Committee and the chairman of the subcommittee. They have done a great job. That is almost entirely what was done in this case. But for these few provisions, which we will move to strike tomorrow because they don't belong on the bill, if they can sustain themselves in debate and there really is a good case for them, they will prevail through the ordinary process. If they cannot, they should be permitted to fall.

That is the reason we will urge support for the amendment when offered tomorrow and why I support the Senator's amendment this evening.

The PRESIDING OFFICER. The Senator from Arizona, Mr. MCCAIN, is recognized.

Mr. MCCAIN. Mr. President, I ask the Senator from Mississippi to grant me 2 minutes.

Mr. COCHRAN. I have no objection to the additional time the Senator is requesting.

Mr. MCCAIN. Mr. President, I just say that, in consultation with Senator KYL, and thinking about this, rather than force the Senate through a series of votes, this is an important piece of legislation. So tomorrow I will be proposing an amendment that includes the provisions that I described that I believe are extraneous and not related to this bill, as is stated in the title. I will include the $50 million for the MARAD loan guarantees.

Shortly, I will ask unanimous consent to withdraw the amendment because I will include it in the wraparound amendment that will be considered tomorrow on behalf of myself and Senator KYL and, I hope, others.

Let me finally say that I do believe the appropriators exercised great restraint. I congratulate the Senator from Alaska and the Senator from Mississippi. I believe this contains probably less unnecessary spending than any appropriations bill I have seen. Now I would like to see if it is possible to send an entirely clean bill to the President of the United States, and that would be a monumental achievement.

AMENDMENT NO. 456, WITHDRAWN

Mr. President, I ask unanimous consent to withdraw my amendment at this time.

The PRESIDING OFFICER. Is there objection?

Mr. REID. What was the request, Mr. President?

The PRESIDING OFFICER. The Senator asked to withdraw his amendment.

Is there objection?

Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I yield the floor.

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

AMENDMENT NO. 462

(Purpose: To help the public against the threat of chemical attacks)

Mr. CORZINE. Mr. President, in a few minutes, I will send an amendment to the desk on behalf of Senator EDWARDS and me. About a half hour ago, Senator EDWARDS talked about an issue that has been one of the most serious concerns of mine and a whole host of Americans—about the state of our security and the threat to the American people, which they face by the potential of a terrorist attack on our Nation's chemical plants. There are literally thousands of chemical producers, refineries, and similar facilities in the United States where chemicals released by any of these plants could kill or injure tens of thousands—and, frankly, even millions—of Americans through exposure to highly toxic gases. That is why these facilities are potentially so attractive to terrorists.

Unfortunately, there are no Federal security standards for chemical facilities—none. So the private sector has been left to do as it sees appropriate on a completely voluntary basis. Far too many facilities simply have not stepped up to accept the responsibility. There are a number of private companies that have done everything ever thought to be necessary, but there are many that have been left out and keep vulnerabilities in front of the American people and are basically putting millions of Americans at risk.

I have a chart here that will show where—in red—these facilities are that put more than a million Americans at risk. There happens to be 11 in my State of New Jersey. It is a serious issue. There is one of those in the State of the Presiding Officer. But in a broad cross-section of our country, there are huge numbers of these facilities located in highly populated areas.

According to the EPA there are 123 facilities in 24 States where a chemical release could expose more than 1 million people to highly toxic chemicals.

There are 750 facilities in 39 States where chemical release can expose more than 100,000 people to these chemicals. Those are the States in yellow. There are 3,000 facilities spread across 49 of the 50 States where chemical release could expose more than 10,000 people. Frankly, these are pretty staggering numbers, and I think it represents a broad vulnerability across America.

The consequences of an attack on a chemical plant are potentially so horrific that it is hard for me to understand or accept inaction in this area. In fact, I would argue this body has been in sort of psychological denial, I guess, about this problem. If September 11 taught us anything, it taught us that America can no longer avoid thinking about the unthinkable. We have to face up to the Nation's most serious vulnerabilities. We have to focus on them, and we have to confront them head on.

Let me repeat one statistic. There are 123 chemical facilities around the Nation that, if attacked, could threaten over 1 million American lives. This is a big deal in New Jersey. To bring this home in specific terms, there are 11 facilities in my home State, and one petrochemical plant in the middle of downtown Newark and south Carney that exposes nearly 8 million people in the greater New York-New Jersey region—8 million people potentially exposed to toxic fumes if there were a terrorist attack, a criminal attack, or, by the way, even if there was a safety violation bringing about an explosion. We have had a number of those incidents in my State that have taken lives just because of safety considerations, let alone if the plants were under an attack by a terrorist or criminal activity.

These facilities pose a serious threat to public safety because they contain the kind of toxic chemicals that, if released, could cause those injuries I am talking about—chemicals such as chlorine, ammonia, hydrogen fluoride, the types of chemicals that were used to manufacture the bomb in Oklahoma City and the type of chemicals in Bhopal. There are all kinds of these chemicals in our cities, in our States, chemicals that serve very positive and important industrial functions but could instantly be transformed into weapons of mass destruction at the hands of terrorists.

This is not just my opinion. This is not an enviroview. This is not some hyped-up point of view. It has been documented and acknowledged time after time by experts and by the current administration.

Most recently, on March 18, the General Accounting Office issued a new report on the matter. GAO found that chemical facilities may be attractive targets to terrorists because of the extent of harm they could inflict. Yet, as GAO explained, there are no Federal laws requiring chemical plants to assess vulnerabilities and to take action to guard against terrorist attacks.

I am going to submit a summary of the GAO report. For those who need thoughtful and systematic information about the vulnerabilities, about what is not being done, I suggest they read the whole report. I ask unanimous consent to print a brief summary of the GAO report in the RECORD.

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

HOMELAND SECURITY—VOLUNTARY INITIATIVES ARE UNDER WAY AT CHEMICAL FACILITIES BUT THE EXTENT OF SECURITY PREPAREDNESS IS UNKNOWN

WHAT GAO FOUND

Chemical facilities may be attractive targets for terrorists intent on causing economic harm and loss of life. Many facilities exist in populated areas where a chemical release could threaten thousands. EPA reports that 123 chemical facilities located throughout the nation have toxic ''worst-case'' scenarios where more than a million people in the surrounding area could be at risk of exposure to a cloud of toxic gas if a release occurred. To date, no one has comprehensively assessed the security of chemical facilities.

No federal laws explicitly require that chemical facilities assess vulnerabilities or take security actions to safeguard their facilities from attack. However, a number of federal laws impose safety requirements on facilities that may help mitigate the effects of a terrorist-caused chemical release. EPA believes that the Clean Air Act could be interpreted to provide authority to require chemical facilities to assess their vulnerabilities and to make security enhancements that protect against attacks. However, EPA has not attempted to use these Clean Air Act provisions because of concerns that this interpretation would pose significant litigation risk and has concluded that chemical facility security would be more effectively addressed by passage of specific legislation.

The federal government has not comprehensively assessed the chemical industry's vulnerabilities to terrorist attacks. EPA, the Department of Homeland Security, and the Department of Justice have taken preliminary steps to assist the industry in its preparedness efforts, but no agency monitors or documents the extent to which chemical facilities have implemented security measures. Consequently, federal, state, and local entities lack comprehensive information on the vulnerabilities facing the industry.

To its credit, the chemical industry, led by its industry associations, has undertaken a number of voluntary initiatives to address security at facilities. For example, the American Chemistry Council, whose members own or operate 1,000, or about 7 percent, of the facilities subject to Clean Air Act risk management plan provisions, requires its members to conduct vulnerability assessments and implement security improvements. The industry faces a number of challenges in preparing facilities against attacks, including ensuring that all chemical facilities address security concerns. Despite the industry's voluntary efforts, the extent of security preparedness at U.S. chemical facilities is unknown. Finally, both the Secretary of Homeland Security and the Administrator of EPA have stated that voluntary efforts alone are not sufficient to assure the public of industry's preparedness.

Mr. CORZINE. Mr. President, in addition to this GAO assessment, they recommended the Department of Homeland Security and EPA, working together, develop a strategy, including a legislative proposal, to address the threats of attacks on chemical plants. I listed the highlights of their report which has a recommendation that there is a need for legislation in this area. There is a need now to protect the American people against chemical plant risks. The GAO report was released on March 18 of this year.

To continue with the acknowledgment that this is real, only a month earlier, the Department of Homeland Security, when it raised the Nation's alert to code orange, sounded the alarm about the threat facing chemical facilities. In its bulletin it sent out to State and local officials, the Department stated:

Al-Qaida operatives also may attempt to launch conventional attacks against U.S. nuclear/chemical-industrial infrastructure to cause contamination, disruption, and terror. Based on information, nuclear powerplants and industrial chemical plants remain viable targets.

That is from the Department of Homeland Security to all State and local officials: ''Chemical plants remain viable targets,'' and we have not done anything. It is time to recognize that there is broad recognition by the administration and by those who study this issue that it is time to act. That was on February 12 of this year.

Let me go back to October 6 of last year. On that day, Homeland Security Secretary Ridge and EPA Administrator Whitman had a letter published in the Washington Post. They stated in that letter:

The Bush administration is committed to reducing the vulnerability of America's chemical facilities to terrorist attack and is working to enact bipartisan legislation that would require such facilities to address their vulnerabilities.

They go on to say that while there have been good steps taken by private industry, there are over 15,000 chemical facilities nationwide that contain large quantities of hazardous chemicals, and they must be required to take steps that mimic industry leaders in this area.

That letter was from Secretary Ridge and EPA Administrator Whitman last October. I ask, Has the administration proposed such bipartisan legislation? Have they proposed any legislation? Have they issued any regulations to address the threat facing chemical plants? Have they even proposed any such regulations? Have they done anything—anything at all—to meaningfully address the security threats facing chemical plants? I think the fair answer is no to each and every one of those questions.

Periodically, we have seen press reports that the administration may be working on some type of proposal, and I commend that effort. I hope they will. But so far, they have shown no willingness to work on a bipartisan basis. I have sent letter after letter, question after question, made phone call after phone call, trying to enter into a negotiation, not only with the

administration, but the other side of the aisle, on this issue.

The bottom line is, a year and a half after the attacks of September 11, there still has not been a serious response with regard to what we are doing here.

In fact, the Nation has known about this problem for a very long time. The Department of Justice issued a report on this matter a year and a half before September 11. Let me read a brief excerpt from a summary of that report which was issued on April 18, 2000:

We have concluded the risk of terrorists attempting in the foreseeable future to cause an industrial chemical release is both real and credible.

Again, April 18, 2000:

Terrorists or other criminals are likely to view the potential of chemical release from an industrial facility as a relatively attractive means of achieving these goals.

That report was issued before September 11. Its conclusion has been echoed by other Government agencies and in private studies with regard to vulnerabilities in our infrastructure.

I will not relate them all, but the warnings have been repetitive, from the Hart-Rudman Commission to the Department of Homeland Security on February 12 when they issued their code orange alert.

While some companies may well be doing an outstanding job in securing their facilities, many are not. Simply relying on voluntary standards just is not working, and if we are going to protect America from the threat of terrorist attacks on chemical facilities, we need to do more. That is why in October 2001 I introduced the Chemical Security Act. That is why I worked with Senators on both sides of the aisle to move the legislation through the Environment and Public Works Committee. Ultimately, the committee approved the legislation on a rollcall vote of 19 to 0. Not a single Senator voted no—not a single Senator.

The amendment I am offering today, along with my good friend, the distinguished Senator from North Carolina, Mr. EDWARDS, is based on the legislation that was approved by the committee on a 19-to-0 vote. However, we have made a few changes in good faith to make it more acceptable to industry and to win broader support.

The legislation requires the Department of Homeland Security and EPA to do three things: First, the Department has to identify high-priority chemical facilities, those that potentially put a large number of people at risk.

Second, they must require those high-priority facilities to assess their vulnerabilities to develop and implement plans to improve security and use safer technologies.

Third, these assessments and plans would have to be submitted for review by the Department of Homeland Security. The changes could be required if deficiencies are identified. That is the amendment in a nutshell. It is a simple, commonsense approach that would establish standards and ensure some balance at this time.

Last year, after my legislation was approved unanimously in committee, some in industry expressed concerns. Industry opposition ultimately killed the bill, kept it from even coming up for debate on this floor. Opposition to the bill was largely based on two points, both of which I am going to try to address, with changes from what came out of committee.

First, opponents argued that the responsibility for overseeing chemical security should rest with the Department of Homeland Security rather than the Environmental Protection Agency. I proposed giving the responsibility to EPA for a reason. They have the expertise on chemical plants. They have the expertise on dealing with these highly toxic chemicals. Under the Clean Air Act, they already have a requirement to oversee. They have the expertise. DHS does not.

On the other hand, I recognized from the start that the EPA did not have the expertise to evaluate security arrangements. So we originally asked the Department of Justice back in October of 2001—we have subsequently changed that to the Department of Homeland Security—and now we have put the Department of Homeland Security as the lead agency in charge of what has been requested by those in industry because they wanted security to be the primary element. So we have responded.

Having said that, I also acknowledge that in spite of EPA's expertise, the latter was necessary. So in an effort to broaden support for our proposal, we continue to modify and we reflect others' concerns.

The second concern raised by industrial lobbyists about the bill, again unanimously approved by the EPW Committee, focused on the bill's provision to require businesses to shift to safer technologies, to the extent practical.

I will take a moment to explain why this provision was included and why it is so important. It is not just enough to put barbed wire on high fences around the place when some attacks could come over those walls—planes and other things—which we have begun to understand can happen post-September 11. We know no matter how high we build those walls a committed terrorist can get to those facilities, and it becomes important to make sure the facilities are as safe as they possibly can be without putting companies out of business. To truly protect the public, we need to do more. We need to take steps to build in better inherent technology.

I have seen a great example of that in Washington, DC, as I think Senator EDWARDS mentioned, at the Blue Plains Sewage Treatment Plant. Prior to September 11, they were storing chlorine and sulfur dioxide in car trains just across the river. Both are volatile, dangerous chemicals. If those tanks were attacked, a poisonous cloud could have been over Washington, DC. It would have been one of those places where roughly a million people could have been exposed—certainly hundreds of thousands, including the Capitol and the White House.

Business recognized this was a risk and did something about it. In fact, we should be quite proud of business taking an initiative on a voluntary basis to address this problem. They changed from chlorine to sodium hypochlorite, which is a strong version of bleach but much safer, less volatile. It is going to cost 25 to 50 cents a year for those who drink water in the District, but I think it is a small price to pay to bring about the kind of safety considerations that the public and the community would expect. It sounds like a bargain to me.

To the extent practical, we need to find ways to move away from dangerous and toxic chemicals to other chemicals or other processes that protect and make the processes safer. I understand it is an expensive process. So what I have done in this amendment, as opposed to in the original bill, is I have offered economic incentives and economic support to those companies that transform to safer technologies. For those businesses that need help, I have put $50 million into this bill to make that process better. So we have a second element that really has tried to accommodate some of the concerns that people had in this regard and how onerous it might be.

We have a problem. We have some obvious steps to deal with it and we have tried to get the private sector to move in a direction that will enhance both the security and bring about safer technologies that will protect people.

So that is it. I think it is an extremely important initiative that needs to be taken in the context of the homeland security efforts that are included in this supplemental. I hope people will take this seriously, as Senator EDWARDS, Senator JEFFORDS and others have, as 19 Senators in EPW did when we voted on this after much review and discussion.

I am eager to work with the administration. I am eager to work with those on the other side of the aisle to make sure we have an initiative to protect our chemical plants, which is really about protecting the American people. I hope we can move to this goal. This should be one of the No. 1 steps we have in this process.

I send the amendment to the desk on behalf of myself and Senator EDWARDS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. CORZINE], for himself, and Mr. EDWARDS, proposes an amendment numbered 462.

Mr. CORZINE. 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 text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. CORZINE. Again, I urge my colleagues, before we have a chance to vote on this amendment in the coming days, to sit down and look at this in a serious minded way, knowing that we have addressed some of the problems and that we can move forward to have a positive embracing of real steps to protect the American people from exposure we have to chemical plants.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I deeply regret that as manager of the bill I am constrained to make a point of order that the Senator's amendment violates rule XVI and that it is legislation on an appropriations bill. It is a totally new title, and while we do have some clauses that might be legislation, we have not accepted any bills as such. I make a point of order under rule XVI that it is legislation on an appropriations bill.

The PRESIDING OFFICER. The Chair is prepared to rule. The amendment does constitute legislation on an appropriations bill. The point of order is sustained.

The Senator from New Jersey.

Mr. CORZINE. Mr. President, I ask unanimous consent that the amendment be considered in order notwithstanding rule XVI.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I object.

The PRESIDING OFFICER. Objection is heard.

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

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

AMENDMENT NO. 451, AS MODIFIED

Mr. STEVENS. Mr. President, I am informed there is a modification of the Allard amendment at the desk.

The PRESIDING OFFICER. Yes, there is.

Mr. STEVENS. I ask unanimous consent that the Allard amendment be replaced by the modification—a total substitute.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be so modified.

The amendment (No. 451), as modified, is as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE V—PANEL TO REVIEW SEXUAL MISCONDUCT ALLEGATIONS AT UNITED STATES AIR FORCE ACADEMY

SEC. 501. ESTABLISHMENT OF PANEL.

(a) ESTABLISHMENT.—There is established a panel to review allegations of sexual misconduct allegations at the United States Air Force Academy.

(b) COMPOSITION.—The panel shall be composed of seven members, appointed by the Secretary of Defense from among private United States citizens who have knowledge or expertise in matters relating to sexual assault, rape, and the United States military academies.

(c) CHAIRMAN.—The Secretary of Defense shall, in consultation with the Chairmen of the Committees on Armed Services of the Senate and House of Representatives, select the Chairman of the panel from among its members under subsection (b).

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(e) MEETINGS.—The panel shall meet at the call of the Chairman.

(f) INITIAL ORGANIZATION REQUIREMENTS.—(1) All original appointments to the panel shall be made not later than May 1, 2003.

(2) The Chairman shall convene the first meeting of the panel not later than May 2, 2003.

SEC. 502. DUTIES OF PANEL.

(a) IN GENERAL.—The panel established under section 501(a) shall carry out a study in order to determine responsibility and accountability for the establishment or maintenance of an atmosphere at the United States Air Force Academy that was conducive to sexual misconduct (including sexual assaults and rape) at the United States Air Force Academy.

(b) REVIEW.—In carrying out the study required by subsection (a), the panel shall—

(1) the actions taken by United States Air Force academy personnel and other Department of the Air Force officials in response to allegations of sexual assaults at the United States Air Force Academy;

(2) review directives issued by the United States Air Force pertaining to sexual misconduct at the United States Air Force Academy;

(3) review the effectiveness of the process, procedures, and policies used at the United States Air Force Academy to respond to allegations of sexual misconduct;

(4) review the relationship between—

(A) the command climate for women at the United States Air Force Academy, including factors that may have produced a fear of retribution for reporting sexual misconduct; and

(B) the circumstances that resulted in sexual misconduct at the Academy; and

(5) review, evaluate, and assess such other matters and materials as the panel considers appropriate for the study.

(c) REPORT.—(1) Not later than 90 days after its first meeting under section 501(f)(2), the panel shall submit a report on the study required by subsection (a) to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives.

(2) The report shall include—

(A) the findings and conclusions of the panel as a result of the study; and

(B) any recommendations for legislative or administrative action that the panel considers appropriate in light of the study.

SEC. 503. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—(1) Members of the panel established under section 501(a) shall serve without pay by reason of their work on the panel.

(2) Section 1342 of title 31, United States Code, shall not apply to the acceptance of services of a member of the panel under this title.

(b) TRAVEL EXPENSES.—The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel.

Mr. STEVENS. I ask that we consider the Allard amendment as pending before the Senate and it be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 451), 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.

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

● Mr. KERRY. Mr. President, on behalf of myself, Senator SNOWE and Senator BENNETT, I am offering an amendment to the FY2003 Supplemental Appropriations bill in order to make available an additional $1 billion in government guaranteed loans to small businesses.

Let me make clear to my colleagues that we are not requesting additional money for the Small Business Administration. This amendment is technical, clarifying a provision enacted as part of the Conference Report to H.J. Res. 2, the FY2003 Omnibus Appropriations Act. It clarifies that Congress intends that the SBA to use a more accurate method—known in the technical terms as an econometric model—to estimate the cost of all small business loans authorized under Section 7(a) of the Small Business Act of FY2003.

Right now the SBA is only using the new method to estimate the cost of ''regular'' 7(a) loans, treating differently 7(a) loans—known as Supplemental Terrorist Activity Relief (STAR) Loans—made to small business victims of the 9/11 terrorist attacks. This inconsistently affects the overall program by leaving it short on lending dollars at time when demand for loans through the SBA's flagship loan program is up 38 percent. If the SBA will use the new, more accurate method to calculate STAR loans, it will mitigate the shortfall by making available an additional $1.2 billion in loans to small businesses. This amendment clarifies the SBA's authority to do this.

I thank Senator HOLLINGS, GREGG, BYRD and STEVENS for their help on this important issue.●

Mr. STEVENS. I am advised by the majority leader, with the consent of the minority leader, there will be no more votes tonight. We expect a series of votes in the morning, and we urge Senators to let us know if there are any amendments that have been hinted at, to let us know if they intend to raise them tomorrow.

We expect a full day tomorrow, and we hope to finish this bill tomorrow night. I thank all Members for their courtesy and consideration and yield to my friend from Nevada.

Mr. REID. I confirm that the Democratic leader has said he believes it is very important to finish this bill tomorrow. That way, we can conference this and have the bill on the President's desk before we take a break for Easter. As we know, this is wartime and we need to finish this legislation as quickly as we can. We are going to do everything within our power on this side, and I know the Senator from Alaska will do everything on his side, to move this along.

Mr. STEVENS. I thank the Senator from Nevada. He is very cooperative and very much aware of the problems dealing with the floor from his own experience, and I appreciate his help on this bill no end.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

RULES OF THE COMMITTEE ON APPROPRIATIONS OF PROCEDURE

Mr. STEVENS. Mr. President, the Senate Appropriations Committee has adopted rules governing its procedures for the 108th Congress. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator BYRD, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

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

SENATE APPROPRIATIONS COMMITTEE RULES—108TH CONGRESS

I. MEETINGS

The Committee will meet at the call of the Chairman.

II. QUORUMS

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

III. PROXIES

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. ATTENDANCE OF STAFF MEMBERS AT CLOSED SESSIONS

Attendance of Staff Members at closed sessions of the Committee shall be limited to those members of the Committee Staff that have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. BROADCASTING AND PHOTOGRAPHING OF COMMITTEE HEARING

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the Full Committee for its decision.

VI. AVAILABILITY OF SUBCOMMITTEE REPORTS

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

VII. AMENDMENTS AND REPORT LANGUAGE

To the extent possible, amendments and report language intended to be proposed by Senators at Full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member and the appropriate Subcommittee Chairman and Ranking Minority Member twenty-four hours prior to such markups.

VIII. POINTS OF ORDER

Any member of the Committee who is floor manager of an appropriation bill, is hereby authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriation bill.

Mr. HATCH. Mr. President, I ask unanimous consent to have printed in the RECORD the Rules of Procedure for the Committee on the Judiciary for the 108th Congress.

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

UNITED STATES SENATE COMMITTEE ON THE JUDICIARY—RULES OF PROCEDURE

I. MEETINGS OF THE COMMITTEE

1. Meetings may be called by the Chairman as he may deem necessary on three days notice or in the alternative with the consent of the Ranking Minority Member or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee, at least 48 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

3. On the request of any Member, a nomination or bill on the agenda of the Committee will be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. QUORUMS

1. Ten Members shall constitute a quorum of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. For the purpose of taking sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, a Member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

IV. BRINGING A MATTER TO A VOTE

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a rollcall vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the minority.

V. SUBCOMMITTEES

1. Any Member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless he is a Member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the chairman, except as agreed by a major vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.

VI. ATTENDANCE RULES

1. Official attendance at all Committee markups and executive sessions of the Committee shall be kept by the Committee Clerk. Official attendance at all Subcommittee markups and executive sessions shall be kept by the Subcommittee Clerk.

2. Official attendance at all hearings shall be kept, provided that Senators are notified by the Committee Chairman and ranking Member, in the case of Committee hearings, and by the Subcommittee Chairman and ranking Member, in the case of Subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken; otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

MILITARY CONTRIBUTIONS OF THE MARSHALL ISLANDS, MICRONESIA AND PALAU

Mr. AKAKA. Mr. President, I join my colleagues on the Senate Committee on Energy and Natural Resources in clarifying the portrayal of the military contributions of three island nations with which the United States has a unique political relationship referred to as free association: the Republic of the Marshall Islands, RMI, Federated States of Micronesia, FSM, and Palau. Last week an article in The Washington Post entitled ''White House Notebook: Many Willing, But Few Are Able'' referenced the military contributions of the Freely Associated States, FAS, in a droll and flippant manner. Regrettably, this poorly researched attempt at wit missed its mark. I want to set the record straight.

The Compact of Free Association between the United States and these strategic Pacific island nations serves our national security interests in the Pacific region by providing the U.S.

strategic denial in the region. While title I of the Compact of Free Association recognizes that the peoples of the FSM and RMI are self-governing and retain authority over their internal affairs, it mandates consultation with the United States on any defense and security matters. In addition, FAS citizens may volunteer in the U.S. Armed Forces, and FAS citizens who reside in the U.S. under the compact's provisions are subject to our Selective Service laws, and in the event of the return of conscription, could be drafted for military duty.

There are hundreds of FAS citizens currently serving in the U.S. military, including a number of soldiers assigned to the 101st Airborne Division and 3rd Infantry Division, Mechanized, currently deployed to Kuwait and Iraq in support of our military efforts. FAS citizens have served in the U.S. military for decades, and have participated in combat in every major U.S. engagement since the Korean war. Given the small populations of the island nations, almost every citizen has a relative or friend currently serving in the U.S. military, including FSM President Leo Falcam, whose son is a lieutenant colonel in the U.S. Marine Corps.

I have worked with FAS citizens for a number of years. I have visited these islands and have worked with my colleagues to successfully accomplish the goals of the Compact of Free Association. I applaud the patriotism of these soldiers, sailors, airmen, and marines, as well as their families, who are volunteering to defend our great Nation.

DANIEL PATRICK MOYNIHAN

Mr. FEINGOLD. Mr. President, today I pay tribute to one of our Nation's greatest public servants: Daniel Patrick Moynihan. As a professor, as an advisor to four presidents, and through 24 years in the Senate, he lent us the wisdom of his experience, the insights of his keen mind, and above all, the honor of his friendship.

Senator Moynihan's example reminds all of us of what a Senator was intended to be. He was a leader who not only addressed the needs of his State, but who wrestled with the challenges facing the Nation. Senator Moynihan was a great servant to the people of New York. But the legacy of accomplishments he leaves reaches beyond New York's borders to touch the lives of every American.

With a brilliant intellect and an unwavering dedication, Senator Moynihan helped us to think through some of the toughest issues before this body, from welfare reform to tax policy. He worked to return secrecy to its limited but necessary role in government, an effort which I applaud, and an effort which we should continue to maintain even in times of national crisis. Especially right now with our Nation at war, I know we all miss Senator Moynihan's keen grasp of international relations, his ability to put world events into a historical context, and his talent to tell us where they will lead us.

Senator Moynihan's lifetime of public service, his wisdom and experience, were a wonderful gift to this body. I know my colleagues join me in my admiration for Senator Moynihan as a public servant, my respect for him as a colleague, and my appreciation for him as a friend. It was a distinct honor for me to serve with Senator Moynihan since I came to this body in 1993. My deepest sympathies go out to Liz Moynihan and the rest of Senator Moynihan's family and friends.

I yield the floor.

LOCAL LAW ENFORCEMENT ACT OF 2001

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

I would like to describe a terrible crime that occurred in September 2000, at Fort Jackson, SC. Ronald Chapman was physically assaulted by other soldiers after a drill sergeant called Chapman a ''faggot.'' He was sleeping in his bed when soldiers entered the room and beat him up with blankets filled with bars of soap. Chapman feared for his safety after the beating, and felt compelled to tell his superior officers that he was gay.

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.

PASSING OF GOVERNOR TAUESE SUNIA

Mr. AKAKA. Mr. President, it is with great sadness that I rise today to inform my colleagues of the passing of a great leader in the Pacific Islands, Gov. Tauese Pita Fiti Sunia, who died on Wednesday, March 26, 2003, en route to Honolulu from Apia, Samoa. Governor Sunia was a dear friend and Millie and I join the people of Samoa, Hawaii's Samoan community, and Samoans throughout the United States in sending our deepest sympathy and condolences to his wife Fagaoalii Satele Sunia, as well as his family, including his 10 children, and many grandchildren.

Governor Sunia was an educator. He earned a master's degree in educational administration from the University of Hawaii, and spent many years as a teacher, educational television instructor, and administrator. Governor Sunia also served as vice president of the American Samoa Community College and territorial director of Education. One of his top priorities was to make sure that every child in Samoa was computer literate, and he worked hard towards his goal of ensuring that every school in American Samoa had a computer room with Internet access.

I had the pleasure of meeting and visiting with Governor Sunia on a number of occasions during his visits to Washington, DC, and Honolulu, and during my visits to American Samoa. He was an immensely engaging and congenial man, and our official meetings frequently departed from the agenda to discussions of Polynesian history, anthropology, and the Native Hawaiian and Samoan cultures. In 1997, Senator Frank Murkowski, who was chairman of the Energy and Natural Resources Committee, and I visited American Samoa. We met with Governor Sunia and heard about his efforts to bring economic development and opportunities to Samoa. We were able to exchange ideas and assist him at the Federal level to bolster the local economy. Whether the issue was economic development, local agriculture, or educational opportunities for Samoan youth, Governor Sunia worked hard on behalf of the people of American Samoa. He understood the importance of balancing the preservation of culture with maximizing opportunities for American Samoa in today's global economy.

Governor Sunia was well respected not only in American Samoa, but in the Pacific Basin. He was also a man with a strong and abiding faith. He was deacon, vice chairman, and chairman of the Congregational Christian Church in American Samoa, and worked for both the spiritual and temporal well-being of the Samoan people. He cared deeply for all Pacific islanders, and we will all truly miss him. Well done, good and faithful servant.

NATIONAL WOMEN'S HISTORY MONTH

Mr. DURBIN. Mr. President, as we celebrate National Women's History Month during this time of war, I rise to pay tribute to the extraordinary women, past and present, who have served this country selflessly and courageously in the armed services.

Over 20 years ago, my distinguished colleagues, Senator BARBARA MIKULSKI and Senator ORRIN HATCH, cosponsored legislation that first established the National Women's History Week. I salute my colleagues for their leadership in establishing this now month-long celebration of women and their many contributions.

This year's theme for National Women's History Month is ''Women Pioneering the Future.'' As we anxiously await a safe and swift end to the war in Iraq, it seems appropriate to honor and remember the pioneering women of the armed services. Today it is common, and perhaps unremarkable, to see women serving in a variety of capacities in the Persian Gulf. As a result, it

is easy to forget that at one time the women who served this country in every major military conflict were unwanted and ill-treated.

During the Revolutionary War, women were prohibited from enlisting in the Continental Army, but that did not stop many women from following their husbands to war where they served as cooks and nurses. One brave woman, Margaret Corbin, took over her fallen husband's cannon at the Battle of Fort Washington. During the battle she was wounded and taken prisoner by the British. On July 6, 1779, Mrs. Corbin became the first woman to be awarded a Federal pension for being wounded in battle.

During the American Civil War, hundreds of women disguised themselves as men in order to serve in the Union and Confederate Armies. Many women were never discovered and most were not discovered until they were wounded or found dead on the battlefield. One woman enlisted in the 95th Illinois Infantry as Albert Cashier. Under the guise of a 19-year-old Irish immigrant, she served for 4 years, participating in almost 40 battles.

Following the Spanish American War, where more than 1,500 women were contracted to serve as nurses, the Army Nurse Corps of 1901 and the Navy Nurse Corp of 1908 were created, making women official members of the military for the first time. Twenty contract nurses died in service during the Spanish-American War and over 400 nurses died in the line of duty during World War I.

In addition to serving as nurses, during World War I, women were enlisted in the Navy and the Marine Corps to serve as stenographers and typists. In addition to these 12,185 female Yeomen, 230 women were hired by the Army to serve in France as bilingual telephone operators. These ''Hello Girls'' routed messages between headquarters and the front lines. Despite the great service of the women of World War I, Congress soon took action to close the loopholes that had allowed women to serve in the military.

Decades later, in order to meet the huge demands of World War II, all four services of the military formed women's components which were to last ''for the duration of the emergency and six months.'' Four hundred thirty two military women were killed in that war and 88 became prisoners of war. Sixty-six Army nurses endured an incredible 33 months at the Santo Tomas prison camp in the Philippines.

Finally, in 1948, women achieved permanent status in the Army, Navy, Air Force, and Marine Corps, when President Truman signed the Women's Armed Services Integration Act of 1948. Unfortunately, that act restricted the number of women who could enlist and the award of promotions. Despite these restrictions, many thousands of women have served in a variety of capacities during the major military conflicts in Korea, Vietnam, and the Persian Gulf.

In fact, according to the Department of the Navy, the deployment of women in the Persian Gulf was ''highly successful.'' More than 37,000 women served as administrators, air traffic controllers, logisticians, engineer equipment mechanics, ammunition technicians, ordinance specialists, communicators, radio operators, drivers, law enforcement specialists, and guards during Desert Shield/Desert Storm. Tragically, during that conflict, 5 women were killed in action, 21 were wounded in action, 2 were taken as prisoners of war, and 4 Marine women received the Combat Action Ribbon.

Today, women make up about 15 percent of the military and nearly 85 percent of all positions and occupations in the military are available to active-duty women. The progress that has been made in opening military service to the women of the United States is no doubt a reflection of the incredible service records of the pioneering women soldiers who have served this country since the Revolutionary War.

One such pioneering woman is National Women's History Month Honoree, BG Wilma L. Vaught. General Vaught grew up in rural Scotland, IL, and attended the University of Illinois. After college and some time spent in the corporate world, she joined the Air Force, in part, because of the opportunity it offered for managerial advancement.

While serving in the Air Force, General Vaught achieved several ''firsts'': first female Air Force officer to attend the Industrial College of the Armed Forces, first woman to command a unit that received the Joint Meritorious Unit Award, first woman promoted to Brigadier General in the comptroller career field, and the first and only woman to serve as president of the board of directors of the Pentagon Federal Credit Union. In addition, General Vaught is one of the most highly decorated women in history. It was my honor to meet General Vaught several years ago and feature her on my monthly cable television show.

This March, as the Nation prays for the safe return of our soldiers in Iraq, let us remember the incredible contributions that women like BG Wilma Vaught have made in service of our country.

ADDITIONAL STATEMENTS

HONORING THE LIFE OF SAM H. JONES

● Mr. BAYH. Mr. President, it is with great sadness that I rise today to honor the life of my friend, Sam H. Jones, who passed away on March 26, 2003 after 3-year battle with leukemia. Sam was a pioneer of civil rights who dedicated his life to building a community of equality where people of all races, religions, and backgrounds could have a stake in the American dream. He was a soft-spoken man yet he had a commanding presence that gave him the power to bring people of diverse backgrounds together in order to achieve great things.

While serving as the president of the Indianapolis Urban League for the past 36 years, Sam Jones worked to build bridges across tumultuous waters of racism, helping to ensure economic prosperity, equal opportunity in education, and improved police relations for African Americans and other minorities in the Indianapolis area. Sam championed issues ranging from suicide prevention to economic development. He was never afraid to explore new policy areas or to take an unpopular or unorthodox approach to solving problems. For these reasons, he was one of the most respected leaders in our community.

Born in Heidelberg, MS in 1929, Sam saw segregation in its most brutal form at a young age, which profoundly impacted him. He did not hold grudges. Instead, he took action to effect positive change, working with those whom he opposed, not against. Sam was known for his ability to calm opposing sides in difficult situations in order to reach compromise. This attitude helped him to build many strong partnerships and lifelong friendships.

In 1966 Sam Jones cofounded the Indianapolis Urban League and served as its president and CEO until last December. He built the organization in Indianapolis from the ground up, starting his work in a small motel room, and 36 years later, opening a $3 million Indiana Avenue headquarters. The new building bears his name, and rightly so; Sam was the heart and soul of the Indianapolis Urban League and was widely considered the dean of all 112 chapters of the national organization.

Sam Jones was a truly unique leader and humanitarian whose shoes will be difficult, if not impossible, to fill. For this reason, the sense of loss to all those who knew him in the city of Indianapolis, the State of Indiana, and the Nation, is tremendous. He will be greatly missed by his family and close friends, to whom he was extremely dedicated. He is survived by his wife, Prethenia, and their children, Marya Overby, Sam H. Jones, Jr., and the Rev. Michael Jones.

It is my sad duty to enter the name of Sam H. Jones into the CONGRESSIONAL RECORD. As Martin Luther King, Jr. once said: ''The hope of a secure and livable world lies with disciplined nonconformists who are dedicated to justice, peace and brotherhood.'' The world has been left a better place because Sam Jones lived his life based on that principle.●

HONORING LEXIS-NEXIS

● Mr. VOINOVICH. Mr. President, today I am pleased to offer special recognition to a great Ohio company, LexisNexis, on the auspicious occasion of the Thirtieth Anniversary of online legal research.

Thirty years ago today in a Dayton, OH office building, a team of employees and consultants developed the world's first full-text commercial search engine to use for legal research. LexisNexis thus launched the first online legal research system, an innovation that revolutionized the way legal and business professionals, government officials, and academics conduct online legal and business research.

This special milestone offers a unique opportunity to reflect on the company's tradition of innovation and to look with optimism to the future. Today, LexisNexis is a global leader in legal, news and business information services, a distinction supported by product lines that date back more than a century.

With more than 3,000 employees in Ohio and over 13,000 employees worldwide, LexisNexis has enhanced the quality of life within the communities where it employees live and work, and it is truly deserving of high praise. I am certain that as this worthy enterprise maintains its commitment to deliver superior services and solutions to its customers, it will continue to grow and prosper and will follow in the tradition of innovation which has long been the hallmark of the company.

Thus, with sincere pleasure, I congratulate LexisNexis on this Thirtieth Anniversary and extend best wishes for the future.●

LEXIS-NEXIS 30TH ANNIVERSARY

● Mr. DEWINE. Mr. President, I rise today to recognize LexisNexis, an Ohio company celebrating a very important milestone. LexisNexis, the first commercial, full-text legal information service, is celebrating its 30th anniversary today. This company, headquartered in Dayton, provides a service that has become an indispensable information resource to a wide range of professionals, not only in many of our congressional offices, but also in the legal, business, and academic arenas.

In an era when many professionals frequented the library looking for the necessary documents, LexisNexis introduced desktop terminals that allowed subscribers to call up a variety of documents from their desks, making LexisNexis the preferred search engine of countless professionals. Today, the LexisNexis continues to revolutionize legal research by providing its over 1.6 million subscribers with up-to-date information covering a variety of topics, from worldwide newspapers and magazines to tax and accounting information and legislative records. Currently, there are an astounding 2 billion documents available in the LexisNexis database, with 6.8 million documents added each week, providing its subscribers with a wealth of knowledge.

I commend LexisNexis on the success it has achieved over the past 30 years and wish the company, and all of its 13,000 employees worldwide, continued success in delivering high-quality, invaluable resources and information.●

HONORING THE UNITED PARCEL SERVICE

● Mr. BUNNING. Mr. President, I have the privilege and honor of rising today to recognize the United Parcel Service, UPS. Recently, the Women's Business Enterprise National Council named UPS an ''Elite Eight'' member.

Each year the Women's Business Enterprise National Council selects and recognizes the efforts of eight companies that actively seek business contacts with companies owned and operated by women. For the second consecutive year, UPS is the recipient of this distinguished industry award.

One element specifically praised by the council was UPS's Supplier Diversity Program. This exceptional program was formally launched in 1992 as a way of promoting business opportunities through UPS contracts to companies either owned by minorities or women. Contracts with the 25,000 businesses included in this program vary from legal services and advertising to computers and uniforms.

Late last year, UPS completed a $1 billion expansion of the UPS Worldport facility at the Louisville International Airport located in Louisville, KY. I am pleased that more than 40 Supplier Diversity Program participating businesses were involved in the completion of this project.

Since the creation of the company in 1972, UPS has received multiple recognitions for its commitment to community development and improvement. These numerous awards and distinctions are well deserved, and UPS should be commended for this commitment.●

THE CELEBRATION OF THE 125TH ANNIVERSARY OF THE UNIVERSITY OF DETROIT JESUIT HIGH SCHOOL AND ACADEMY

● Mr. LEVIN. Mr. President, today it is my great pleasure to congratulate the University of Detroit Jesuit High School and Academy for 125 years of excellence in education. On April 4, 2003, faculty, students, and members of the community will gather to commemorate not only U of D Jesuit's achievements in education, but also its commitment to the community of Detroit.

For 125 years, the University of Detroit Jesuit High School and Academy has provided expanding educational opportunities to a wide array of students across the Detroit metropolitan area. Since its founding in 1877, U of D Jesuit has continually increased its academic offerings to students. The school added an academy serving seventh and eighth grade students in 1973 and is now known as one of Michigan's premier private college preparatory schools.

In 1977, U of D Jesuit made the critical decision to remain in Detroit. Despite pressure from teachers and alumni to move the school out of the city, the Jesuits in Rome urged the school to remain in Detroit to continue pursuing their mission of justice in education. Since then, U of D Jesuit has strived to offer its students a rich multicultural environment while also providing a challenging and meaningful educational experience. The diversity that now exists within the school is both an incredible asset and an essential component of its character.

Today, U of D Jesuit offers its students excellent educational opportunities while teaching them the importance of diversity and commitment to their community. The student body at U of D Jesuit draws from nearly 70 different communities in the Detroit metropolitan area. Students come from a variety of religious and cultural backgrounds, yet they all share the common goal of improving their school and community. The University of Detroit Jesuit High School and Academy truly demonstrates an unwavering commitment to shaping young men into ''Men for Others.''

I am pleased to join with my colleagues in the Senate in offering my deepest congratulations to the University of Detroit Jesuit High School and Academy as they celebrate 125 years of commitment to the Detroit area and excellence in education. I wish them continued success in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committee.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:30 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 289. An act to expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge.

H.R. 622. An act to provide for exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes.

H.R. 758. An act to allow all businesses to make up to 24 transfers each month from interest-bearing transaction accounts to other transaction accounts, to require the payment of interest on reserves held for depository institution at Federal reserve banks, and for other purposes.

H.R. 762. An act to amend the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of certain rights-of-way granted, issued, or renewed under these Acts.

H.R. 1412. An act to provide the Secretary of Education with specific waiver authority to respond to a war or other military operation national emergency.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 109. Concurrent resolution expressing the sense of the Congress regarding the Blue Star Flag and the Gold Star.

The message further announced that the House disagree to the amendment of the Senate to the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

For consideration of the House concurrent resolution and the Senate amendment, and modifications committed to conference: Mr. NUSSLE; Mr. SHAYS; and Mr. SPRATT.

MEASURES REFERRED

The following concurrent resolutions, previously received from the House of Representatives for concurrence, were referred as indicated:

H. Con. Res. 104. Concurrent resolution expressing the support and appreciation of the Nation for the President and the members of the Armed Forces who are participating in Operation Iraqi Freedom; to the Committee on Armed Services.

H. Con. Res. 118. Concurrent resolution concerning the treatment of members of the Armed Forces held as prisoner of war by Iraqi authorities; to the Committee on Foreign Relations.

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

H.R. 289. An act to expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge; to the Committee on Environment and Public Works.

H.R. 622. An act to provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 758. An act to allow all businesses to make up to 24 transfers each month from interest-bearing transaction accounts to other transaction accounts, to require the payment of interest on reserves held for depository institutions at Federal reserve banks, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 762. An act to amend the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of certain rights-of-way granted, issued, or renewed under these Acts; to the Committee on Energy and Natural Resources.

H.R. 1412. An act to provide the Secretary of Education with specific waiver authority to respond to a war or other military operation or national emergency, to the Committee on Health, Education, Labor, and Pensions.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 109. Concurrent resolution expressing the sense of the Congress regarding the Blue Star Banner and the Gold Star; to the Committee on Armed Services.

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–1790. A communication from the Assistant Secretary, Mine Safety and Health, Department of Labor, transmitting, pursuant to law, the report of rule entitled ''Alternate Locking Devices for Plug and Receptacle-Type Connectors on Mobile Battery-Powered Machines (1219–AA98)'' received on March 27, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1791. A communication from the Assistant Secretary, Mine Safety and Health, Department of Labor, transmitting, pursuant to law, the report of rule entitled ''Criteria and Procedures for Proposed Assessment of Civil Penalties (1219–AB32)'' received on March 27, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1792. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the Energy Administration's Annual Energy Review 2001, received on March 20, 2003; to the Committee on Energy and Natural Resources.

EC–1793. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a several documents that the Environmental Protection Agency (EPA) recently issued related to EPA regulatory programs, received on March 24, 2003; to the Committee on Environment and Public Works.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GRASSLEY for the Committee on Finance.

*Joseph Robert Goeke, of Illinois, to be a Judge of the United States Tax Court for a term of fifteen years after he takes office.

*Robert Allen Wherry, Jr., of Colorado, to be a Judge of the United States Tax Court for a term of fifteen years.

*Harry A. Haines, of Montana, to be a Judge of the United States Tax Court for a term of fifteen years.

*Diane L. Kroupa, of Minnesota, to be a Judge of the United States Tax Court for a term of fifteen years.

*Mark Van Dyke Holmes, of New York, to be a Judge of the United States Tax Court for a term of fifteen years.

*Mark W. Everson, of Texas, to be Commissioner of Internal Revenue for a term of five years.

*Raymond T. Wagner, Jr., of Missouri, to be a Member of the Internal Revenue Service Oversight Board for the remainder of the term expiring September 14, 2004.

*Nomination was reported with recommendation that it be confirmed subject to the nominees 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. LUGAR (for himself, Mr. HATCH, Mr. STEVENS, Mr. INOUYE, Mr. DOMENICI, Mr. LEAHY, Mr. SARBANES, Mr. KENNEDY, Mr. BYRD, Mr. HOLLINGS, and Mr. LEVIN):

S. 763. A bill to designate the Federal building and United States courthouse located at 46 Ohio Street in Indianapolis, Indiana, as the ''Birch Bayh Federal Building and United States Courthouse''; to the Committee on Finance.

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

S. 764. A bill to extend the authorization of the Bulletproof Vest Partnership Grant Program; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself and Mr. LUGAR):

S. 765. A bill to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to streamline the financial disclosure process for executive branch employees; to the Committee on Governmental Affairs.

By Mr. NELSON of Florida (for himself and Mr. MILLER):

S. 766. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Jacksonville, Florida, metropolitan area; to the Committee on Veterans' Affairs.

By Mr. SMITH (for himself, Mr. BAYH, Mr. CHAMBLISS, Mr. MILLER, and Mr. WARNER):

S. 767. A bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on social security benefits; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. STEVENS):

S. 768. A bill to provide for reform of the Senior Executive Service, adjustment in the rates of pay of certain positions, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LEVIN (for himself, Mr. ALEXANDER, Mr. LIEBERMAN , Mr. MCCONNELL, and Mr. SCHUMER):

S. 769. A bill to permit reviews of criminal records of applicants for private security officer employment; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. KENNEDY, and Ms. LANDRIEU):

S. 770. A bill to amend part A of title IV of the Social Security Act to ensure fair treatment and due process protections under the temporary assistance to needy families program, to facilitate enhanced data collection and reporting requirements under that program, and for other purposes; to the Committee on Finance.

By Mr. BIDEN:

S. 771. A bill to improve the investigation and prosecution of child abuse cases through Children Advocacy Centers; to the Committee on the Judiciary.

By Mr. NELSON of Nebraska:

S. 772. A bill to provide that the apportionment of funds to airports for fiscal year 2004

shall be based on passenger boardings during calendar years 2000 and 2001; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. KENNEDY, Mr. DEWINE, Mr. BIDEN, Mr. SHELBY, and Mrs. LINCOLN):

S. 773. A bill to reauthorize funding for the National Center for Missing and Exploited Children, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 103. A resolution to authorize representation by the Senate Legal Counsel in the case of John Jenkel v. Daniel K. Akaka, et al.; considered and agreed to.

By Mr. GRAHAM of South Carolina (for himself, Mr. INHOFE, Mr. SANTORUM, Mr. BUNNING, Mr. NICKLES, Mr. CRAIG, and Mr. CRAPO):

S. Con. Res. 32. A concurrent resolution expressing the sense of Congress regarding the protection of religious sites and the freedom of access and worship; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 7

At the request of Mr. DASCHLE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 7, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the Medicare program and to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals, and for other purposes.

S. 13

At the request of Mr. KYL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 13, a bill to provide financial security to family farm and small business owners while by ending the unfair practice of taxing someone at death.

S. 224

At the request of Mr. DASCHLE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 224, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 251

At the request of Mr. LOTT, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 251, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 271

At the request of Mr. SMITH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 271, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 274

At the request of Mr. GRASSLEY, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 274, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 310

At the request of Mr. THOMAS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 310, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 363

At the request of Ms. MIKULSKI, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 363, a bill to amend title II of the Social Security Act to provide that the reductions in Social Security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 380

At the request of Ms. COLLINS, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 380, a bill to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.

S. 460

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 460, a bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2004 through 2010 to carry out the State Criminal Alien Assistance Program.

S. 471

At the request of Mr. ALLEN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 471, a bill to ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Committee, and for other purposes.

S. 498

At the request of Mr. HOLLINGS, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 498, a bill to authorize the President to posthumously award a gold medal on behalf of Congress to Joseph A. De Laine in recognition of his contributions to the Nation.

S. 501

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 501, a bill to provide a grant program for gifted and talented students, and for other purposes.

S. 504

At the request of Mr. ALEXANDER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 504, a bill to establish academics for teachers and students of American history and civics and a national alliance of teachers of American history and civics, and for other purposes.

S. 518

At the request of Ms. COLLINS, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 665

At the request of Mr. GRASSLEY, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 665, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fisherman, and for other purposes.

S. 722

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 722, a bill to amend the Federal Food, Drug, and Cosmetic Act to require that manufacturers of dietary supplements submit to the Food and Drug Administration reports on adverse experiences with dietary supplements, and for other purposes.

S. 724

At the request of Mr. ENZI, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 724, a bill to amend title 18, United States Code, to exempt certain rocket propellants from prohibitions under that title on explosive materials.

S. 749

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 749, a bill to authorize the Secretary of the Interior to establish the Votes for Women History Trail in the State of New York.

S. 760

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 760, a bill to implement effective measures to stop trade in conflict diamonds, and for other purposes.

S. CON. RES. 25

At the request of Mr. VOINOVICH, the name of the Senator from Virginia (Mr.

ALLEN) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing and honoring America's Jewish community on the occasion of its 350th anniversary, supporting the designation of an ''American Jewish History Month,'' and for other purposes.

S. CON. RES. 26

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

S. CON. RES. 31

At the request of Mr. LIEBERMAN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. Con. Res. 31, a concurrent resolution expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (for himself, Mr. HATCH, Mr. STEVENS, Mr. INOUYE, Mr. DOMENICI, Mr. LEAHY, Mr. SARBANES, Mr. KENNEDY, Mr. BYRD, Mr. HOLLINGS, and Mr. LEVIN):

S. 763. A bill to designate the Federal building and United States courthouse located at 46 Ohio Street in Indianapolis, Indiana, as the ''Birch Bayh Federal Building and United States Courthouse''; to the Committee on Finance.

Mr. LUGAR. Mr. President, today I am introducing legislation to name the Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, IN, as the ''Birch Bayh Federal Building and United States Courthouse.''

I am pleased to introduce this measure today to honor my colleague from Indiana, Senator Bayh. I am joined by my colleagues Mr. BYRD, Mr. DOMENICI, Mr. HATCH, Mr. HOLLINGS, Mr. INOUYE, Mr. KENNEDY, Mr. LEAHY, Mr. LEVIN, Mr. SARBANES, and Mr. STEVENS, who served in the Senate with Senator Bayh during his tenure 1963–1981.

Birch Evan Bayh was born in Terre Haute in 1928. He attended the public schools; served in the United States Army 1946–1948; graduated Purdue University School of Agriculture at Lafayette in 1951; and attended Indiana State University, 1952–1953. Bayh graduated from the Indiana University School of Law in 1960; and was admitted to the Indiana bar in 1961.

He worked as a lawyer and farmer in Terre Haute, and served as a representative to the Indiana General Assembly from 1954 to 1962. In the Assembly, he rose to become minority leader in 1957 and 1961 and Speaker of the House in 1959. Senator Bayh was first elected to the U.S. Senate in 1962; reelected in 1968 and 1974; and served from January 3, 1963, to January 3, 1981.

I am pleased to introduce this companion legislation in the Senate at the request of Representative CARSON who introduced a bill in the House of Representatives. I hope this measure will be approved by the Congress.

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

S. 764. A bill to extend the authorization of the Bulletproof Vest Partnership Grant Program; to the Committee on the Judiciary.

Mr. CAMPBELL. Mr. President, today Senator LEAHY and I are introducing the Bulletproof Vest Partnership Grant Act of 2003, a bill to reauthorize an existing matching grant program to help State, tribal, and local jurisdictions purchase armor vests for use by law enforcement officers. This bill represents another in a series of law enforcement initiatives on which I have had the privilege to work with my friend and colleague from Vermont, Senator LEAHY. The Senator brings to the table invaluable experience in this area, from his distinguished service as a State's attorney in Vermont, a nationally recognized prosecutor, and as the ranking member of the Chairman of the Senate Judiciary Committee. We are pleased to be joined in this effort by the distinguished Chairman of the Senate Judiciary Committee, Senator HATCH.

Two years ago, Congress passed, and the President signed into law, the Bulletproof Vest Partnership Grant Act of 2000 (P.L. 106–517), and before that in 1998, P.L. 105–181, which we were privileged to introduce. Since its inception in 1999, this highly successful Department of Justice grant program has provided law enforcement officers in 16,000 jurisdictions with nearly 500,000 vests.

There are far too many law enforcement officers who patrol our streets and neighborhoods without the proper protective gear against violent criminals. Each year, on average, more than 60 law enforcement officers are killed by gunfire in the line of duty. The felonious use of guns and the increased use of larger caliber handguns and assault rifles has created an even greater risk for law enforcement officers and an increasing need for higher threat level, better quality, and more comfortable vests that can be worn in a variety of circumstances. The use of body armor to provide protection against the use of deadly force and assaults as well as its demonstrated value in protecting officers involved in vehicle accidents, provides compelling reasons for officers to be equipped with and to wear body armor.

In 2002, 149 Federal, State and local law enforcement officers gave their lives in the line of duty, well below the decade-long average of 165 deaths annually, and a major drop from 2001 when a total of 230 officers were killed. A number of factors contributed to this reduction including the availability of better equipment and the increased use of bullet-resistant vests.

As a former deputy sheriff, I know first-hand the risks which law enforcement officers face every day on the front lines, protecting our communities. Currently, more than 850,000 men and women who serve this nation as our guardians of law and order do so at a great personal risk. Every year, about 1 in 15 officers is assaulted, 1 in 46 officers is injured, and 1 in 5,255 officers is killed in the line of duty somewhere in America every other day. There are few communities in this country that have not been impacted by the words ''officer down.''

The evidence is clear that a bulletproof vest is one of the most important pieces of equipment that any law enforcement officer can have. Since the introduction of modern bulletproof material, the lives of more than 2,700 officers have been saved by bulletproof vests. In fact, the Federal Bureau of Investigation has concluded that officers who do not wear bulletproof vests are 14 times more likely to be killed by a firearm than those officers who do wear vests. Simply put, bulletproof vests save lives.

Unfortunately, many police departments do not have the resources to purchase vests on their own, especially in America's smaller communities. The Bulletproof Vest Partnership Grant Act of 2003 would continue the partnership with State and local law enforcement agencies to make sure that every police officer who needs a bulletproof vest gets one. It would do so by continuing to authorize up to $50 million per year for the grant program within the U.S. Department of Justice. In addition, the program provides 50–50 matching grants to State and local law enforcement agencies and Indian tribes with under 100,000 residents to assist in purchasing bulletproof vests and body armor.

While we know that there is no way to end the risks inherent to a career in law enforcement, we must do everything possible to ensure that officers who put their lives on the line every day also put on a vest. Body armor is one of the most important pieces of equipment an officer can have and often means the difference between life and death. The United States Senate can help, and I urge our colleagues to support prompt passage of this legislation.

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. 764

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 ''Bulletproof Vest Partnership Grant Act of 2003''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968

(42 U.S.C. 3793(a)(23)) is amended by striking ''2004'' and inserting ''2007''.

By Mr. NELSON of Florida (for himself and Mr. MILLER):

S. 766. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Jacksonville, Florida, metropolitan area; to the Committee on Veterans Affairs.

Mr. NELSON of Florida. Mr. President, it is a central element of our national character to pay solemn tribute to the service of those who have worn the uniform of our Armed Forces and placed themselves in harm's way to defend our freedom and way of life. We raise monuments to the deeds of our great wartime leaders as well as the countless, often nameless heroes of those battles fought throughout our history. We also set aside special days to remember the sacrifice of generations of Americans who have stepped forward in America's defense.

This Nation also sets aside special places, hallowed ground, where we lay to rest those who have served us in our hour of greatest need. Our National Cemetery system is not only hallowed ground, National Cemeteries are monuments to military service, the places where we go on those special days to pay tribute to the sacrifice of so many in our history. National Cemeteries remind us of where we have been as a Nation, and inspires future generations to uphold the legacy of our veterans' devotion and sacrifice.

Today I offer legislation to establish a National Cemetery near Jacksonville, Florida to meet the needs of thousands of veterans who have chosen to live out their lives in Northeast Florida and Southeast Georgia. Florida's veteran population is the second largest in the Nation. Right now in Northern Florida and Southern Georgia, there are nearly half-a-million veterans. Florida has the Nation's oldest veteran population and one of the largest remaining populations of World War II veterans. We are all aware that this greatest of generations is passing away at higher and higher rates.

Unfortunately for these hundreds of thousands of veterans in Florida and Georgia, the nearest National Cemetery is located in Bushnell, FL, which is a three-hour drive from Jacksonville. The National Cemetery in St. Augustine is full and closed. The nearest National Cemetery in Georgia is in Marietta just north of Atlanta.

Our veterans have defended our country in her days of peril, and certainly deserve to rest in honored respect in a National Cemetery. To meet our obligations to the veterans of Northeast Florida and Southeast Georgia, we must act now, in order to have this facility established by 2006 when our World War II veterans' deaths are expected to reach their peak.

I am proud to sponsor this important bill, and look forward to the support of my colleagues as we provide for our veterans who have given so much for our country.

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

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

S. 766

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

SECTION 1. ESTABLISHMENT.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in the Jacksonville, Florida, metropolitan area to serve the needs of veterans and their families.

(b) CONSULTATION IN SELECTION OF SITE.—Before selecting the site for the national cemetery established under subsection (a), the Secretary shall consult with—

(1) appropriate officials of the State of Florida and local officials of the Jacksonville metropolitan area; and

(2) appropriate officials of the United States, including the Administrator of General Services, with respect to land belonging to the United States in that area that would be suitable to establish the national cemetery under subsection (a).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemetery under subsection (a). The report shall set forth a schedule for such establishment of the national cemetery and an estimate of the costs associated with such establishment of the national cemetery.

By Mr. SMITH (for himself, Mr. BAYH, Mr. CHAMBLISS, Mr. MILLER, and Mr. WARNER):

S. 767. A bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on social security benefits; to the Committee on Finance.

Mr. SMITH. Mr. President, on behalf of myself and my friend and colleague Senator BAYH of Indian, I rise today to introduce legislation that will repeal a ten year old tax increase on our senior citizens. We are joined by Sens. CHAMBLISS, MILLER, and WARNER. This tax increase was passed in 1993 and has been an onerous and unjust tax on the Social Security benefits of America's seniors.

I am pleased to have the support of the following organizations for this important legislation: United Seniors Association, National Taxpayers Union, The Seniors Coalition, Americans for Tax Reform, The 60 Plus Association.

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

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNITED SENIORS ASSOCIATION,
Fairfax, VA, March 13, 2003.

Hon. EVAN BAYH,
Senate Russell Building,
Washington, DC.
Hon. GORDON SMITH,
Senate Russell Building,
Washington, DC.

DEAR SENATORS: On behalf of United Seniors Association's 1.5 million-plus nationwide grassroots network, we enthusiastically support your legislation, the Social Security Tax Equity Act of 2003.

For over a decade, United Seniors Association has led the charge to eliminate all taxes on Social Security benefits. Your legislation will substantially lift financial burdens from millions of Seniors and I commend you for your leadership.

Before 1984, no one paid federal income taxes on their Social Security benefits. President Clinton signed the Omnibus Budget Reconciliation Act of 1993, which raised to 85 percent the amount of Social Security benefits subject to income taxes. Each year since 1993, more and more Seniors have been hit by this Seniors-only tax. Proponents of the tax hike maintained that it would only affect ''rich Seniors.'' However, that was not true. The tax has hit Seniors with moderate incomes most heavily.

The taxation of benefits is confusing, unfair, and makes middle class Seniors pay higher marginal tax rates than many millionaires. Every year, more Seniors feel the tax pinch because the income thresholds are not indexed for inflation. Over 9 million Seniors now pay this unfair tax. This tax is not only bad policy, but it is a disincentive for continuing a productive work-life after age 65.

Again, we applaud both of you for your efforts. United Seniors Association stands ready to help you pass this important piece of legislation not only for Seniors, but for their children, and their grandchildren.

Sincerely,

CHARLES W. JARVIS,
Chairman and Chief Executive.

NATIONAL TAXPAYERS UNION,
Alexandria, VA, March 12, 2003.

Hon. GORDON SMITH,
U.S. Senate, Russell Senate Office Building, Washington, DC.
Hon. EVAN BAYH,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATORS SMITH AND BAYH: On behalf of our 335,000 members, the National Taxpayers Union (NTU) strongly supports, in addition to the urgently needed tax relief contained in the President's plan (S. 2 by Senators Nickles and Miller), your proposed legislation to repeal the 1993 imposed upon Social Security recipients. While NTU would prefer the repeal of all taxes on Social Security benefits, we are pleased to endorse your proposal as a good first step.

As you know, prior to 1993, seniors paid taxes on half of their Social Security benefits if their combined income exceeded certain levels. In 1993 the taxable portion of Social Security benefits was increased to 85% for individuals with income exceeding $34,000 and couples with incomes exceeding $44,000. This punishing level of taxation applies to almost a fourth of all Social Security recipients. It penalizes seniors who choose to save their money or keep working. For many seniors, just as in the case of dividend income, this taxation is clearly double taxation.

Again, in addition to the critical need for the Senate to pass the ''Jobs and Growth Act of 2003,'' we would urge your Senate colleagues to pass your repeal of the 1993 tax on Social Security benefits as an important first step on the road to total repeal of all such taxes on Social Security income for retirees.

Sincerely,

AL CORS, Jr.,
Vice President, Government Affairs.

THE SENIORS COALITION,
Springfield, VA, March 18, 2002.

Hon. GORDON H. SMITH,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Hon. EVAN BAYH
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATORS SMITH & BAYH: On behalf of our four million senior members and supporters nationwide, I commend you for introducing the Social Security benefits that unfairly targets seniors and results in a disincentive for them to work, invest and save. We likewise applaud you for your commitment to a more equitable and nondiscriminatory tax system for older Americans.

As you know, Congress passed a law in 1983 that required Social security beneficiaries to pay taxes on 50 percent of their benefits when they exceeded certain income levels. In 1993, Congress increased the threshold to 85 percent of Social Security benefits for single retirees with income above $34,000 and for couples with income over $44,000. Since Social Security taxes are only 50 percent deductible (the employer's share), and seniors have already paid taxes on their payroll tax contribution, they are currently taxed twice when they pay taxes on more than 50 percent of benefits.

Seniors have spent a lifetime saving and investing in America in order to enjoy financial independence and security in retirement and to accrue assets for their children. Sadly, however, the double tax on Social Security punishes years spent exercising financial discipline. Worse yet, this tax ultimately forces seniors to limit their non-Social Security income or face the financial burdens it imposes at certain levels of earned and investment income.

While this double tax on Social Security clearly targets seniors, our entire society bears an incalculable economic penalty as an experienced and knowledgeable senior workforce opts to sit on the sidelines rather than work and invest for substandard returns. In the midst of this current economic downturn, America would greatly benefit from the faithful investment practices and the productive work habits of its senior citizens.

Your bill would put an end to the unfair and discriminatory practice of double taxation of seniors' Social Security benefits and encourage senior Americans to continue contributing to the nation's growth. We therefore strongly support the ''Social Security Tax Equity Act of 2003'' and are ready to assist you in securing its passage.

Sincerely,

MARY M. MARTIN,
Executive Director.

AMERICANS FOR TAX REFORM,
Washington, DC, March 12, 2003.

Hon. GORDON SMITH,
Russell Senate Building,
Washington, DC.

DEAR CONGRESSMAN SMITH: On behalf of Americans for Tax Reform (ATR), I want to thank you for introducing the Social Security Tax Equity Act of 2003. ATR pledges full support for this critically important legislation.

As you know, the 1993 Clinton tax increase levied on Social Security was on attack on senior citizens and workers. Worker payroll contributions finance Social Security benefits. Yet the benefits that senior citizens receive are again taxed—a second time—if these citizens have incomes above a threshold amount. This is an unjust form of double taxation and it must be eliminated.

Before the 1993 tax increase, single retirees with incomes above $25,000 and $32,000 for couples paid taxes on half of Social Security benefits. The 1993 increase, however, raised the threshold income for single retirees to $34,000 and $44,000 for couples. The increase also imposed levies on 85 percent of Social Security benefits—a 35 percent increase on benefits. Roughly a quarter of Social Security recipients now pay higher taxes.

ATR is encouraged by your bold leadership to roll back this unfair form of double taxation. Repealing the 1993 tax increase will yield economic benefits that will grow our economy and reward productive behavior. We applaud your effort to fight for working men and women and especially for our elderly citizens.

Sincerely,

GROVER NORQUIST.

THE 60 PLUS ASSOCIATION,
Arlington, VA, March 25, 2003.

Hon. GORDON H. SMITH,
Hon. EVAN BAYH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH AND BAYH: On behalf of the 60 Plus Association, I want you both to know you have our complete support for legislation you soon plan to introduce, the Social Security Tax Equity Act of 2003.

Increased taxes for Social Security benefits are a crystal clear example of government greed at the expense of America's seniors. Social Security benefits are already financed by worker payroll tax contributions—but to tax senior citizens a second time on their Social Security benefits should they elect to continue working only burdens retired Americans unfairly.

The 60 Plus Association stands foursquare with any group or individual dedicated to maintaining and strengthening Social Security. This vital program ought not be the catalyst for exacting tax revenues on hard-earned retirement benefits.

Working allows seniors to earn income that in turn boosts economic growth. Tax penalties on these additional retirement incomes discourage seniors from continuing to lead active, productive lives according to their ability and choosing. That's wrong and needs to be remedied.

Senior, the 60 Plus Association is with you in eliminating this double taxation of Social Security benefits.

Kind regards,

JAMES L. MARTIN,
President.

Senior citizens pay Federal taxes on a portion of their Social Security benefits if they receive additional income from savings or from work. As ludicrous as it seems, our seniors who have worked hard their lives, and planned and saved for their retirement are being taxed a second time, when they need their income the most.

One of the most unfair tax increases occurred in the 1993 tax bill. Before 1993, seniors paid taxes on half their Social Security benefits if their combined income—which includes adjusted gross income and one-half of their Social Security benefits—exceeded $25,000 for individuals or $32,000 for couples. In 1993 this tax was increased—individuals with incomes above $34,000 and couples with income above $44,000 now had a portion of their Social Security benefits taxes at 85 percent.

I strongly believe that this increase in the taxable portion of Social Security benefits violated the contract seniors had with the United States government. This tax increase was unfair and it provided a disincentive to our seniors who chose to save or chose to work. This single provision increased taxes for almost one-quarter of Social Security recipients.

Seniors have spent a lifetime saving and investing in America in order to enjoy financial independence and security in retirement and to accrue assets for their children. Sadly, the double tax on Social Security punishes years spent exercising financial discipline. Worse yet, this tax ultimately forces seniors to limit their non-Social Security income or face the financial burden it imposes at certain levels of earned income.

This tax hits middle income seniors, kicking in as soon as that senior crosses the $34,000 mark.

While this double tax clearly targets seniors, our entire society carries the economic burden as an experienced and knowledgeable senior workforce chooses to sit on the sidelines rather than work and invest for substandard returns. In the middle of the current economic downturn, America would greatly benefit from the faithful investment practices and the productive work habits of its senior citizens.

I have been a cosponsor of various bills in the past few Congresses to repeal this unfair tax. As a member of the Senate Finance Committee, I am pleased to announce the introduction of the Social Security Tax Equity Act of 2003.

I believe that we must do everything possible to turn back this 10 year old tax increase and return some small measure of equity and fair play to those senior citizens affected by that tax. I urge you all to join me and my fellow senators by becoming cosponsors of this legislation, and roll back this unfair form of double taxation on our senior citizens and encourage them to continue contributing to the Nation's growth. Those who have helped build this great country through their lifetimes deserve our support now.

I ask unanimous consent that the text of the Social Security Tax Equity Act of 2003 be printed in the RECORD.

S. 767

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

SECTION 1. REPEAL OF INCREASE IN TAX ON SOCIAL SECURITY BENEFITS.

(a) REPEAL OF INCREASE IN TAX ON SOCIAL SECURITY BENEFITS.—

(1) IN GENERAL.—Paragraph (2) of section 86(a) of the Internal Revenue Code of 1986 (relating to social security and tier 1 railroad retirement benefits) is amended by adding at the end the following new flush sentence:

''This paragraph shall not apply to any taxable year beginning after December 31, 2002.''

(2) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2002.

(b) REVENUE OFFSET.—The Secretary of the Treasury shall transfer, for each fiscal year, from the general fund in the Treasury to the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) an amount equal to the decrease in revenues to the Treasury for such fiscal year by reason of the amendment made by this section.

By Mr. LEVIN (for himself, Mr. ALEXANDER, Mr. LIEBERMAN, Mr. MCCONNELL, and Mr. SCHUMER):

S. 769. A bill to permit reviews of criminal records of applicants for private security officer employment; to the Committee on the Judiciary.

Mr. LEVIN. Mr. President, today I am joined by Senators ALEXANDER, LIEBERMAN, MCCONNELL and SCHUMER in introducing the Private Security Officer Employment Authorization Act of 2003, a bill that would provide private security firms an opportunity to have national criminal history information searches undertaken to determine whether or not employees or applicants for employment pose a threat to the facilities and persons they are supposed to protect. There would be no expense to the government and the searches would require the consent of the employee or applicant for employment.

Large numbers of critical non-governmental facilities from power plants to schools to hospitals are protected by private security firms and their civilian security officers. Keeping these facilities secure from terrorism or other forms of violent attack is critical to our national security. Yet currently most private security employers cannot request timely national criminal background check information on the very people they need to hire to protect these key facilities. This legislation seeks to correct that. This bill would authorize private security firms to request Federal background checks on current or prospective employees through the appropriate state agencies, thereby permitting relevant criminal history information to be considered in the licensing and employment of private security officers.

The Criminal Justice Information Services Division of the FBI maintains complete criminal history records for both Federal and State crimes on individuals with criminal records in the United States. Searches are most effectively conducted using fingerprints to ensure efficiency and accuracy. We have already passed legislation specifically permitting other industries—for instance, the banking, nursing home, and child care industries—to check their prospective employees against the FBI's comprehensive records. Many of the reasons that supported passage of those laws, particularly the desire to ensure that those who provide certain important services have a background commensurate with their responsibilities, support passage of this bill as well.

This legislation will enhance our Nation's security. As an adjunct to our Nation's law enforcement officers, private security guards are responsible for the protection of numerous critical components of our Nation's infrastructure, including power generation facilities, hazardous materials manufacturing facilities, water supply and delivery facilities, oil and gas refineries, and food processing plants. The approximately 13,000 private security companies in the United States employ about 1.5 million persons nationwide. Given the critical nature of the facilities private security officers are hired to protect, it is imperative that we provide sufficient access to information that might disclose who is unsuitable for protecting these resources.

Currently we do not. Relying upon a Federal bill passed in the early 1970's, 37 states and the District of Columbia have passed legislation authorizing State agencies to request both State and Federal criminal history record searches. Despite this authorization, security firms report that searches of both State and Federal databases for private security officers are the exception rather than the rule. That is because only 20 States plus the District of Columbia regularly access the Federal database for private security officers, and only two—California and Illinois—do so in a way that ensures a timely response. In many jurisdictions with authorizing statutes, reviews of the Federal database are conducted sporadically, if at all. Indeed, in approximately 17 of the 37 States with authorizing statutes, typically only State databases are searched for private security officers. An additional 13 States have not even passed legislation authorizing any form of Federal criminal background check. What that means is that in approximately 30 States neither the State agencies nor the private security employers typically have any access to any Federal criminal database information. In these 30 States, an employment applicant in one State could have a serious criminal conviction in another State and still be permitted to perform sensitive security work. The state reviewing the applicant would have no idea a conviction in another State existed without access to the Federal database.

Further, even in those few States that actually conduct Federal records searches, the Federal searches conducted on new employees often take 90 to 120 days, if not longer. While checks are pending, security guards frequently are provided temporary licenses. This 90 to 120 day period is more than enough time for a guard with a temporary license to perpetrate dangerous acts. In light of our urgent need to strengthen the security of our homeland, this lack of timely access to criminal history information is unacceptable. An article that appeared earlier this year in USA Today entitled ''Private Security Guards Are Homeland's Weak Link'' got it right when it said, ''more often than not, private security guards who protect millions of lives and billions of dollars in real estate offer a false sense of security.'' We need to act in order to make it easier for States and employers to gain timely access to this crucial criminal history information.

This bill strikes the appropriate balance between the interests of all parties involved.

First, the bill permits private security employers to request a prompt search of the FBI criminal history database for prospective or existing employees. Requests must be made by the employers through their state's identification bureau or similar state agency designated by the Attorney General. Employers will not be granted direct access to the FBI records. Instead, states will serve as intermediaries between employers and the FBI to: 1. ensure that employment suitability determinations are made pursuant to applicable State law; 2. prevent disclosure of the raw FBI criminal history information to the employers and the public; and 3. minimize the FBI's administrative burden of having to respond to background check requests from countless different sources. The program will not cost the Federal Government anything. The legislation allows the FBI, and states if they so choose, to charge reasonable fees to security firms to recover their costs of carrying out this act.

Second, the bill protects employee and prospective employee privacy. Before an FBI background check can be conducted, the employee or applicant for employment must grant an employer written consent to request the FBI database search. In addition, the criminal history reports received by the States will not be disseminated to employers. Instead, in States that have standards regulating private security guard employment, designated State agencies will simply be required to use the information provided by the FBI in applying their State standards. For those States that have no standards, the States will be instructed to inform requesting employers whether or not employees or applicants have been convicted of either: 1. a felony; 2. a violent misdemeanor within the past ten years; or 3. a crime of dishonesty within the past ten years. Thus, in these situations, only the fact that a particular conviction exists or not will be provided by States to employers, and the privacy of the records themselves will be maintained. All information provided to employers pursuant to this act must be provided to the employees or prospective employees. Furthermore, the bill establishes strong criminal penalties for those who might falsely certify they are authorized security firms or otherwise use information obtained pursuant to this act beyond the act's intended purposes.

Third, the bill protects States' interests. The bill does not impose an unfunded mandate on the states. It reserves the right of States to charge reasonable fees to employers for their costs in administering this act. Moreover, if a State wishes to opt out of this statutory regime, it may do so at any time.

This legislation is long overdue. It strikes the right balance between the need for States and employers to gain access to this critical information and the privacy rights of current and prospective security guards. We have

worked with the FBI to expedite the administrative process, and it will cost the Federal Government nothing. There is no undue burden being placed on our States. Most importantly, passage of this act will plug a hole in our homeland defense. I urge my colleagues to support this legislation.

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. 769

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 ''Private Security Officer Employment Authorization Act of 2003''.

SEC. 2. FINDINGS.

Congress finds that—

(1) employment of private security officers in the United States is growing rapidly;

(2) private security officers function as an adjunct to, but not a replacement for, public law enforcement by helping to reduce and prevent crime;

(3) such private security officers protect individuals, property, and proprietary information, and provide protection to such diverse operations as banks, hospitals, research and development centers, manufacturing facilities, defense and aerospace contractors, high technology businesses, nuclear power plants, chemical companies, oil and gas refineries, airports, communication facilities and operations, office complexes, schools, residential properties, apartment complexes, gated communities, and others;

(4) sworn law enforcement officers provide significant services to the citizens of the United States in its public areas, and are supplemented by private security officers;

(5) the threat of additional terrorist attacks requires cooperation between public and private sectors and demands professional, reliable, and responsible security officers for the protection of people, facilities, and institutions;

(6) the trend in the Nation toward growth in such security services has accelerated rapidly;

(7) such growth makes available more public sector law enforcement officers to combat serious and violent crimes, including terrorism;

(8) the American public deserves the employment of qualified, well-trained private security personnel as an adjunct to sworn law enforcement officers; and

(9) private security officers and applicants for private security officer positions should be thoroughly screened and trained.

SEC. 3. DEFINITIONS.

In this Act:

(1) EMPLOYEE.—The term ''employee'' includes both a current employee and an applicant for employment as a private security officer.

(2) AUTHORIZED EMPLOYER.—The term ''authorized employer'' means any person that—

(A) employs private security officers; and

(B) is authorized by regulations promulgated by the Attorney General to request a criminal history record information search of an employee through a State identification bureau pursuant to this section.

(3) PRIVATE SECURITY OFFICER.— The term ''private security officer''—

(A) means an individual other than an employee of a Federal, State, or local government, whose primary duty is to perform security services, full- or part-time, for consideration, whether armed or unarmed and in uniform or plain clothes; but

(B) does not include—

(i) employees whose duties are primarily internal audit or credit functions;

(ii) employees of electronic security system companies acting as technicians or monitors; or

(iii) employees whose duties primarily involve the secure movement of prisoners.

(4) SECURITY SERVICES.—The term ''security services'' means acts to protect people or property as defined by regulations promulgated by the Attorney General.

(5) STATE IDENTIFICATION BUREAU.—The term ''State identification bureau'' means the State entity designated by the Attorney General for the submission and receipt of criminal history record information.

SEC. 4. CRIMINAL HISTORY RECORD INFORMATION SEARCH.

(a) IN GENERAL.—

(1) SUBMISSION OF FINGERPRINTS.—An authorized employer may submit to the State identification bureau of a participating State, fingerprints or other means of positive identification, as determined by the Attorney General, of an employee of such employer for purposes of a criminal history record information search pursuant to this Act.

(2) EMPLOYEE RIGHTS.—

(A) PERMISSION.—An authorized employer shall obtain written consent from an employee to submit to the State identification bureau of a participating State the request to search the criminal history record information of the employee under this Act.

(B) ACCESS.—An authorized employer shall provide to the employee confidential access to any information relating to the employee received by the authorized employer pursuant to this Act.

(3) PROVIDING INFORMATION TO THE STATE IDENTIFICATION BUREAU.—Upon receipt of a request for a criminal history record information search from an authorized employer pursuant to this Act, submitted through the State identification bureau of a participating State, the Attorney General shall—

(A) search the appropriate records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation; and

(B) promptly provide any resulting identification and criminal history record information to the submitting State identification bureau requesting the information.

(4) USE OF INFORMATION.—

(A) IN GENERAL.—Upon receipt of the criminal history record information from the Attorney General by the State identification bureau, the information shall be used only as provided in subparagraph (B).

(B) TERMS.—In the case of—

(i) a participating State that has no State standards for qualification to be a private security officer, the State shall notify an authorized employer as to the fact of whether an employee has been convicted of a felony, an offense involving dishonesty or a false statement if the conviction occurred during the previous 10 years, or an offense involving the use or attempted use of physical force against the person of another if the conviction occurred during the previous 10 years; or

(ii) a participating State that has State standards for qualification to be a private security officer, the State shall use the information received pursuant to this Act in applying the State standards and shall only notify the employer of the results of the application of the State standards.

(5) FREQUENCY OF REQUESTS.—An authorized employer may request a criminal history record information search for an employee only once every 12 months of continuous employment by that employee unless the authorized employer has good cause to submit additional requests.

(b) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall issue such final or interim final regulations as may be necessary to carry out this Act, including—

(1) measures relating to the security, confidentiality, accuracy, use, submission, dissemination, destruction of information and audits, and recordkeeping;

(2) standards for qualification as an authorized employer; and

(3) the imposition of reasonable fees necessary for conducting the background checks.

(c) CRIMINAL PENALTY.—Whoever falsely certifies that he meets the applicable standards for an authorized employer or who knowingly and intentionally uses any information obtained pursuant to this Act other than for the purpose of determining the suitability of an individual for employment as a private security officer shall be fined under title 18, United States Code, or imprisoned for not more than 2 years, or both.

(d) USER FEES.—

(1) IN GENERAL.—The Director of the Federal Bureau of Investigation may—

(A) collect fees pursuant to regulations promulgated under subsection (b) to process background checks provided for by this Act; and

(B) establish such fees at a level to include an additional amount to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs.

(2) LIMITATIONS.—Any fee collected under this subsection—

(A) shall be credited as offsetting collections to finance the activities and services for which the fee is imposed;

(B) shall be available for expenditure only to pay the costs of such activities and services; and

(C) shall remain available until expended.

(3) STATE COSTS.—Nothing in this Act shall be construed as restricting the right of a State to assess a reasonable fee on an authorized employer for the costs to the State of administering this Act.

(e) STATE OPT OUT.—A State may decline to participate in the background check system authorized by this Act by enacting a law or issuing an order by the Governor (if consistent with State law) providing that the State is declining to participate pursuant to this subsection.

By Mr. FEINGOLD (for himself, Mr. KENNEDY, and Ms. LANDRIEU):

S. 770. A bill to amend part A of title IV of the Social Security Act to ensure fair treatment and due process protections under the temporary assistance to needy families program, to facilitate enhanced data collection and reporting requirements under that program, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, later this year, the Senate will consider the first reauthorization of the 1996 Personal Opportunity and Work Responsibility Reconciliation Act. This law ended the Aid to Families with Dependent Children program and created our current federal welfare program, the Temporary Assistance for Needy Families, TANF, program.

I supported the legislation that created TANF because I believed that the

welfare system was failing recipients and their families and that we needed to do better. Now, seven years later, the welfare rolls are again on the rise and it is clear that improvements need to be made to the TANF program in order to achieve the goal of breaking the cycle of poverty and moving recipients into well-paying, sustainable jobs.

As we all know, each State's welfare program is different, and the implementation of these programs often varies from provider to provider and from county to county. While we encouraged state-level innovation with the 1996 law and should continue to encourage it with our reauthorization legislation, we should also ensure that all State plans conform to uniform Federal fair treatment and due process protections for all applicants and clients.

I am deeply concerned that a client who applies for or receives benefits in one part of Wisconsin may not be getting the same treatment as another applicant or client in a different part of my State.

The bill that I introduce today, the Fair Treatment and Due Process Protection Act, would improve Federal fair treatment and due process protections for applicants to and clients of State TANF programs by addressing gaps in current law in three areas: access to translation services and English as a Second Language education programs, sanction notification and due process protections, and data collection and analysis.

I am pleased to be joined in this effort by the Senator from Massachusetts, Mr. KENNEDY, and the Senator from Louisiana, Ms. LANDRIEU.

In order for low-income parents whose primary language is not English to understand their rights with respect to availability of benefits, to comply with Federal and State TANF program rules, and to move from welfare to work, we should ensure that translation services and English as a Second Language classes are available.

My bill would require states to provide interpretation and translation services to low-income parents who do not speak English, and provides that the standards currently used in the food stamp program would be used to determine when the requirement to provide such services would be triggered for TANF-funded programs.

States would also be required to advise adults who lack English proficiency of available programs in the community to help them learn English, and to allow individuals who elect to enroll in such programs to participate in them. Individuals who participate in such activities on a satisfactory basis would be considered to be engaged in work activities and these activities would be counted towards the work participation rates.

If we are not only to reduce the welfare rolls but to reduce poverty and to ensure that low-income parents find sustainable jobs, we must ensure that these parents have access to education and training, including ESL classes, and that this training counts toward the work requirement. I support efforts to expand the number of activities that TANF clients are permitted to count as work, and my bill would add ESL classes to that list.

In addition, I am concerned about reports of unfair sanctioning and case closures across the country. We should make every effort to minimize discrimination in the application of sanctions and the termination of benefits. My bill would require that, prior to imposing a sanction, States inform individuals of the reasons for the sanction and what individuals may do to come into compliance with program rules to avoid the sanction. It also would stipulate that sanctions may not continue after individuals have come into compliance with program rules, and that individuals be informed of all other services and benefits for which they may be eligible during the period of the sanction, and of their rights under applicable State and Federal laws.

Finally, this bill would require States to perform enhanced data collection and analysis so that we can get a better picture of the people who apply for and receive TANF benefits and those who leave the welfare rolls.

I share the concern that has been expressed by a number of my constituents regarding the lack of comprehensive, uniform data about State welfare programs, including information on those who apply for benefits and those who have left the welfare rolls. My bill would require States to collect and manage data in a uniform way; to disaggregate the data based on a larger number of subgroups, including race, ethnicity/national origin, gender, primary language, and educational level of recipient; to include information on work participation and about applicants who are diverted to other programs; and to track clients whose cases are closed.

In addition, the federal Department of Health and Human Services would be required to include a comprehensive analysis broken down by these same data groups in its annual report on the TANF program. The Department would also be required to perform a longitudinal study of program outcomes that includes data on applicants for assistance, families that receive assistance, and families that leave assistance during the period of the study. The Secretary of Health and Human Services would be required to protect the privacy of individuals and families applying for or receiving assistance under state TANF programs when data on such individuals and families is publicly disclosed by the Secretary.

These enhanced requirements are not meant to impose an additional burden on the states. Rather, they are intended to measure the success of the program in a more comprehensive and transparent manner.

This legislation is supported by a broad array of more than 40 organizations, including the Leadership Conference on Civil Rights, the NAACP, the AFL-CIO, the American Association of University Women, the American Bar Association, the American Civil Liberties Union, the Center for Community Change, Hmong National Development, Inc., the National Association of Social Workers, the National Campaign for Jobs and Income Support, the National Council of Churches, the National Council of La Raza, the National Organization for Women, the National Partnership for Women and Families, the National Urban League, Nine to Five, and the Welfare Law Center.

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

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

S. 770

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Fair Treatment and Due Process Protection Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

(c) REFERENCES.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

TITLE I—ACCESS TO TRANSLATION SERVICES AND LANGUAGE EDUCATION PROGRAMS

SEC. 101. PROVISION OF INTERPRETATION AND TRANSLATION SERVICES.

(a) IN GENERAL.—Section 408(a) (42 U.S.C. 608(a) is amended by adding at the end the following:

''(12) PROVISION OF INTERPRETATION AND TRANSLATION SERVICES.—A State to which a grant is made under section 403(a) for a fiscal year shall, with respect to the State program funded under this part and all programs funded with qualified State expenditures (as

defined in section 409(a)(7)(B)(i)), provide appropriate interpretation and translation services to individuals who lack English proficiency if the number or percentage of persons lacking English proficiency meets the standards established under section 272.4(b) of title 7 of the Code of Federal Regulations (as in effect on the date of enactment of this paragraph).''.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)) is amended by adding at the end the following:

''(15) PENALTY FOR FAILURE TO PROVIDE INTERPRETATION AND TRANSLATION SERVICES.—

''(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(12) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

''(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.''.

SEC. 102. ASSISTING FAMILIES WITH LIMITED ENGLISH PROFICIENCY.

(a) IN GENERAL.—Section 407(c)(2) (42 U.S.C. 607(c)(2)) is amended by adding at the end the following:

''(E) INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.—In the case of an adult recipient who lacks English language proficiency, as defined by the State, the State shall—

''(i) advise the adult recipient of available programs or activities in the community to address the recipient's education needs;

''(ii) if the adult recipient elects to participate in such a program or activity, allow the recipient to participate in such a program or activity; and

''(iii) consider an adult recipient who participates in such a program or activity on a satisfactory basis as being engaged in work for purposes of determining monthly participation rates under this section, except that the State—

''(I) may elect to require additional hours of participation or activity if necessary to ensure that the recipient is participating in work-related activities for a sufficient number of hours to count as being engaged in work under this section; and

''(II) shall attempt to ensure that any additional hours of participation or activity do not unreasonably interfere with the education activity of the recipient.''.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by section 101(b), is amended by adding at the end the following:

''(16) PENALTY FOR FAILURE TO PROVIDE INTERPRETATION AND TRANSLATION SERVICES.—

''(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 407(c)(2)(E) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

''(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.''.

TITLE II—SANCTIONS AND DUE PROCESS PROTECTIONS

SEC. 201. SANCTIONS AND DUE PROCESS PROTECTIONS.

(a) IN GENERAL.—Section 408(a) (42 U.S.C. 608(a)), as amended by section 101(a), is amended by adding at the end the following:

''(13) SANCTION PROCEDURES.—

''(A) PRE-SANCTION REVIEW PROCESS.—Prior to the imposition of a sanction against an individual or family receiving assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for failure to comply with program requirements, the State shall take the following steps:

''(i) Provide or send notice to the individual or family, and, if the recipient's native language is not English, through a culturally competent translation, of the following information:

''(I) The specific reason for the proposed sanction.

''(II) The amount of the proposed sanction.

''(III) The length of time during which the proposed sanction would be in effect.

''(IV) The steps required to come into compliance or to show good cause for noncompliance.

''(V) That the agency will provide assistance to the individual in determining if good cause for noncompliance exists, or in coming into compliance with program requirements.

''(VI) That the individual may appeal the determination to impose a sanction, and the steps that the individual must take to pursue an appeal.

''(ii)(I) Ensure that, subject to clause (iii)—

''(aa) an individual other than the individual who determined that a sanction be imposed shall review the determination and have the authority to take the actions described in subclause (II); and

''(bb) the individual or family against whom the sanction is to be imposed shall be afforded the opportunity to meet with the individual who, as provided for in item (aa), is reviewing the determination with respect to the sanction.

''(II) An individual to which this subclause applies may—

''(aa) modify the determination to impose a sanction;

''(bb) determine that there was good cause for the individual or family's failure to comply;

''(cc) recommend modifications to the individual's individual responsibility or employment plan; and

''(dd) make such other determinations and take such other actions as may be appropriate under the circumstances.

''(iii) The review required under clause (ii) shall include consideration of the following:

''(I) To the extent applicable, whether barriers to compliance exist, such as a physical or mental impairment, including mental illness, substance abuse, mental retardation, a learning disability, domestic or sexual violence, limited proficiency in English, limited literacy, homelessness, or the need to care for a child with a disability or health condition, that contributed to the noncompliance of the person.

''(II) Whether the individual or family's failure to comply resulted from failure to receive or have access to services previously identified as necessary in an individual responsibility or employment plan.

''(III) Whether changes to the individual responsibility or employment plan should be made in order for the individual to comply with program requirements.

''(IV) Whether the individual or family has good cause for any noncompliance.

''(V) Whether the State's sanction policies have been applied properly.

''(B) SANCTION FOLLOW-UP REQUIREMENTS.—If a State imposes a sanction on a family or individual for failing to comply with program requirements, the State shall—

''(i) provide or send notice to the individual or family, in language calculated to be understood by the individual or family, and, if the individual's or family's native language is not English, through a culturally competent translation, of the reason for the sanction and the steps the individual or family must take to end the sanction;

''(ii) resume the individual's or family's full assistance, services, or benefits provided under this program (provided that the individual or family is otherwise eligible for such assistance, services, or benefits) once the individual who failed to meet program requirements that led to the sanction complies with program requirements for a reasonable period of time, as determined by the State and subject to State discretion to reduce such period;

''(iii) if assistance, services, or benefits have not resumed, as of the period that begins on the date that is 60 days after the date on which the sanction was imposed, and end on the date that is 120 days after such date, provide notice to the individual or family, in language calculated to be understood by the individual or family, of the steps the individual or family must take to end the sanction, and of the availability of assistance to come into compliance or demonstrate good cause for noncompliance with program requirements.''.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by section 102(b), is amended by adding at the end the following:

''(17) PENALTY FOR FAILURE TO FOLLOW SANCTION PROCEDURES.—

''(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(13) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

''(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.''.

(c) STATE PLAN REQUIREMENT TO DESCRIBE HOW STATES WILL NOTIFY APPLICANTS AND RECIPIENTS OF THEIR RIGHTS UNDER THE PROGRAM AND OF POTENTIAL BENEFITS AND SERVICES AVAILABLE UNDER THE PROGRAM.—Section 402(a)(1)(B)(iii) (42 U.S.C. 602(a)(1)(B)(iii)) is amended by inserting '', and will notify applicants and recipients of assistance under the program of the rights of individuals under all laws applicable to program activities and of all potential benefits and services available under the program'' before the period.

(d) REQUIREMENT TO PROVIDE NOTICE TO APPLICANTS AND RECIPIENTS OF RIGHTS AND OF POTENTIAL PROGRAM BENEFITS AND SERVICES, AND TO TRAIN PROGRAM PERSONNEL TO RESPECT SUCH RIGHTS.—

(1) IN GENERAL.—Section 408(a) (42 U.S.C. 608(a)), as amended by subsection (a), is amended by adding at the end the following:

''(14) REQUIREMENT TO PROVIDE NOTICE TO APPLICANTS AND RECIPIENTS OF RIGHTS AND OF POTENTIAL PROGRAM BENEFITS AND SERVICES, AND TO TRAIN PROGRAM PERSONNEL TO RESPECT SUCH RIGHTS.—A State to which a grant is made under section 403 shall—

''(A) notify each applicant for, and each recipient of, assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) of the rights of applicants and recipients under all laws applicable to the activities of such program (including the right to claim good cause exceptions to program requirements), and shall provide the notice—

''(i) to a recipient when the recipient first receives assistance, benefits, or services under the program;

''(ii) to all such recipients on a semiannual basis; and

''(iii) orally and in writing, in the native language of the recipient and at not higher than a 6th grade level, and, if the recipient's native language is not English, through a culturally competent translation; and

''(B) train all program personnel on a regular basis regarding how to carry out the program consistent with such rights.''.

(2) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by subsection (b), is amended by adding at the end the following:

''(18) PENALTY FOR FAILURE TO PROVIDE NOTICE TO APPLICANTS AND RECIPIENTS OF RIGHTS AND OF POTENTIAL PROGRAM BENEFITS AND SERVICES, AND TO TRAIN PROGRAM PERSONNEL TO RESPECT SUCH RIGHTS.—

''(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(14) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

''(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.''.

TITLE III—DATA COLLECTION AND REPORTING REQUIREMENTS

SEC. 301. DATA COLLECTION AND REPORTING REQUIREMENTS.

Section 411(a)(1) (42 U.S.C. 611(a)(1)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''(except for information relating to activities carried out under section 403(a)(5))'' and inserting '', and, in complying with this requirement, shall ensure that such information is reported in a manner that permits analysis of the information by race, ethnicity or national origin, primary language, gender, and educational level, including analysis using a combination of these factors, and that all data, including Federal, State, and local data (whether collected by public or private local agencies or entities that administer or operate the State program funded under this part) is made public and easily accessible'';

(B) by striking clause (v) and inserting the following:

''(v) The employment status, occupation (as defined by the most current Federal Standard Occupational Classification system, as of the date of the collection of the data), and earnings of each employed adult in the family.'';

(C) in clause (vii), by striking ''and educational level'' and inserting '', educational level, and primary language'';

(D) in clause (viii), by striking ''and educational level'' and inserting '', educational level, and primary language''; and

(E) in clause (xi), in the matter preceding subclause (I), by inserting '', including, to the extent such information is available, information on the specific type of job, or education or training program'' before the semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A), the following:

''(B) INFORMATION REGARDING APPLICANTS.—

''(i) IN GENERAL.—Each eligible State shall collect on a monthly basis, and report to the Secretary on a quarterly basis, disaggregated case record information on the number of individuals who apply for but do not receive assistance under the State program funded under this part, the reason such assistance were not provided, and the overall percentage of applications for assistance that are approved compared to those that are disapproved with respect to such month.

''(ii) REQUIREMENT.—In complying with clause (i), each eligible State shall ensure that the information required under that clause is reported in a manner that permits analysis of such information by race, ethnicity or national origin, primary language, gender, and educational level, including analysis using a combination of these factors.''.

SEC. 302. ENHANCEMENT OF UNDERSTANDING OF THE REASONS INDIVIDUALS LEAVE STATE TANF PROGRAMS.

(a) CASE CLOSURE REASONS.—Section 411(a)(1) (42 U.S.C. 611(a)(1)), as amended by section 301, is amended—

(1) by redesignating subparagraph (C) (as redesignated by such section 301) as subparagraph (D); and

(2) by inserting after subparagraph (B) (as added by such section 301) the following:

''(C) DEVELOPMENT OF COMPREHENSIVE LIST OF CASE CLOSURE REASONS.—

''(i) IN GENERAL.—The Secretary shall develop, in consultation with States and individuals or organizations with expertise related to the provision of assistance under the State program funded under this part, a comprehensive list of reasons why individuals leave State programs funded under this part. In developing such list, the Secretary shall consider the full range of reasons for case closures, including the following:

''(I) Lack of access to specific programs or services, such as child care, transportation, or English as a second language classes for individuals with limited English proficiency.

''(II) The medical or health problems of a recipient.

''(III) The family responsibilities of a recipient, such as caring for a family member with a disability.

''(IV) Changes in eligibility status.

''(V) Other administrative reasons.

''(ii) OTHER REQUIREMENTS.—The list required under clause (i) shall be developed with the goal of substantially reducing the number of case closures under the State programs funded under this part for which a reason is not known.

''(iii) PUBLIC COMMENT.—The Secretary shall promulgate for public comment regulations that—

''(I) list the case closure reasons developed under clause (i);

''(II) require States, not later than October 1, 2004, to use such reasons in accordance with subparagraph (A)(xvi); and

''(III) require States to report on efforts to improve State tracking of reasons for case closures, including the identification of additional reasons for case closures not included on the list developed under clause (i).

''(iv) REVIEW AND MODIFICATION.—The Secretary, through consultation and analysis of quarterly State reports submitted under this paragraph, shall review on an annual basis whether the list of case closure reasons developed under clause (i) requires modification and, to the extent the Secretary determines that modification of the list is necessary, shall publish proposed modifications for notice and comment, prior to the modifications taking effect.''.

(b) INCLUSION IN QUARTERLY STATE REPORTS.—Section 411 (a)(1)(A) (42 U.S.C. 611(a)(1)(A)) is amended—

(1) in clause (xvi)—

(A) in subclause (IV), by striking ''or'' at the end;

(B) in subclause (V), by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(VI) a reason specified in the list developed under subparagraph (C), including any modifications of such list.'';

(2) by redesignating clause (xvii) as clause (xviii); and

(3) by inserting after clause (xvi), the following:

''(xvii) The efforts the State is undertaking, and the progress with respect to such efforts, to improve the tracking of reasons for case closures.''.

SEC. 303. LONGITUDINAL STUDIES OF TANF APPLICANTS AND RECIPIENTS.

(a) IN GENERAL.—Section 413 (42 U.S.C. 613) is amended by striking subsection (d) and inserting the following:

''(d) LONGITUDINAL STUDIES OF APPLICANTS AND RECIPIENTS TO DETERMINE THE FACTORS THAT CONTRIBUTE TO POSITIVE EMPLOYMENT AND FAMILY OUTCOMES.—

''(1) IN GENERAL.—The Secretary, directly or through grants, contracts, or interagency agreements, shall conduct longitudinal studies in at least 5, and not more than 10, States (or sub-State areas, except that no such area shall be located in a State in which a Statewide study is being conducted under this paragraph) of a representative sample of families that receive, and applicants for, assistance under a State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)).

''(2) REQUIREMENTS.—The studies conducted under this subsection shall—

''(A) follow families that cease to receive assistance, families that receive assistance throughout the study period, and families diverted from assistance programs; and

''(B) collect information on—

''(i) family and adult demographics (including race, ethnicity or national origin, primary language, gender, barriers to employment, educational status of adults, prior work history, prior history of welfare receipt);

''(ii) family income (including earnings, unemployment compensation, and child support);

''(iii) receipt of assistance, benefits, or services under other needs-based assistance programs (including the food stamp program, the medicaid program under title XIX, earned income tax credits, housing assistance, and the type and amount of any child care);

''(iv) the reasons for leaving or returning to needs-based assistance programs;

''(v) work participation status and activities (including the scope and duration of work activities and the types of industries and occupations for which training is provided);

''(vi) sanction status (including reasons for sanction);

''(vii) time limit for receipt of assistance status (including months remaining with respect to such time limit);

''(viii) recipient views regarding program participation; and

''(ix) measures of income change, poverty, extreme poverty, food security and use of food pantries and soup kitchens, homelessness and the use of shelters, and other measures of family well-being and hardship over a 5-year period.

''(3) COMPARABILITY OF RESULTS.—The Secretary shall, to the extent possible, ensure that the studies conducted under this subsection produce comparable results and information.

''(4) REPORTS.—

''(A) INTERIM REPORTS.—Not later than October 1, 2006, the Secretary shall publish interim findings from at least 12 months of longitudinal data collected under the studies conducted under this subsection.

''(B) SUBSEQUENT REPORTS.—Not later than October 1, 2008, the Secretary shall publish findings from at least 36 months of longitudinal data collected under the studies conducted under this subsection.''.

(b) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Section 411(b) (42 U.S.C. 611(b)) is amended—

(A) in paragraph (2)—

(i) by inserting ''(including types of sanctions or other grant reductions)'' after ''financial characteristics''; and

(ii) by inserting '', disaggregated by race, ethnicity or national origin, primary language, gender, education level, and, with respect to closed cases, the reason the case was closed'' before the semicolon;

(B) in paragraph (3), by striking ''and'' at the end;

(C) in paragraph (4), by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(5) the economic well-being of children and families receiving assistance under the State programs funded under this part and of children and families that have ceased to receive such assistance, using longitudinal matched data gathered from federally supported programs, and including State-by-State data that details the distribution of earnings and stability of employment of such families and (to the extent feasible) describes, with respect to such families, the distribution of income from known sources (including employer-reported wages, assistance under the State program funded under this part, and benefits under the food stamp program), the ratio of such families' income to the poverty line, and the extent to which such families receive or received noncash benefits and child care assistance, disaggregated by race, ethnicity or national origin, primary language, gender, education level, whether the case remains open, and, with respect to closed cases, the reason the case was closed.''.

(2) CONFORMING AMENDMENTS.—Section 411(a) (42 U.S.C. 611(a)) is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6), the following:

''(7) REPORT ON ECONOMIC WELL-BEING OF CURRENT AND FORMER RECIPIENTS.—The report required by paragraph (1) for a fiscal quarter shall include for that quarter such information as the Secretary may specify in order for the Secretary to include in the annual reports to Congress required under subsection (b) the information described in paragraph (5) of that subsection.''.

SEC. 304. PROTECTION OF INDIVIDUAL PRIVACY.

Section 411 of the Social Security Act (42 U.S.C. 611) is amended by adding at the end the following:

''(c) PROTECTION OF INDIVIDUAL PRIVACY.—With respect to any information concerning individuals or families receiving assistance, or applying for assistance, under the State programs funded under this part that is publicly disclosed by the Secretary, the Secretary shall ensure that such disclosure is made in a manner that protects the privacy of such individuals and families.''.

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

The amendments made by this Act take effect on October 1, 2003.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator FEINGOLD and Senator LANDRIEU in introducing the Fair Treatment and Due Process Protection Act of 2003, which will benefit low-income families across the Nation by providing inportant civil rights protections to welfare recipients.

Many families who apply for welfare benefits do not speak English or have limited English proficiency. Yet when they arrive at the welfare office, there is no interpreter or translator to assist them. Too often, eligible families leave the welfare office not enrolled in the program and without access to needed benefits and services. Even those who succeed in enrolling often leave the welfare office without understanding the rules for participation, and are later penalized and lose benefits.

In virtually all of these cases, families want to play by the rules, but barriers such as limited English language skills prevent them from doing so. By helping to eliminate the language barriers, we can help them to play by the rules.

Under the Food Stamp program, States are already required to evaluate applicants' English language skills and provide translation and interpreter services when necessary. Our bill will extend this same requirement to the welfare program to ensure that families who need benefits actually get them and can understand how to comply with the program.

States would also be required to advise adults on the programs available in their community to help them learn English. For individuals who elect to participate in an English language program, states would be able to count these activities toward the federal work requirements.

Clearly, families must be able to play by the rules, but the rules must be fair, especially when children are at risk. Today, however, when States impose penalties, they often penalize the entire family. Even money to support the childern in these families is suspended. Our bill provides important protections against unnecessary penalties.

States would be required to inform families of the specific reasons for imposing a penalty and what the families can do to avoid it. States would also be prohibited from continuing a penalty after the family has come into compliance. It is unfair to penalize families for noncompliance because they did not understand the rules. The children in these families deserve to be cared for.

An additional provision in this bill encourages States to collect data on welfare outcomes, including why families leave welfare and how they fare over the long term. It also encourages States to collect data by race, ethnic background, and primary language, so that disparities in access, use, or well-being become known and can be addressed by changes in policy and programs. The knowledge obtained from these data will help to ensure that welfare policies help more people in better ways.

Protecting families from discrimination because of their native language, safeguarding them from unnecessary and harmful penalties, and understanding how policies affect families are important parts of genuine and fair welfare reform. The Fair Treatment and Due Process Protection Act of 2003 will help many more families to obtain the support they so desperately need, and I urge my colleagues to approve these important protections.

By Mr. BIDEN.

S. 771. A bill to improve the investigation and prosecution of child abuse cases through Children Advocacy Centers; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce a bill that I believe will bring renewed focus to the battle against child abuse and the services we provide child victims of crimes. Today, I am introducing the Victims of Child Abuse Act of 2003, which reauthorizes the Children's Advocacy Centers. These centers bring together law enforcement, prosecutors, child protective services and medical and mental health professionals to provide comprehensive, child-focused services to child victims of crimes. Operating in all 50 States, Children's Advocacy Centers served over 116,000 child victims last year. Of these victims, 26,934 received onsite medical exams, 27,684 received counseling and 69,443 went through a forensic interview process specially designed for children. Seventy-six percent of the children they serviced were under the age of 12.

In 1994, this body passed a piece of legislation that I authored and had been advocating for a number of years, the Violence Against Women Act. When we passed this landmark legislation, what we said as a Congress, and were saying as a Nation as a whole, was that domestic violence is not a family problem to be dealt with quietly behind the scenes, but a national crisis in need of a coordinated response from law enforcement, courts and the medical community. Backed by a nearly $1½ billion commitment of Federal funds, the Violence Against Women Act spurred a sea change on the Federal, State and local levels in how police, prosecutors, judges, medical personnel and others, process and handle cases of domestic abuse. The Violence Against Women Act made it clear that victims of domestic violence were, in fact, victims: Victims in need of the full extent of this nation's medical and legal resources. The bill I am introducing today is designed to bring this same type of concentrated focus, general awareness, and coordinated response to victims of child abuse, the most heinous and incomprehensible form of violence against the most vulnerable and innocent people in our lives.

In 1987 Congressman BUD CRAMER, then District Attorney of Madison, County, AL, founded the Nation's first Children's Advocacy Center. As stated earlier, these centers bring together law enforcement, prosecutors, child protective services and medical and mental health professionals to provide comprehensive, coordinated services to child victims of crimes. Congress responded several years later. As Chairman of the Judiciary Committee, I

sponsored, along with Senator THURMOND, the Crime Control Act of 1990, P.L. 101–647, which created the Court Appointed Special Advocates, (CASA), program, to provide for the appointment of advocates on behalf of abused and neglected children. Two years later, Congress created the Children's Advocacy Centers as part of the 1992 reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974, P.L. 102–586. The 1992 legislation amended the Victims of Child Abuse Act to include Child Advocacy Centers with a fiscal year 1993 total authorization level of $20 million and such sums as necessary for fiscal years 1994 through 1996. In particular, Senator NICKLES and Representative CRAMER were instrumental in championing the Children's Advocacy Centers. The Child Abuse Prevention and Treatment Act of 1996, P.L. 104–235, reauthorized the Children's Advocacy Centers through fiscal year 2000 but made no substantive changes to the program, nor did it provide specific authorization levels.

The Children's Advocacy Centers were a logical complement to the CASA program I authored in 1990, by bringing together law enforcement, prosecutors, child protective services and medical and mental health professionals to provide comprehensive, child-focused services to child victims of crimes. The centers provide immediate attention to the young victims of sexual and physical abuse, so that they are not ''twice abused,'' first by the perpetrator and second by a system which used to shuttle them from a medical clinic to a counseling center to the police station to the D.A.'s office.

Communities with Children's Advocacy Centers report increased successful prosecution of perpetrators, more consistent follow-up to child abuse reports, increased medical and mental health referrals for victims, and more compassionate support for child victims and their families. Widely cited as an efficient, cost-effective mechanism of handling child abuse cases, these centers are widely supported by police, prosecutors and the courts. In a May 1998 publication titled, New Directions from the Field, the Department of Justice included Children's Advocacy Centers as their number one recommendation for improving services to children who directly experience or witness violence in their homes, neighborhoods and schools—number one.

Today in my state of Delaware, there are two operational Children's Advocacy Centers. One is located in Wilmington and one is located in Milford. A third center is scheduled to open in Dover. These centers provide a safe, comfortable setting in which cross-trained professionals interview alleged victims and begin initial investigation and evidence collection. Like other centers they offer on-site physical exams by specially trained pediatricians, prosecutors on hand to make immediate contact with victims and families, referrals to mental health services and most importantly, one-time minimally intrusive taped interviews of child victims. This last service, one-time minimally intrusive taped interviews, is particularly important. Let me read to you from a letter I received from John Humphrey, a retired police officer who now acts as executive director of the Delaware Children's Advocacy Centers, to demonstrate why:

I am a retired New Castle County Police Lieutenant that for 12 of my 21 years investigated child abuse and child death cases. One of the most important pieces of the entire case is the interview of the child victim. . . . Often times I saw children subjected to at least 3–4 interviews by 3 or 4 different interviewers, all with varying levels of interviewing expertise. The end result is three or four versions of events . . . answers vary because of the manner in which questions are asked and the skills of the interviewer. . . . Defense attorneys use that alone to poke holes in a child's story. . . . Children's Advocacy Centers bring all of the involved parties to the table at the same time to work as a team. . . . We use forensic interviewers specially trained in interviewing children. . . . This results in video taped interviews of such quality that most defense attorneys are asking for pleas to escape trial. We are getting good pleas with good sentences. Most importantly, this process minimizes the trauma a child victim and witness must endure by doing one interview of such quality that the child may be spared from walking into a courtroom full of strangers to tell what happened. I would have given anything as a police detective to have a children's advocacy center. It expedites the process, minimizes the problems associated with duplicative and unnecessary interviews, opens the lines of combination between agencies, and provides the best professional assessment of a case.

Last year Children's Advocacy Centers in Delaware handled 1,000 cases where child victims as young as 3 alleged physical or sexual abuse. Mr. Humphrey estimates that the centers eliminated 2,500 unnecessary interviews by using the multidisciplinary approach.

The child abuse and crime statistics in this country are outrageous. Nationally, 3.9 million of the nation's 22.3 million children between the ages of 12 and 17 have been seriously physically assaulted and one in three girls and one in five boys are sexually abused before the age of 18. We have to do more to protect our children, by reauthorizing Children's Advocacy Centers we can.

I want to believe that we are doing everything we can to prevent crimes against children and, if God forbid they do occur, that we are doing everything we can to treat the victims. This piece of legislation would do just that.

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. 771

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 ''Victims of Child Abuse Act of 2003''.

SEC. 2. AMENDMENTS TO THE VICTIMS OF CHILD ABUSE ACT OF 1990.

The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(1) in section 211 (42 U.S.C. 13001) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (9) and (10), respectively; and

(B) inserting after paragraph (5) the following:

''(6)(A) the National Children's Alliance (NCA) is a nationwide not-for-profit membership organization whose members are local Children's Advocacy Centers;

''(B) the NCA's mission is to assist communities seeking to improve their response to child abuse by supporting the development, growth, and continuation of Children's Advocacy Centers (CACs); and

''(C) the NCA provides training, technical assistance, and networking opportunities to CACs nationally;

''(7)(A) CACs are community partnerships committed to a multidisciplinary team approach by professionals pursuing the truth in child abuse investigations; and

''(B) CACs are based in child-friendly facilities that enable law enforcement, prosecutors, child protective services, and the medical and mental health communities to work as a team to investigate, prosecute, and treat child abuse;

''(8)(A) working in partnership with the National Children's Alliance, Regional Children's Advocacy Centers were established by the Office of Juvenile Justice and Delinquency Prevention to provide outreach and assistance to communities seeking to develop a Children's Advocacy Center; and

''(B) Regional Children's Advocacy Centers provide information, consultation, training, and technical assistance helping to establish child-focused programs that facilitate and support coordination among agencies responding to child abuse. Regional Children's Advocacy Centers also provide regional services to help Children's Advocacy Centers already in existence;'';

(2) in section 212 (42 U.S.C. 13001a)—

(A) by striking paragraphs (3) and (6);

(B) redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(C) redesignating paragraphs (7), (8), and (9) as paragraphs (5), (6), and (7), respectively;

(3) in section 213 (42 U.S.C. 13001b)—

(A) by striking the caption for the section and inserting ''CHILDREN'S ADVOCACY CENTERS''; and

(B) in subsection (a), by striking beginning with ''the Administrator'' through paragraph (1) and inserting the following: ''The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall establish Regional Children's Advocacy Centers to—

''(1) focus attention on child victims by assisting communities to develop and maintain local Children's Advocacy Centers which are child-focused community-oriented facility based programs designed to improve the resources available to children and families affected by child abuse and neglect;'';

(C) in subsection (b)(1), by striking '', in coordination with the Director,'';

(D) in subsection (c)—

(i) in paragraph (1), by striking the text and inserting ''The Administrator, in consultation with the National Children's Alliance, shall solicit proposals for assistance under this section when existing contracts with Regional Children's Advocacy Centers are close to expiration.''; and

(ii) in paragraph (4)(B), by striking the matter before clause (i) and inserting the following: ''The Administrator shall select proposals for funding that—'';

(E) in subsection (d)—

(i) in paragraph (1), by striking '', in coordination with the Director,''; and

(ii) in paragraph (2), by striking ''and the Director''; and

(F) by striking subsection (e);

(4) in section 214 (42 U.S.C. 13002)—

(A) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—The Administrator, in consultation with the officials from the Office of Victims of Crime, shall make grants to develop and implement local multidisciplinary child abuse investigations and prosecution programs. The National Children's Alliance shall serve as the subgrantor of these funds.''; and

(B) in subsection (b)(1), by striking '', in coordination with the Director,''; and

(5) in section 214B (42 U.S.C. 13004), by amending the text to read as follows:

''(a) SECTIONS 213 AND 214.—There are authorized to be appropriated to carry out sections 213 and 214, $15,000,000 for each of fiscal years 2004 through 2008.

''(b) SECTION 214A.—There are authorized to be appropriated to carry out section 214A, $5,000,000 for each of fiscal years 2004 through 2008.''.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. KENNEDY, Mr. DEWINE, Mr. BIDEN, Mr. SHELBY, and Mrs. LINCOLN):

S. 773. A bill to reauthorize funding for the National Center for Missing and Exploited Children, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I rise today to introduce the ''Protecting Our Children Comes First Act of 2003,'' which will double funding for the National Center for Missing and Exploited Children, NCMEC, reauthorize the Center through fiscal year 2007, and increase Federal support to help NCMEC programs to find missing children across the Nation.

I am pleased that Senators HATCH, KENNEDY, DEWINE, BIDEN, SHELBY and LINCOLN join me as the original cosponsors of this bipartisan legislation. Today, Senators DEWINE, LINCOLN and SHELBY launched the new Senate Caucus on Missing, Exploited and Runaway Children. I am honored to join the Caucus co-chairs as a founding member of the Caucus, and thank them for their leadership in this area.

It pains us all to see on TV, in the newspapers or milk cartons photo after photo of missing children from every corner of the Nation. As a father and grandfather, I know that an abducted child is the worst nightmare. Unfortunately, it is a nightmare that happens all too often. Indeed, the Justice Department estimates that 2,200 children are reported missing each day. There are approximately 114,600 attempted stranger abductions every year, with 3,000 to 5,000 of those attempts succeeding. Experts estimate that children and youth comprise between 85 and 90 percent of missing person reports. These families deserve the assistance of the American people and helping hand of the Congress.

As the Nation's top resource center for child protection, the National Center for Missing and Exploited Children spearheads national efforts to locate and recover missing children and raises public awareness about ways to prevent child abduction, molestation, and sexual exploitation.

NCMEC works to make our children safer by being a national voice and advocate for those too young to vote or speak up for their own rights. The Center operates under a Congressional mandate and works in cooperation with the U.S. Department of Justice's (DOJ) Office of Juvenile Justice and Delinquency Prevention to coordinate the efforts of law enforcement officers, social service agencies, elected officials, judges, prosecutors, educators, and the public and private sectors to break the cycle of violence that historically has perpetuated these needless crimes against children.

The Center's professionals have disturbingly busy jobs—they have worked on more than 90,000 cases of missing and exploited children since its 1984 founding, helping to recover more than 70,000 children, and raised its recovery rate from 60 percent in the 1980s to 94 percent today. The Center has set up a nationwide, toll free, 24-hour telephone hotline to take reports about missing children and clues that might lead to their recovery, a National Child Pornography Tipline to handle calls from individuals reporting the sexual exploitation of children through the production and distribution of pornography, and a CyberTipline to process online leads from individuals reporting the sexual exploitation of children. It has taken the lead in circulating millions of photographs of missing children, and serves as a vital resource for the 17,000 law enforcement agencies located throughout the U.S. in the search for missing children and the quest for child protection.

NCMEC is headquartered in Alexandria, Virginia and operates branch offices in five other locations throughout the country to provide hands-on assistance to families of missing children, advocating legislative changes to better protect children, conducting an array of prevention and awareness programs, and motivating individuals to become personally involved in child-protection issues. It has also grown into an international organization, establishing the International Division of the National Center for Missing and Exploited Children, which has been working to fulfill the Hague Convention on the Civil Aspects of International child Abduction. The International Division provides assistance to parents, law enforcement, attorneys, nonprofit organizations, and other concerned individuals who are seeking assistance in preventing or resolving international child abductions.

NCMEC manages to do all of this good work with a $10 million annual DOJ grant, which expires after fiscal year 2003. We must act now both to extend its authorization and increase the Center's funding to $20 million each year through fiscal year 2007 so that it can continue to help keep children safe and families intact around the Nation. There is so much more to be done to ensure the safety of our children, and the bipartisan legislation we introduce today will help the Center in its efforts to prevent crimes that are committed against them.

The Protecting Our children Comes First Act also increases Federal support for NCMEC programs to find missing children by allowing the U.S. Secret Service to provide forensic and investigating assistance to the NCMEC, as well as any State or local law enforcement agency, in any investigation involving missing or exploited children.

The bill also amends of the Missing Children's assistance Act to coordinate the operation of the Center's CyberTipline to provide all online users an effective means of reporting Internet-related child sexual exploitation, including the distribution of child pornography, online enticement of children for sexual acts, and child prostitution. Since its creation in 1998, the CyberTipline has fielded almost 100,000 reports, which has allowed Internet users to quickly and easily report suspicious activities linked to the Internet.

We have before us the type of bipartisan legislation that should be moved easily through the Senate and House. Efforts to protect our children do not deserve to be used as pawns by groups who play politics by attaching it to more controversial measures. I applaud the ongoing work of the Center and hope both the Senate and the House will promptly pass this bill to provide more Federal supply for the NCMEC to continue to find missing children and protect exploited children across the country.

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

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

S. 773

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 ''Protecting Our Children Comes First Act of 2003''.

SEC. 2. FORENSIC AND INVESTIGATIVE SUPPORT OF MISSING AND EXPLOITED CHILDREN.

Section 3056 of title 18, United States Code, is amended by adding at the end the following:

''(f) Under the direction of the Secretary of Homeland Security, officers and agents of the Secret Service are authorized, at the request of any State or local law enforcement agency or the National Center for Missing and Exploited Children, to provide forensic and investigative assistance in support of any investigation involving missing or exploited children.''.

SEC. 3. CREATION OF CYBER TIPLINE.

Section 404(b)(1) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)(1)) is amended—

(1) in subparagraph (F), by striking ''and'' at the end;

(2) in subparagraph (G), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(H) coordinate the operation of a cyber tipline to provide online users an effective means of reporting Internet-related child sexual exploitation in the areas of—

''(i) distribution of child pornography;

''(ii) online enticement of children for sexual acts; and

''(iii) child prostitution.''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 408(a) of the Missing Children's Assistance Act (42 U.S.C. 5777(a)) is amended by striking ''fiscal years 2000 through 2003'' and inserting ''fiscal years 2004 through 2007.''.

(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 404(b)(2) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)(2)) is amended by striking ''$10,000,000 for each of fiscal years 2000, 2001, 2002, and 2003'' and inserting ''$20,000,000 for each of the fiscal years 2004 through 2007''.

Mr. HATCH. Mr. President, the National Center for Missing and Exploited Children is a critical component of our Nation's battle against child pornography and child exploitation. It is absolutely dedicated to eradicating these evils, and its members work tirelessly towards this end. The Center deserves more than just kind words for these heroic efforts; Federal funding is necessary for it to continue this good work. Indeed, Congress has tasked the Center with many missions, including maintaining the cyber-tipline that receives reports of on-line child pornography, which the Center forwards to appropriate law enforcement officials. In this, as well as many other areas, the Center forms a valuable partnership with both Federal and State law enforcement officials and prosecutors in redressing a host of crimes against children.

The Center's cause is just and its history of performance is excellent. I am pleased to be the lead cosponsor of legislation that will continue to authorize funding for the National Center for Missing and Exploited Children for the next four years. Senator LEAHY and I introduced this legislation in the 107th Congress, and our bipartisan effort continues in this new Congress. Our bill again authorizes funding at $20 million per year—twice the previous authorization—in recognition of the severity of the problem and the increased duties the Center has taken on.

As the Chairman of the Judiciary Committee, I am confident that this bill will become law very soon. I hope all of my colleagues will join Senator LEAHY and me in supporting this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 103—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF JOHN JENKEL V. DANIEL K. AKAKA, ET AL.

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

S. RES. 103

Whereas, in the case of John Jenkel v. Daniel K. Akaka, et al., No. C 03–0381 (JCS), pending in the United States District Court for the Northern District of California, the plaintiff has named as defendants ninety-four Members of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent the Members of the Senate who are defendants in the case of John Jenkel v. Daniel K. Akaka, et al.

SENATE CONCURRENT RESOLUTION 32—EXPRESSING THE SENSE OF CONGRESS REGARDING THE PROTECTION OF RELIGIOUS SITES AND THE FREEDOM OF ACCESS AND WORSHIP

Mr. GRAHAM of South Carolina (for himself, Mr. SANTORUM, Mr. BUNNING, Mr. NICKLES, Mr. CRAIG, and Mr. CRAPO) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 32

Whereas throughout time various groups have felt special attachment to places that they considered sacred and holy, and the sacred texts of the great historical religions include accounts of specific places where individuals or groups experienced significant encounters with God;

Whereas holy places create a memory of these encounters with the divine and are a part of the character of every religious tradition;

Whereas holy places are as much a common feature of the religious traditions of humanity as are sacred time, ceremonies, and prayer;

Whereas one of the results of the identification of locations as sacred is that these places can become the focus for the tensions between the members of different religious communities;

Whereas a place that is considered holy by one group can come to be claimed by adherents of another tradition, and as a result holy places can become the source of conflict as much as of spiritual expression;

Whereas when religious communities tragically fall into estrangement or antagonism, the holy places of each community often become the target of violence or vengeance instead of veneration and reverence, and people act out their contempt and anger through occupation, desecration, and destruction;

Whereas the location of many holy sites of the three main monotheistic religions are located in the State of Israel and in the Palestinian territory;

Whereas this region is especially important to the followers of Judaism, Islam, and Christianity, and many visitors from around the world travel to these sites for personal and religious inspiration;

Whereas under British control the Palestine Mandate of 1922 contained a number of provisions ensuring freedom of religion and conscience and protection of holy places, as well as prohibiting discrimination on religious grounds;

Whereas the Palestine Order in Council of that same year provided that ''all persons . . . shall enjoy full liberty of conscience and free exercise of their forms of worship, subject only to the maintenance of public order and morals'' and ''no ordinance shall be promulgated which shall restrict complete freedom of conscience and the free exercise of all forms of worship.'';

Whereas these provisions of the Mandate and the Palestine Orders in Councils have been recognized in the Israeli legal system and are instructive of Israeli policy in safeguarding freedom of conscience and religion;

Whereas the Israeli Declaration of Independence of 1948 is another legal source that guarantees freedom of religion and conscience, and equality of social and political rights irrespective of religion;

Whereas this document states ''the State of Israel . . . will be based on freedom, justice, and peace as envisaged by the Prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race, or sex; it will guarantee freedom of religion, conscience, language, education, and culture.'';

Whereas this document expresses Israel's vision and its credo, and adherence to these principles is guaranteed by law;

Whereas each religious community within Israel is free to exercise its faith, observe its own holy days and weekly day of rest, and administer its own internal affairs;

Whereas the Israeli Protection of Holy Places Law of 1967 states that freedom of access and worship is ensured at all places of worship and religious significance;

Whereas this law states ''the Holy Places shall be protected from desecration and any other violation and from anything likely to violate the freedom of access of members of the various religions to the places sacred to them, or their feelings with regard to those places.'';

Whereas Israel has worked to abolish discriminatory laws and adopt standards of safeguarding access to holy sites;

Whereas in the past fifty-five years Israel has striven to assure the safety of all religions;

Whereas the holy sites in Israel and Palestinian regions should be protected from desecration and any other violation;

Whereas two years ago, in Nablus, the Tomb of Joseph was ransacked and set on fire on live television, and in retaliation a group twice attempted to burn a mosque in the center of Tiberias;

Whereas these actions were followed by attempts to destroy an ancient Jewish synagogue in Jericho;

Whereas last spring, during the Easter season, heavy unrest in the West Bank resulted in a stalemate between Israeli soldiers and over 100 Palestinian fighters in the Church of the Nativity in Bethlehem; and

Whereas this deadlock lasted over a month and prevented anyone from visiting this church of great historical and religious importance: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) holy sites around the world, particularly in the Israeli and Palestinian region, should be protected from desecration and any other violation;

(2) the freedom of access of members of the various religions to the holy sites sacred to them should not be hindered;

(3) to assure the safety of American citizens, the holy sites currently under the sovereignty of the State of Israel should remain under Israeli protection, and that all holy sites in the region remain open to visitors of all faiths;

(4) the Department of State should continue to warn and protect Americans overseas at holy sites and regions of historical and religious significance; and

(5) we should condemn all violence directed against holy sites.

SEC. 2. DEFINITION OF HOLY SITE.

As used in this resolution, ''holy site'' means a historic location specifically set apart for religious purposes.

AMENDMENTS SUBMITTED & PROPOSED

SA 435. Mr. STEVENS proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

SA 436. Mr. STEVENS (for himself, Mr. INOUYE, Mr. DURBIN, Mr. WARNER, Mr. CHAMBLISS, Ms. MIKULSKI, Mrs. DOLE, Mr. DASCHLE, Mr. CORZINE, Mr. LEVIN, Mrs. BOXER, and Mrs. CLINTON) proposed an amendment to the bill S. 762, supra.

SA 437. Mr. DURBIN (for himself and Mr. LEVIN) proposed an amendment to amendment SA 436 proposed by Mr. STEVENS (for himself, Mr. INOUYE, Mr. DURBIN, Mr. WARNER, Mr. CHAMBLISS, Ms. MIKULSKI, Mrs. DOLE, Mr. DASCHLE, Mr. CORZINE, Mr. LEVIN, Mrs. BOXER, and Mrs. CLINTON) to the bill S. 762, supra.

SA 438. Mrs. CLINTON (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 439. Mrs. FEINSTEIN (for herself, Ms. MIKULSKI, Mr. DODD, and Mr. DAYTON) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 440. Mr. REID (for himself, Mrs. CLINTON, Mr. SCHUMER, Mr. LIEBERMAN, and Ms. STABENOW) proposed an amendment to the bill S. 762, supra.

SA 441. Mr. LEAHY (for himself, Mr. CRAIG, Mr. KERRY, Mr. SCHUMER, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. LINCOLN, Mr. HARKIN, Mr. PRYOR, Mr. SARBANES, Mrs. MURRAY, Mr. WARNER, Mr. GRASSLEY, Mr. FEINGOLD, Mr. JEFFORDS, Mr. CRAPO, Ms. CANTWELL, Mr. KENNEDY, Mr. KOHL, Mrs. FEINSTEIN, Mr. WYDEN, Mr. ALLEN, Mr. BAUCUS, Mr. CORZINE, Mr. LAUTENBERG, Mr. JOHNSON, Mr. REID, Mrs. CLINTON, Mr. CAMPBELL, Mr. LIEBERMAN, Mr. DAYTON, Mr. COLEMAN, Ms. SNOWE, Mr. CHAFEE, Mr. REED, Mr. ALLARD, Mr. BURNS, Mr. DORGAN, Mr. LUGAR, Mr. DURBIN, Mr. NELSON of Nebraska, Mr. ROBERTS, Ms. LANDRIEU, Mr. LEVIN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 442. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 443. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 444. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 445. Mr. HOLLINGS (for himself, Ms. STABENOW, Mrs. BOXER, Mr. SCHUMER, Mr. GRAHAM of Florida, Mr. KERRY, and Mr. BREAUX) proposed an amendment to the bill S. 762, supra.

SA 446. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 447. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 448. Mr. KERRY (for himself, Ms. SNOWE, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 449. Mrs. FEINSTEIN (for herself, Mr. BINGAMAN, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 450. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 451. Mr. ALLARD (for himself, Mr. WARNER, Mr. PRYOR, Mr. MCCAIN, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mrs. DOLE, Mr. CHAMBLISS, Mr. NELSON of Florida, Mr. CORZINE, Mr. CORNYN, Mrs. CLINTON, Ms. COLLINS, Mr. LIEBERMAN, and Mr. DODD) proposed an amendment to the bill S. 762, supra.

SA 452. Ms. LANDRIEU proposed an amendment to the bill S. 762, supra.

SA 453. Mr. ALLEN (for himself, Mr. HARKIN, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 454. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 455. Mr. KOHL (for himself, Mr. LEAHY, Mr. BYRD, Mr. BIDEN, Mrs. MURRAY, Mr. HARKIN, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 456. Mr. MCCAIN proposed an amendment to the bill S. 762, supra.

SA 457. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 458. Mr. WYDEN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 459. Mr. GRAHAM of Florida (for himself, Mr. KERRY, Ms. MIKULSKI, Mrs. MURRAY, Mr. DORGAN, Mr. DAYTON, Mr. DASCHLE, Mr. JOHNSON, Ms. LANDRIEU, Mr. LAUTENBERG, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 460. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 461. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 462. Mr. CORZINE (for himself and Mr. EDWARDS) proposed an amendment to the bill S. 762, supra.

SA 463. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 464. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 465. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 466. Mr. SMITH (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 467. Mr. KYL (for himself and Mr. CAMPBELL) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 468. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 469. Mr. FRIST (for Ms. COLLINS (for himself, Mr. CARPER, and Mr. LIEBERMAN)) proposed an amendment to the bill S. 380, to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.

SA 470. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 435. Mr. STEVENS proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

Section 3101 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(d) The National Debt Ceiling of the United States shall be increased by the total amount of funds appropriated by Act of Congress for the Department of Defense, Department of Homeland Security or any other Agency of government to prosecute the war against terrorism, the war in Afghanistan, the war in Iraq, since September 11, 2001.

SA 436. Mr. STEVENS (for himself, Mr. INOUYE, Mr. DURBIN, Mr. WARNER, Mr. CHAMBLISS, Ms. MIKULSKI, Mrs. DOLE, Mr. DASCHLE, Mr. CORZINE, Mr. LEVIN, Mrs. BOXER, and Mrs. CLINTON) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of chapter 3 of title I add the following:

(a) INCREASE IN IMMINENT DANGER SPECIAL PAY.—Section 310(a) of title 37, United States Code, is amended by striking ''$150'' and inserting ''$225''.

(b) INCREASE IN FAMILY SEPARATION ALLOWANCE.—Section 427(a)(1) of title 37, United States Code, is amended by striking ''$100'' and inserting ''$250''.

(c) EXPIRATION.—(1) The amendment made by subsections (a) and (b) shall expire on September 30, 2003.

(2) Effective on September 30, 2003, sections 310(a) of title 37, United States Code, and 427(a)(1) of title 37, United States Code, as in effect on the day before the date of the enactment of this Act are hereby revived.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on Oct. 1, 2002 and shall apply with respect to months beginning on or after that date.

SA 437. Mr. DURBIN (for himself and Mr. LEVIN) proposed an amendment to amendment SA 436 proposed by Mr. STEVENS (for himself, Mr. INOUYE, Mr. DURBIN, Mr. WARNER, Mr. CHAMBLISS, Ms. MIKULSKI, Mrs. DOLE, Mr. DASCHLE, Mr. CORZINE, Mr. LEVIN, Mrs. BOXER, and Mrs. CLINTON) to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

In the amendment strike all after the first word and insert the following:

(a) INCREASE IN IMMINENT DANGER SPECIAL PAY.—Section 310(a) of title 37, United States Code, is amended by striking ''$150'' and inserting ''$250''.

(b) INCREASE IN FAMILY SEPARATION ALLOWANCE.—Section 427(a)(1) of title 37, United States Code, is amended by striking ''$100'' and inserting ''$250''.

(c) EXPIRATION.—(1) The amendment made by subsections (a) and (b) shall expire on September 30, 2003.

(2) Effective on September 30, 2003, sections 310(a) of title 37, United States Code, and 427(a)(1) of title 37, United States Code, as in effect on the day before the date of the enactment of this Act are hereby revived.

SA 438. Mrs. CLINTON (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page ____, between lines ____ and ____, insert the following:

SEC. ___. REPORTING REQUIREMENT.

(a) IN GENERAL.—Any Federal agency, including the Department of Defense and the Agency for International Development, which contracts with a private company for a reconstruction project in Iraq shall submit a report to Congress not later than 30 days after the execution each such contract if—

(1) the amount of the contract is greater than $10,000,000; and

(2) the procurement process underlying the contract was not subject to standard competitive bidding procedures.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) the terms of the contract;

(2) the reasons the agency did not use standard competitive bidding procedures; and

(3) a description of how the agency identified and solicited companies to perform the functions required by the contract.

SA 439. Mrs. FEINSTEIN (for herself, Ms. MIKULSKI, Mr. DODD, and Mr. DAYTON) submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, after line 10, insert the following:

ADDITIONAL AMOUNTS

SEC. ___. For an additional amount, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 197, $200,000,000, to remain available until expended. *Provided*, That this amount shall be for grants to improve public safety communications and interoperability.

SEC. ___. For an additional amount, not otherwise provided for, to carry out activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (including administrative costs), $200,000,000, to remain available until expended. *Provided*, That this amount shall be for the COPS Interoperable Communications Technology Program to provide grants to improve public safety communications and interoperability.

SA 440. Mr. REID (for himself, Mrs. CLINTON, Mr. SCHUMER, Mr. LIEBERMAN, and Ms. STABENOW) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 18, line 8, strike all that follows through page 20, line 10 and insert the following:

CHAPTER

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

Operations and Maintenance, General

For an additional amount for homeland security expenses, for ''Operations and Maintenance, General'', $29,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for homeland security expenses, for ''Water and Related Resources'', $25,000,000, to remain available until expended.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for ''Science'' for emergency expenses necessary to support safeguard and security activities, $10,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for ''Weapons Activities'' for emergency expenses necessary to safeguard nuclear weapons and nuclear material $70,000,000 to remain available until expended: *Provided*, That $30,000,000 of the funds provided shall be available for secure transportation asset activities: *Provided further*, That $40,000,000 of the funds provided shall be available to meet increased safeguards and security needs throughout the nuclear weapons complex, including at least $15,000,000 for cyber security.

NUCLEAR NONPROLIFERATION

For an additional amount for ''Nuclear Nonproliferation'' for emergency expenses necessary to safeguard fissile nuclear material, $300,000,000, to remain available until expended: *Provided*, That $135,000,000 of the funds provided shall be available for the development of nuclear detectors at mega seaports, in coordination with the Department of Homeland Security Bureau of Customs and Border Protection: *Provided further*, That $40,000,000 of the funds provided shall be available for detection and deterrence of radiological dispersal devices: *Provided further*, That $20,000,000 of the funds provided shall be available for nonproliferation assistance to nations other than the Former Soviet Union: *Provided further*, That $20,000,000 of the funds provided shall be available for nonproliferation forensics and attribution: *Provided further*, That $15,000,000 of the funds provided shall be available for nuclear nonproliferation verification program, including $2,500,000 for the Caucasus Seismic Network: *Provided further*, That $12,000,000 of the funds provided shall be available for nonproliferation assistance to Russian strategic rocket forces: *Provided further*, That $10,000,000 of the funds provided shall be available for the packaging and disposition of any nuclear material found in Iraq: *Provided further*, That $10,000,000 of the funds provided shall be available for nuclear material detection materials and devices: *Provided further*, That $10,000,000 of the funds provided shall be available for lower yield nuclear detection: *Provided further*, That $10,000,000 of the funds provided shall be available for nuclear material characterization: *Provided further*, That $5,000,000 of the funds provided shall be available for a radionuclide deployable analysis system: *Provided further*, That $5,000,000 of the funds provided shall be available for U.S. export control nuclear security: *Provided further*, That $5,000,000 of the funds provided shall be available for international export control cooperation activities: *Provided further*, That $2,000,000 of the funds provided shall be available for support of proliferation analyses in post-war Iraq: *Provided further*, That $1,000,000 of the funds provided shall be available for vulnerability assessments of spent nuclear fuel casks.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for ''Defense Environmental Restoration and Waste Management'', or emergency expenses necessary to support safeguards and security activities at nuclear and other facilities, $15,000,000, to remain available until expended.

DEFENSE FACILITY CLOSURE PROJECTS

For an additional amount for ''Defense Facility Closure Projects'' for emergency expenses necessary to support safeguard and security activities at nuclear and other facilities, $5,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For an additional amount for ''Other Defense Activities'', $18,000,000, to remain available until expended, for increased safeguard and security of Department of Energy facilities and personnel, including intelligence and counterintelligence activities: *Provided*, That this amount shall be available for transfer to other accounts within the Department of Energy for other expenses necessary to support elevated security conditions 15 days after notification to the Congress of the proposed transfers.

SA 441. Mr. LEAHY (for himself, Mr. CRAIG, Mr. KERRY, Mr. SCHUMER, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. LINCOLN, Mr. HARKIN, Mr. PRYOR, Mr. SARBANES, Mrs. MURRAY, Mr. WARNER, Mr. GRASSLEY, Mr. FEINGOLD, Mr. JEFFORDS, Mr. CRAPO, Ms. CANTWELL, Mr. KENNEDY, Mr. KOHL, Mrs. FEINSTEIN, Mr. WYDEN, Mr. ALLEN, Mr. BAUCUS, Mr. CORZINE, Mr. LAUTENBERG, Mr. JOHNSON, Mr. REID, Mrs. CLINTON, Mr. CAMPBELL, Mr. LIEBERMAN, Mr. DAYTON, Mr. COLEMAN, Ms. SNOWE, Mr. CHAFEE, Mr. REED, Mr. ALLARD, Mr. BURNS, Mr. DORGAN, Mr. LUGAR, Mr. DURBIN, Mr. NELSON of Nebraska, Mr. ROBERTS, Ms. LANDRIEU, Mr. LEVIN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . USE OF ORGANICALLY PRODUCED FEED FOR CERTIFICATION AS ORGANIC FARM.

Section 771 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003 (division A of Public Law 108–7) is repealed.

SA 442. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, line 5, before the ''.'' insert the following:

On page 46, line 13, strike ''$106,060,000'' and insert ''$117,060,000''.

Provided further, That of the amount made available under this heading, $10,000,000 to remain available until September 30, 2004, shall only be available for incorporation of additional technologies for disseminating terrorism warnings within the All Hazards Warning Network.

SA 443. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At an appropriate place, insert the following:

SEC. __. (a) None of the funds appropriated or otherwise made available by this Act for purposes of reconstruction in Iraq may be obligated or expended to pay any person who is a citizen of a country named in subsection (b), any person that is organized under the laws of such a country, any person that is affiliated with a person organized under the laws of such a country, or any person that is owned by a person organized under the laws of such a country.

(b) Subsection (a) applies with respect to France and Germany.

(c) Subsection (a) does not apply to an individual employed by the United Nations or any other international organization, or by a nongovernmental organization operated on a not-for-profit basis, with respect to the performance of the duties of the individual's position of employment with the United Nations, such other international organization, or such nongovernmental organization.

(d) Subsection (a) does not apply to a person who is a citizen of the United States or that is organized under the laws of the United States.

SA 444. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq. Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . For an additional amount for the law enforcement technology program under the heading ''Community Oriented Policing Services'' in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003, $5,000,000 for the Louisville-Jefferson County, Kentucky Public Safety Communications System to implement a common interoperable voice and data communications system for public safety organizations in the metropolitan area.

SA 445. Mr. HOLLINGS (for himself, Ms. STABENOW, Mrs. BOXER, Mr. SCHUMER, Mr. GRAHAM of Florida, Mr. KERRY, and Mr. BREAUX) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the appropriate place insert the following:

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $93,000,000, to remain available until December 31, 2003, of which not less than $50,000,000 shall be for port vulnerability assessments and the port vulnerability assessment program, and not less than $7,000,000 shall be for the purchase of radiation detection equipment, and not less than $36,000,000 shall be for the establishment of Maritime Safety and Security Teams.

ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction and Improvements'', $57,000,000, to remain available until December 31, 2003, to implement the Automated Identification System and other tracking systems designed to actively track and monitor vessels operating in United States waters.

BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION

For an additional amount for ''Customs and Border Protection'', $160,000,000, to remain available until December 31, 2003, of which not less than $110,000,000 shall be for the deployment and installation of portal screening equipment at our Nation's seaports, and of which not less than $50,000,000 shall be for the evaluation and implementation, in coordination with the Transportation Security Administration, to secure systems of transportation such as the Container Security Initiative and the Customs-Trade Partnership Against Terrorism.

TRANSPORTATION SECURITY ADMINISTRATION

For an additional amount for ''Salaries and Expenses'', $680,000,000, to remain available until December 31, 2003, of which not less than $600,000,000 shall be available for port security grants for the purpose of implementing the provisions of the Maritime Transportation Security Act, and not less than $30,000,000 shall be for continued development and implementation of the Transportation Worker Identification Card as well as for background checks of transportation workers who work in secure areas or who work with sensitive cargo or information, and not less than $50,000,000 shall be for the evaluation and implementation, in coordination with the Bureau of Customs and Border Protection, of secure systems of transportation such as Operation Safe Commerce.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $10,000,000, to remain available until September 30, 2004, for the development of seaport security training programs, and for equipment and personnel to provide training to Federal, State and local law enforcement agencies and, notwithstanding any provision of law, private security personnel performing seaport security functions.

SA 446. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, line 5, before the ''.'' insert the following:

On page 46, line 13, strike ''$106,060,000'' and insert ''$117,060,000''.

Provided further, That of the amount made available under this heading, $10,000,000 to remain available until September 30, 2004, shall only be available for incorporation of additional technologies for disseminating terrorism warnings within the All Hazards Warning Network.

SA 447. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Sec.____. The Secretary of the Army, acting through the Chief of Engineers, shall use previously provided funds to expeditiously complete dam safety and seepage stability correction measures for the Waterbury Dam, VT project.

SA 448. Mr. KERRY (for himself, Ms. SNOWE, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq. Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

Insert at the appropriate place in the bill:

SEC. ____. Section 624 of division B of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7), is amended by inserting before the period at the end: ''and, effective as of October 1, 2002, by inserting 'and subject to the provisions of Public Law 108–8,' after 'until expended,' ''.

SA 449. Mrs. FEINSTEIN (for herself, Mr. BINGAMAN, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, after line 6, insert the following:

ADDITIONAL AMOUNTS

SEC.____. For an additional amount for the Department of Justice $315,000,000 shall be made available for the State Criminal Alien Assistance Program (SCAAP) to restore funding for fiscal year 2003 to the fiscal year 2002 level of $565,000,000.

SA 450. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq. Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 13 strike the period and add the following '': *Provided further*, That of the funds appropriated under this heading $4.3 million shall be made available to the Agency for International Development Office of Inspector General for the purpose of monitoring and auditing expenditures for Iraqi Reconstruction: *Provided further*, That such sums are in addition to funds otherwise made available to the Office of the Inspector General.''

SA 451. Mr. ALLARD (for himself, Mr. WARNER, Mr. PRYOR, Mr. MCCAIN, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mrs. DOLE, Mr. CHAMBLISS, Mr. NELSON of Florida, Mr. CORZINE, Mr. CORNYN, Mrs. CLINTON, Ms. COLLINS, Mr. LIEBERMAN, and Mr. DODD) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE V—PANEL TO REVIEW SEXUAL MISCONDUCT ALLEGATIONS AT UNITED STATES AIR FORCE ACADEMY

SEC. 501. ESTABLISHMENT OF PANEL.

(a) ESTABLISHMENT.—There is established a panel to review allegations of sexual misconduct allegations at the United States Air Force Academy.

(b) COMPOSITION.—The panel shall be composed of seven members, appointed by the Secretary of Defense from among private United States citizens who have knowledge or expertise in matters relating to sexual assault, rape, and the United States military academies.

(c) CHAIRMAN.—The Secretary of Defense shall, in consultation with the Chairmen of the Committees on Armed Services of the Senate and House of Representatives, select the Chairman of the panel from among its members under subsection (b).

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(e) MEETINGS.—The panel shall meet at the call of the Chairman.

(f) INITIAL ORGANIZATION REQUIREMENTS.—(1) All original appointments to the panel shall be made not later than May 1, 2003.

(2) The Chairman shall convene the first meeting of the panel not later than May 2, 2003.

SEC. 502. DUTIES OF PANEL.

(a) IN GENERAL.—The panel established under section 501(a) shall carry out a study in order to determine responsibility and accountability for the establishment or maintenance of an atmosphere at the United States Air Force Academy that was conducive to sexual misconduct (including sexual assaults and rape) at the United States Air Force Academy.

(b) REVIEW.—In carrying out the study required by subsection (a), the panel shall—

(1) the actions taken by United States Air Force academy personnel and other Department of the Air Force officials in response to allegations of sexual assaults at the United States Air Force Academy;

(2) review directives issued by the United States Air Force pertaining to sexual misconduct at the United States Air Force Academy;

(3) review the effectiveness of the process, procedures, and policies used at the United States Air Force Academy to respond to allegations of sexual misconduct;

(4) review the relationship between—

(A) the command climate for women at the United States Air Force Academy; and

(B) the circumstances that resulted in sexual misconduct at the Academy; and

(5) review, evaluate, and assess such other matters and materials as the panel considers appropriate for the study.

(c) REPORT.—(1) Not later than 90 days after its first meeting under section 501(f)(2), the panel shall submit to the President, the Secretary of the Air Force, and Congress a report on the study required by subsection (a).

(2) The report shall include—

(A) the findings and conclusions of the panel as a result of the study; and

(B) any recommendations for legislative or administrative action that the panel considers appropriate in light of the study.

SEC. 503. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—(1) Members of the panel established under section 501(a) shall serve without pay by reason of their work on the panel.

(2) Section 1342 of title 31, United States Code, shall not apply to the acceptance of services of a member of the panel under this title.

(b) TRAVEL EXPENSES.—The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel.

SA 452. Ms. LANDRIEU proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

In chapter 3 of title I, under the heading ''PROCUREMENT'', insert after the matter relating to ''PROCUREMENT, DEFENSE-WIDE'' the following:

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for ''National Guard and Reserve Equipment'', $1,047,000,000.

SA 453. Mr. ALLEN (for himself, Mr. HARKIN, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. .

''28 U.S.C. Section 1605 is amended by adding, at the end, a new subsection ''(h)'' that reads:

'(h) Any United States citizen, and their immediate family at the time, shall have a claim for money damages against a foreign state, as authorized by subsection (a)(7), for death or personal injury (including economic damages, solatium, pain and suffering) caused by the foreign state's act of torture, extrajudicial killing, aircraft sabotage, or hostage taking. This subsection abrogates any other provision of law and any international agreement that purports to bar, preclude, terminate, extinguish, or suspend the claim. This subsection is retroactive to November 1, 1979.' ''

SA 454. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

Section 501(b) of title V of division N of the Consolidated Appropriations Resolution, 2003 is amended—

(1) by striking ''program authorized for the fishery in Sec. 211'' and inserting ''programs authorized for the fisheries in sections 211 and 212''; and

(2) by striking ''program in section 211'' and inserting ''programs in sections 211 and 212''.

SA 455. Mr. KOHL (for himself, Mr. LEAHY, Mr. BYRD, Mr. BIDEN, Mrs. MURRAY, Mr. HARKIN, and Mr. NELSON of Florida) submitted an amendment

intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, after line 7, insert the following:

''PUBLIC LAW 480 TITLE II GRANTS

(INCLUDING TRANSFER OF FUNDS)

For additional expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior year's costs, including interest thereon, under the Agricultural Trade Development Act of 1954, $600,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act. *Provided*, That of this amount, $155,000,000 shall be used to restore funding for previously approved fiscal year 2003 programs under section 204(a)(2) of the Agricultural Trade Development and Assistance Act of 1954: *Provided further*, That of the funds provided under this heading, the Secretary of Agriculture shall transfer to the Commodity Credit Corporation such sums as are necessary to acquire, and shall acquire, a quantity of commodities for use in administering the Bill Emerson Humanitarian Trust in an amount equal to the quantity allocated by the Corporation pursuant to the release of March 19, 2003, and the release of March 20, 2003. *Provided further*, That the authority contained in 7 U.S.C. 1736f–1(c)(4) shall not apply during fiscal year 2003 for any release of commodities after the date of enactment of this Act.''.

SA 456. Mr. McCAIN proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 42, strike lines 16 through 22.

SA 457. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, line 13, strike ''$106,060,00'' and insert ''$117,060,000''. On page 47, line 5, before ''.'' insert the following '': *Provided further*, That of the amount made available under this heading, $10,000,000 to remain available until September 30, 2004, shall only be available for the incorporation of additional technologies for disseminating terrorism warnings within the All Hazards Warning Network''.

SA 458. Mr. WYDEN. (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, line 15, insert before ''Section'' the following:

''In addition to amounts otherwise available for water and related resources, not to exceed $3,000,000, the Secretary of Interior shall make available reimbursement for operation and maintenance costs to eligible producers in the Klamath Basin, pursuant to Public Law 107–349, the Klamath Basin Emergency Operation and Maintenance Refund Act of 2002;''

SA 459. Mr. GRAHAM of Florida (for himself, Mr. KERRY, Ms. MIKULSKI, Mr. MURRAY, Mr. DORGAN, Mr. DAYTON, Mr. DASCHLE, Mr. JOHNSON, Ms. LANDRIEU, Mr. LAUTENBERG, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and for furnishing recreational facilities, supplies, and equipment incident to the provision of hospital care, medical services, and nursing home care authorized by section 1710(e)(1)(D) of title 38, United States Code, $375,000,000; *Provided*, That such amount shall remain available until expended.

SA 460. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EXTENSION OF ENERGY SAVINGS PERFORMANCE CONTRACTING AUTHORITY.

Section 801 (c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is amended by striking ''October 1, 2003'' and inserting ''December 31, 2004.''

SA 461. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, between lines 3 and 4, insert the following:

(e) LIVESTOCK COMPENSATION PROGRAM.—Section 203(a) of the Agricultural Assistance Act of 2003 (title II of division N of Public Law 108–7)) is amended by adding at the end the following:

''(3) GRANTS.—

''(A) IN GENERAL.—To provide assistance to eligible applicants under paragraph (2)(B), the Secretary shall provide grants to appropriate State departments of agriculture (or other appropriate State agencies) that agree to provide assistance to eligible applicants.

''(B) AMOUNT.—The total amount of grants provided under subparagraph (A) shall be equal to the total amount of assistance that the Secretary determines all eligible applicants are eligible to receive under paragraph (2)(B).''.

SA 462. Mr. CORZINE (for himself and Mr. EDWARDS) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE ____—CHEMICAL SECURITY

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Chemical Security Act of 2003''.

SEC. ___02. FINDINGS.

Congress finds that—

(1) the chemical industry is a crucial part of the critical infrastructure of the United States—

(A) in its own right; and

(B) because that industry supplies resources essential to the functioning of other critical infrastructures;

(2) the possibility of terrorist and criminal attacks on chemical sources (such as industrial facilities) poses a serious threat to public health, safety, and welfare, critical infrastructure, national security, and the environment;

(3) the possibility of theft of dangerous chemicals from chemical sources for use in terrorist attacks poses a further threat to public health, safety, and welfare, critical infrastructure, national security, and the environment; and

(4) there are significant opportunities to prevent theft from, and criminal attack on, chemical sources and reduce the harm that such acts would produce by—

(A)(i) reducing usage and storage of chemicals by changing production methods and processes; and

(ii) employing inherently safer technologies in the manufacture, transport, and use of chemicals;

(B) enhancing secondary containment and other existing mitigation measures; and

(C) improving security.

SEC. ___03. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) CHEMICAL SOURCE.—The term ''chemical source'' means a stationary source (as defined in section 112(r)(2) of the Clean Air Act (42 U.S.C. 7412(r)(2))) that contains a substance of concern.

(3) COVERED SUBSTANCE OF CONCERN.—The term ''covered substance of concern'' means a substance of concern that, in combination with a chemical source and other factors, is designated as a high priority category by the Administrator under section ___04(a)(1).

(4) EMPLOYEE.—The term ''employee'' means—

(A) a duly recognized collective bargaining representative at a chemical source; or

(B) in the absence of such a representative, other appropriate personnel.

(5) FIRST RESPONDER.—The term ''first responder'' includes a firefighter.

(6) FUND.—The term ''Fund'' means the Technology Transition Fund Established under section ___08(a).

(7) SAFER DESIGN AND MAINTENANCE.—The term ''safer design and maintenance'' includes, with respect to a chemical source that is within a high priority category designated under section ___04(a)(1), implementation, to the extent practicable, of the practices of—

(A) preventing or reducing the vulnerability of the chemical source to a release of a covered substance of concern through use of inherently safer technology;

(B) reducing any vulnerability of the chemical source to a release of a covered substance of concern through use of well-maintained secondary containment, control, or mitigation equipment;

(C) reducing any vulnerability of the chemical source to a release of a covered substance of concern by implementing security measures; and

(D) reducing the potential consequences of any vulnerability of the chemical source to a release of a covered substance of concern through the use of buffer zones between the chemical source and surrounding populations (including buffer zones between the chemical source and residences, schools, hospitals, senior centers, shopping centers and malls, sports and entertainment arenas, public roads and transportation routes, and other population centers).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(9) SECURITY MEASURE.—

(A) IN GENERAL.—The term ''security measure'' means an action carried out to increase the security of a chemical source.

(B) INCLUSIONS.—The term ''security measure'', with respect to a chemical source, includes—

(i) employee training and background checks;

(ii) the limitation and prevention of access to controls of the chemical source;

(iii) protection of the perimeter of the chemical source;

(iv) the installation and operation of an intrusion detection sensor; and

(v) a measure to increase computer or computer network security.

(10) SUBSTANCE OF CONCERN.—

(A) IN GENERAL.—The term ''substance of concern'' means—

(i) any regulated substance (as defined in section 112(r) of the Clean Air Act (42 U.S.C. 7412(r))); and

(ii) any substance designated by the Administrator under section ___04(a).

(B) EXCLUSION.—The term ''substance of concern'' does not include liquefied petroleum gas that is used as fuel or held for sale as fuel at a retail facility as described in section 112(r)(4)(B) of the Clean Air Act (42 U.S.C. 7412(r)(4)(B)).

(11) UNAUTHORIZED RELEASE.—The term ''unauthorized release'' means—

(A) a release from a chemical source into the environment of a covered substance of concern that is caused, in whole or in part, by a criminal act;

(B) a release into the environment of a covered substance of concern that has been removed from a chemical source, in whole or in part, by a criminal act; and

(C) a release or removal from a chemical source of a covered substance of concern that is unauthorized by the owner or operator of the chemical source.

(12) USE OF INHERENTLY SAFER TECHNOLOGY.—

(A) IN GENERAL.—The term ''use of inherently safer technology'', with respect to a chemical source, means use of a technology, product, raw material, or practice that, as compared with the technologies, products, raw materials, or practices currently in use—

(i) reduces or eliminates the possibility of a release of a substance of concern from the chemical source prior to secondary containment, control, or mitigation; and

(ii) reduces or eliminates the threats to public health and the environment associated with a release or potential release of a substance of concern from the chemical source.

(B) INCLUSIONS.—The term ''use of inherently safer technology'' includes input substitution, catalyst or carrier substitution, process redesign (including reuse or recycling of a substance of concern), product reformulation, procedure simplification, and technology modification so as to—

(i) use less hazardous substances or benign substances;

(ii) use a smaller quantity of covered substances of concern;

(iii) reduce hazardous pressures or temperatures;

(iv) reduce the possibility and potential consequences of equipment failure and human error;

(v) improve inventory control and chemical use efficiency; and

(vi) reduce or eliminate storage, transportation, handling, disposal, and discharge of substances of concern.

SEC. ___04. DESIGNATION OF AND REQUIREMENTS FOR HIGH PRIORITY CATEGORIES.

(a) DESIGNATION AND REGULATION OF HIGH PRIORITY CATEGORIES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Administrator, in consultation with State and local agencies responsible for planning for and responding to unauthorized releases and providing emergency health care, shall promulgate regulations to designate certain combinations of chemical sources and substances of concern as high priority categories based on the severity of the threat posed by an unauthorized release from the chemical sources.

(2) FACTORS TO BE CONSIDERED.—In designating high priority categories under paragraph (1), the Secretary and the Administrator shall consider—

(A) the severity of the harm that could be caused by an unauthorized release;

(B) the proximity to population centers;

(C) the threats to national security;

(D) the threats to critical infrastructure;

(E) threshold quantities of substances of concern that pose a serious threat; and

(F) such other safety or security factors as the Secretary and the Administrator determine to be appropriate.

(3) REQUIREMENTS FOR HIGH PRIORITY CATEGORIES.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Administrator, in consultation with the United States Chemical Safety and Hazard Investigation Board, and State and local agencies described in paragraph (1), shall promulgate regulations to require each owner and each operator of a chemical source that is within a high priority category designated under paragraph (1), in consultation with local law enforcement, first responders, and employees, to—

(i) conduct an assessment of the vulnerability of the chemical source to a terrorist attack or other unauthorized release;

(ii) using appropriate hazard assessment techniques, identify hazards that may result from an unauthorized release of a covered substance of concern; and

(iii) prepare a prevention, preparedness, and response plan that incorporates the results of those vulnerability and hazard assessments.

(B) ACTIONS AND PROCEDURES.—A prevention, preparedness, and response plan required under subparagraph (A)(iii) shall include actions and procedures, including safer design and maintenance of the chemical source, to eliminate or significantly lessen the potential consequences of an unauthorized release of a covered substance of concern.

(C) THREAT INFORMATION.—To the maximum extent permitted by applicable authorities and the interests of national security, the Secretary, in consultation with the Administrator, shall provide owners and operators of chemical sources with threat information relevant to the assessments and plans required under subsection (b).

(4) REVIEW AND REVISIONS.—Not later than 5 years after the date of promulgation of regulations under each of paragraphs (1) and (3), the Secretary and the Administrator shall review the regulations and make any necessary revisions.

(5) ADDITION OF SUBSTANCES OF CONCERN.—For the purpose of designating high priority categories under paragraph (1) or any subsequent revision of the regulations promulgated under paragraph (1), the Secretary and the Administrator may designate additional substances that pose a serious threat as substances of concern.

(b) CERTIFICATION.—

(1) VULNERABILITY AND HAZARD ASSESSMENTS.—Not later than 1 year after the date of promulgation of regulations under subsection (a)(3), each owner and each operator of a chemical source that is within a high priority category designated under subsection (a)(1) shall—

(A) certify to the Secretary that the chemical source has conducted assessments in accordance with the regulations; and

(B) submit to the Secretary written copies of the assessments.

(2) PREVENTION, PREPAREDNESS, AND RESPONSE PLANS.—Not later than 18 months after the date of promulgation of regulations under subsection (a)(3), the owner or operator shall—

(A) certify to the Secretary that the chemical source has completed a prevention, preparedness, and response plan that incorporates the results of the assessments and complies with the regulations; and

(B) submit to the Secretary a written copy of the plan.

(3) 5-YEAR REVIEW.—Not later than 5 years after each of the date of submission of a copy of an assessment under paragraph (1) and a plan under paragraph (2), and not less often than every 3 years thereafter, the owner or operator of the chemical source covered by the assessment or plan, in coordination with local law enforcement and first responders, shall—

(A) review the adequacy of the assessment or plan, as the case may be; and

(B)(i) certify to the Secretary that the chemical source has completed the review; and

(ii) as appropriate, submit to the Administrator any changes to the assessment or plan.

(4) PROTECTION OF INFORMATION.—

(A) DISCLOSURE EXEMPTION.—Except with respect to certifications specified in paragraphs (1) through (3) of this subsection and section ___05(a), all information provided to the Administrator under this subsection, and all information derived from that information, shall be exempt from disclosure under section 552 of title 5, United States Code.

(B) DEVELOPMENT OF PROTOCOLS.—

(i) IN GENERAL.—The Secretary, shall develop such protocols as are necessary to protect the copies of the assessments and plans required to be submitted under this subsection (including the information contained in those assessments and plans) from unauthorized disclosure.

(ii) REQUIREMENTS.—The protocols developed under clause (i) shall ensure that—

(I) each copy of an assessment or plan, and all information contained in or derived from the assessment or plan, is maintained in a secure location;

(II) except as provided in subparagraph (C), only the Administrator (or a designee) and individuals designated by the Secretary may have access to the copies of the assessments and plans; and

(III) no copy of an assessment or plan or any portion of an assessment or plan, and no information contained in or derived from an assessment or plan, shall be available to any person other than an individual designated by the Secretary.

(iii) DEADLINE.—As soon as practicable, but not later than 1 year after the date of enactment of this Act, the Secretary shall complete the development of protocols under clause (i) so as to ensure that the protocols are in place before the date on which the Secretary receives any assessment or plan under this subsection.

(C) FEDERAL OFFICERS AND EMPLOYEES.—An individual referred to in subparagraph (B)(ii) who is an officer or employee of the United States may discuss with a State or local official the contents of an assessment or plan described in that subparagraph.

SEC. ___05. ENFORCEMENT.

(a) REVIEW OF PLANS.—

(1) IN GENERAL.—The Secretary, in consultation with the head of the Administrator, shall review each assessment and plan submitted under section ___04(b) to determine the compliance of the chemical source covered by the assessment or plan with regulations promulgated under paragraphs (1) and (3) of section ___04(a).

(2) CERTIFICATION OF COMPLIANCE.—

(A) IN GENERAL.—The Secretary shall certify in writing each determination of the Secretary under paragraph (1).

(B) INCLUSIONS.—A certification of the Secretary shall include a checklist indicating consideration by a chemical source of the use of 4 elements of safer design and maintenance described in subparagraphs (A) through (D) of section ___03(6).

(C) EARLY COMPLIANCE.—

(i) IN GENERAL.—The Secretary, in consultation with the head of the Administrator, shall—

(I) before the date of publication of proposed regulations under section ___04(a)(3), review each assessment or plan submitted to the Secretary under section ___04(b); and

(II) before the date of promulgation of final regulations under section ___04(a)(3), determine whether each such assessment or plan meets the consultation, planning, and assessment requirements applicable to high priority categories under section ___04(a)(3).

(ii) AFFIRMATIVE DETERMINATION.—If the Secretary, in consultation with the Administrator, makes an affirmative determination under clause (i)(II), the Secretary shall certify compliance of an assessment or plan described in that clause without requiring any revision of the assessment or plan.

(D) SCHEDULE FOR REVIEW AND CERTIFICATION.—

(i) IN GENERAL.—The Secretary, after taking into consideration the factors described in section ___04(a)(2), shall establish a schedule for the review and certification of assessments and plans submitted under section ___04(b).

(ii) DEADLINE FOR COMPLETION.—Not later than 3 years after the deadlines for the submission of assessments and plans under paragraph (1) or (2), respectively, of section ___04(b), the Secretary shall complete the review and certification of all assessments and plans submitted under those sections.

(b) COMPLIANCE ASSISTANCE.—

(1) DEFINITION OF DETERMINATION.—In this subsection, the term ''determination'' means a determination by the Secretary that, with respect to an assessment or plan described in section ___04(b)—

(A) the assessment or plan does not comply with regulations promulgated under paragraphs (1) and (3) of section ___04(a); or

(B)(i) a threat exists beyond the scope of the submitted plan; or

(ii) current implementation of the plan is insufficient to address—

(I) the results of an assessment of a source; or

(II) a threat described in clause (i).

(2) DETERMINATION BY SECRETARY.—If the Secretary, after consultation with the Administrator, makes a determination, the Secretary shall—

(A) notify the chemical source of the determination; and

(B) provide such advice and technical assistance, in coordination with the head of the Office and the United States Chemical Safety and Hazard Investigation Board, as is appropriate—

(i) to bring the assessment or plan of a chemical source described in section ___04(b) into compliance; or

(ii) to address any threat described in clause (i) or (ii) of paragraph (1)(B).

(c) COMPLIANCE ORDERS.—

(1) IN GENERAL.—If, after the date that is 30 days after the later of the date on which the Secretary first provides assistance, or a chemical source receives notice, under subsection (b)(2)(B), a chemical source has not brought an assessment or plan for which the assistance is provided into compliance with regulations promulgated under paragraphs (1) and (3) of section ___04(a), or the chemical source has not complied with an entry or information request under section ___06, the Secretary may issue an order directing compliance by the chemical source.

(2) NOTICE AND OPPORTUNITY FOR HEARING.—An order under paragraph (1) may be issued only after notice and opportunity for a hearing.

(d) ABATEMENT ACTION.—

(1) IN GENERAL.—Notwithstanding a certification under section ___05(a)(2), if the Secretary, in consultation with local law enforcement officials and first responders, determines that a threat of a terrorist attack exists that is beyond the scope of a submitted prevention, preparedness, and response plan of 1 or more chemical sources, or current implementation of the plan is insufficient to address the results of an assessment of a source or a threat described in subsection (b)(1)(B)(i), the Secretary shall notify each chemical source of the elevated threat.

(2) INSUFFICIENT RESPONSE.—If the Secretary determines that a chemical source has not taken appropriate action in response to a notification under paragraph (1), the Secretary shall notify the chemical source, the Administrator, and the Attorney General that actions taken by the chemical source in response to the notification are insufficient.

(3) RELIEF.—

(A) IN GENERAL.—On receipt of a notification under paragraph (2), the Secretary or the Attorney General may secure such relief as is necessary to abate a threat described in paragraph (1), including such orders as are necessary to protect public health or welfare.

(B) JURISDICTION.—The district court of the United States for the district in which a threat described in paragraph (1) occurs shall have jurisdiction to grant such relief as the Secretary or Attorney General requests under subparagraph (A).

SEC. ___06. RECORDKEEPING AND ENTRY.

(a) RECORDS MAINTENANCE.—A chemical source that is required to certify to the Secretary assessments and plans under section ___04 shall maintain on the premises of the chemical source a current copy of those assessments and plans.

(b) RIGHT OF ENTRY.—In carrying out this title, the Secretary or the Administrator (or an authorized representative of the Secretary or the Administrator), on presentation of credentials—

(1) shall have a right of entry to, on, or through any premises of an owner or operator of a chemical source described in subsection (a) or any premises in which any records required to be maintained under subsection (a) are located; and

(2) may at reasonable times have access to, and may copy, any records, reports, or other information described in subsection (a).

(c) INFORMATION REQUESTS.—In carrying out this title, the Secretary or the Administrator may require any chemical source to provide such information as is necessary to—

(1) enforce this title; and

(2) promulgate or enforce regulations under this title.

SEC. ___07. PENALTIES.

(a) CIVIL PENALTIES.—Any owner or operator of a chemical source that violates, or fails to comply with, any order issued may, in an action brought in United States district court, be subject to a civil penalty of not more than $25,000 for each day in which such violation occurs or such failure to comply continues.

(b) CRIMINAL PENALTIES.—Any owner or operator of a chemical source that knowingly violates, or fails to comply with, any order issued shall—

(1) in the case of a first violation or failure to comply, be fined not less than $2,500 nor more than $25,000 per day of violation, imprisoned not more than 1 year, or both; and

(2) in the case of a subsequent violation or failure to comply, be fined not more than $50,000 per day of violation, imprisoned not more than 2 years, or both.

(c) ADMINISTRATIVE PENALTIES.—

(1) PENALTY ORDERS.—If the amount of a civil penalty determined under subsection (a) does not exceed $125,000, the penalty may be assessed in an order issued by the Secretary.

(2) NOTICE AND HEARING.—Before issuing an order described in paragraph (1), the Secretary shall provide to the person against which the penalty is to be assessed—

(A) written notice of the proposed order; and

(B) the opportunity to request, not later than 30 days after the date on which the notice is received by the person, a hearing on the proposed order.

SEC. ___08. TECHNOLOGY TRANSITION FUND.

(a) ESTABLISHMENT.—The Secretary and the Administrator shall establish and administer a fund to be known as the ''Technology Transition Fund'', consisting of the amount transferred to the Fund under subsection (c)(1).

(b) USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be used by the Secretary and the Administrator to provide grants to chemical facilities that demonstrate financial hardship to assist those chemical facilities in transitioning to use of inherently safer technology.

(c) FUNDING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, out of any funds in

the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Fund, for use by the Secretary and the Administrator in carrying out this section, not later than 30 days after the date of enactment of this Act, $50,000,000.

(2) RECEIPT AND ACCEPTANCE.—The Secretary and the Administrator shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred to the Fund under paragraph (1), without further appropriation.

(3) AVAILABILITY OF FUNDS.—Funds transferred under paragraph (1) shall remain available until expended.

SEC. ___09. NO EFFECT ON REQUIREMENTS UNDER OTHER LAW.

Nothing in this title affects any duty or other requirement imposed under any other Federal or State law.

SEC. ___10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SA 463. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place; insert the following:

Sec. ___.

Section 501(b) of title V of division N of the Consolidated Appropriations Resolution, 2003 is amended—

(1) by striking ''program authorized for the fishery in Sec. 211'' and inserting ''programs authorized for the fisheries in sections 211 and 212''; and

(2) by striking ''program in section 211'' and inserting ''programs in sections 211 and 212''.

SA 464. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ADJUSTED PAY DIFFERENTIALS FOR FEDERAL LAW ENFORCEMENT OFFICERS.

(a) ADJUSTED DIFFERENTIALS.—

(1) IN GENERAL.—Paragraph (1) of section 404(b) of the Federal Law Enforcement Pay Reform Act of 1990 (5 U.S.C. 5305 note) is amended by striking the matter after ''follows:'' and inserting the following:

''Area	Differential
Atlanta Consolidated Metropolitan Statistical Area	16.82%
Boston-Worcester-Lawrence, MA-NH-ME-CT-RI Consolidated Metropolitan Statistical Area	24.42%
Chicago-Gary-Kenosha, IL-IN-WI Consolidated Metropolitan Statistical Area	25.68%
Cincinnati-Hamilton, OH-KY-IN Consolidated Metropolitan Statistical Area	21.47%
Cleveland Consolidated Metropolitan Statistical Area	17.83%
Columbus Consolidated Metropolitan Statistical Area	16.90%
Dallas Consolidated Metropolitan Statistical Area	18.51%
Dayton Consolidated Metropolitan Statistical Area	15.97%
Denver-Boulder-Greeley, CO Consolidated Metropolitan Statistical Area	22.78%
Detroit-Ann Arbor-Flint, MI Consolidated Metropolitan Statistical Area	25.61%
Hartford, CT Consolidated Metropolitan Statistical Area	24.47%
Houston-Galveston-Brazoria, TX Consolidated Metropolitan Statistical Area	30.39%
Huntsville Consolidated Metropolitan Statistical Area	13.29%
Indianapolis Consolidated Metropolitan Statistical Area	13.38%
Kansas City Consolidated Metropolitan Statistical Area	14.11%
Los Angeles-Riverside-Orange County, CA Consolidated Metropolitan Statistical Area	27.25%
Miami-Fort Lauderdale, FL Consolidated Metropolitan Statistical Area	21.75%
Milwaukee Consolidated Metropolitan Statistical Area	17.45%
Minneapolis-St. Paul, MN-WI Consolidated Metropolitan Statistical Area	20.27%
New York-Northern New Jersey-Long Island, NY-NJ-CT-PA Consolidated Metropolitan Statistical Area	27.11%
Orlando, FL Consolidated Metropolitan Statistical Area	14.22%
Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD Consolidated Metropolitan Statistical Area	21.03%
Pittsburgh Consolidated Metropolitan Statistical Area	14.89%
Portland-Salem, OR-WA Consolidated Metropolitan Statistical Area	20.96%
Richmond Consolidated Metropolitan Statistical Area	16.46%
Sacramento-Yolo, CA Consolidated Metropolitan Statistical Area	20.77%
San Diego, CA Consolidated Metropolitan Statistical Area	22.13%
San Francisco-Oakland-San Jose, CA Consolidated Metropolitan Statistical Area	32.98%
Seattle-Tacoma-Bremerton, WA Consolidated Metropolitan Statistical Area	21.18%
St. Louis Consolidated Metropolitan Statistical Area	14.69%
Washington-Baltimore, DC-MD-VA-WV Consolidated Metropolitan Statistical Area	19.48%
Rest of United States Consolidated Metropolitan Statistical Area	14.19%''.

(2) SPECIAL RULES.—For purposes of the provision of law amended by paragraph (1)—

(A) the counties of Providence, Kent, Washington, Bristol, and Newport, RI, the counties of York and Cumberland, ME, and the city of Concord, NH, shall be treated as if located in the Boston-Worcester-Lawrence, MA-NH-ME-CT-RI Consolidated Metropolitan Statistical Area; and

(B) members of the Capitol Police shall be considered to be law enforcement officers within the meaning of section 402 of the Federal Law Enforcement Pay Reform Act of 1990.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1)—

(A) shall take effect as if included in the Federal Law Enforcement Pay Reform Act of 1990 on the date of the enactment of such Act; and

(B) shall be effective only with respect to pay for service performed in pay periods beginning on or after the date of the enactment of this Act.

Paragraph (2) shall be applied in a manner consistent with the preceding sentence.

(b) SEPARATE PAY, EVALUATION, AND PROMOTION SYSTEM FOR FEDERAL LAW ENFORCEMENT OFFICERS.—

(1) STUDY.—Not later than 6 months after the date of the enactment of this Act, the Office of Personnel Management shall study and submit to Congress a report which shall contain its findings and recommendations regarding the need for, and the potential benefits to be derived from, the establishment of a separate pay, evaluation, and promotion system for Federal law enforcement officers. In carrying out this paragraph, the Office of Personnel Management shall take into account the findings and recommendations contained in the September 1993 report of the Office entitled ''A Plan to Establish a New Pay and Job Evaluation System for Federal Law Enforcement Officers''.

(2) DEMONSTRATION PROJECT.—

(A) IN GENERAL.—If, after completing its report under paragraph (1), the Office of Personnel Management considers it to be appropriate, the Office shall implement, within 12 months after the date of the enactment of this Act, a demonstration project to determine whether a separate system for Federal law enforcement officers (as described in paragraph (1)) would result in improved Federal personnel management.

(B) APPLICABLE PROVISIONS.—Any demonstration project under this paragraph shall be conducted in accordance with the provisions of chapter 47 of title 5, United States Code, except that a project under this paragraph shall not be taken into account for purposes of the numerical limitation under section 4703(d)(2) of such title.

(C) PERMANENT CHANGES.—Not later than 6 months before the demonstration project's scheduled termination date, the Office of Personnel Management shall submit to Congress—

(i) its evaluation of the system tested under the demonstration project; and

(ii) recommendations as to whether or not that system (or any aspects of that system) should be continued or extended to other Federal law enforcement officers.

(3) FEDERAL LAW ENFORCEMENT OFFICER DEFINED.—In this subsection, the term ''Federal law enforcement officer'' means a law enforcement officer as defined under section 8331(20) or 8401(17) of title 5, United States Code.

(c) LIMITATION ON PREMIUM PAY.—

(1) IN GENERAL.—Section 5547 of title 5, United States Code, is amended—

(A) in subsection (a), by striking ''5545a,'';

(B) in subsection (c), by striking ''or 5545a''; and

(C) in subsection (d), by striking the period and inserting ''or a criminal investigator who is paid availability pay under section 5545a.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 1114 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1239).

(d) APPROPRIATIONS.—There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, $125,000,000, for purposes of subsection (a) of this section.

SA 465. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

In chapter 6 of title I under the heading ''BORDER AND TRANSPORTATION SECURITY'' under the heading ''OFFICE FOR DOMESTIC PREPAREDNESS'', increase the amount appropriated by $150,000,000.

In chapter 6 of title I, add at the end the following:

GENERAL PROVISIONS, THIS CHAPTER

SEC. 601. (a) AVAILABILITY OF FUNDS FOR FIRE PREVENTION AND CONTROL.—Of the amount appropriated by this chapter under the heading ''BORDER AND TRANSPORTATION SECURITY'' under the heading ''OFFICE FOR DOMESTIC PREPAREDNESS'', $150,000,000 shall be available to carry out activities under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229).

(b) RELATIONSHIP TO OTHER FUNDS.—The amount available under subsection (a) for the activities referred to in that subsection is in addition to any other amounts available in fiscal year 2003 for such activities.

SA 466. Mr. SMITH (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. (a) None of the funds made available during fiscal year 2003 by this or any other Act may be made available to the Government of the Russian Federation unless the President determines and certifies in writing to the appropriate congressional committees that such Government is not enforcing any statute, executive order, regulation, or other government policy that would discriminate, or would have as its principal effect discrimination, against a religious group or a religious community in violation of an international agreement on human rights or religious freedoms to which the Russian Federation is a party.

(b) In this section the term ''appropriate congressional committees'' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(c) The prohibition in subsection (a) shall take effect on the date that is 45 days after the date of the enactment of this Act.

SA 467. Mr. KYL (for himself and Mr. CAMPBELL) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

PROHIBITION ON PROVIDING FUNDS FOR RECONSTRUCTION IN IRAQ TO ENTITIES FROM COUNTRIES THAT DID NOT PUBLICLY SUPPORT A UNITED NATIONS RESOLUTION AUTHORIZING THE USE OF FORCE IN IRAQ

SEC. 501. (a) No funds made available in this Act for purposes of reconstruction in Iraq may be provided, directly or indirectly through a subcontract or otherwise, to a person that is a resident of or is organized under the laws of a country that did not publicly commit to vote in favor of the draft resolution introduced in the United Nations Security Council by the United Kingdom, Spain, and the United States on March 7, 2003.

(b) The President may waive the prohibition described in subsection (a) for a person if the President determines that—

(1) such person possesses unique capabilities or expertise that are critical to the reconstruction of Iraq; and

(2) it is in the national interest of the United States to grant the waiver.

SA 468. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 42, strike lines 16 through 22.

SA 469. Mr. FRIST (for Ms. COLLINS (for herself, Mr. CARPER, and Mr. LIEBERMAN)) proposed an amendment to the bill S. 280, to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Postal Civil Service Retirement System Funding Reform Act of 2003''.

SEC. 2. CIVIL SERVICE RETIREMENT SYSTEM.

(a) DEFINITIONS.—Section 8331 of title 5, United States Code, is amended—

(1) in paragraph (17)—

(A) by striking '' 'normal cost' '' and inserting '' 'normal-cost percentage' ''; and

(B) by inserting ''and standards (using dynamic assumptions)'' after ''practice'';

(2) by amending paragraph (18) to read as follows:

''(18) 'Fund balance' means the current net assets of the Fund available for payment of benefits, as determined by the Office in accordance with appropriate accounting standards, but does not include any amount attributable to—

''(A) the Federal Employees' Retirement System; or

''(B) contributions made under the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 by or on behalf of any individual who became subject to the Federal Employees' Retirement System;''; and

(3) by striking ''and'' at the end of paragraph (27), by striking the period at the end of paragraph (28) and inserting ''; and'', and by adding at the end the following:

''(29) 'dynamic assumptions' means economic assumptions that are used in determining actuarial costs and liabilities of a retirement system and in anticipating the effects of long-term future—

''(A) investment yields;

''(B) increases in rates of basic pay; and

''(C) rates of price inflation.''.

(b) DEDUCTIONS AND CONTRIBUTIONS.—

(1) IN GENERAL.—Section 8334(a)(1) of title 5, United States Code, is amended—

(A) by striking ''(a)(1)'' and inserting ''(a)(1)(A)'';

(B) by designating the matter following the first sentence as subparagraph (B)(i) and aligning the text accordingly;

(C) in subparagraph (B)(i) (as so designated by subparagraph (B)), by striking ''An equal'' and inserting ''Except as provided in clause (ii), an equal''; and

(D) by adding at the end the following:

''(ii) In the case of an employee of the United States Postal Service, the amount to be contributed under this subparagraph shall (instead of the amount described in clause (i)) be equal to the product derived by multiplying the employee's basic pay by the percentage equal to—

''(I) the normal-cost percentage for the applicable employee category listed in subparagraph (A), minus

''(II) the percentage deduction rate that applies with respect to such employee under subparagraph (A).''.

(2) CONFORMING AMENDMENTS.—Section 8334(k) of title 5, United States Code, is amended—

(A) in paragraph (1)(A), by striking ''the first sentence of subsection (a)(1) of this section'' and inserting ''subsection (a)(1)(A)'';

(B) in paragraph (1)(B)—

(i) by striking ''the second sentence of subsection (a)(1) of this section'' and inserting ''subparagraph (B) of subsection (a)(1)''; and

(ii) by striking ''such sentence'' and inserting ''such subparagraph''; and

(C) in paragraph (2)(C)(iii), by striking ''the first sentence of subsection (a)(1)'' and inserting ''subsection (a)(1)(A)''.

(c) POSTAL SUPPLEMENTAL LIABILITY.—Subsection (h) of section 8348 of title 5, United States Code, is amended to read as follows:

''(h)(1)(A) For purposes of this subsection, 'Postal supplemental liability' means the estimated excess, as determined by the Office, of—

''(i) the actuarial present value of all future benefits payable from the Fund under this subchapter attributable to the service of current or former employees of the United States Postal Service, over

''(ii) the sum of—

''(I) the actuarial present value of deductions to be withheld from the future basic pay of employees of the United States Postal Service currently subject to this subchapter pursuant to section 8334;

''(II) the actuarial present value of the future contributions to be made pursuant to section 8334 with respect to employees of the United States Postal Service currently subject to this subchapter;

''(III) that portion of the Fund balance, as of the date the Postal supplemental liability is determined, attributable to payments to the Fund by the United States Postal Service and its employees, including earnings on those payments; and

''(IV) any other appropriate amount, as determined by the Office in accordance with generally accepted actuarial practices and principles.

''(B)(i) In computing the actuarial present value of future benefits, the Office shall include the full value of benefits attributable to military and volunteer service for United

States Postal Service employees first employed after June 30, 1971, and a prorated share of the value of benefits attributable to military and volunteer service for United States Postal Service employees first employed before July 1, 1971.

''(ii) Military service so included shall not be included in the computation of any amount under subsection (g)(2).

''(2)(A) Not later than June 30, 2004, the Office shall determine the Postal supplemental liability as of September 30, 2003. The Office shall establish an amortization schedule, including a series of equal annual installments commencing September 30, 2004, which provides for the liquidation of such liability by September 30, 2043.

''(B) The Office shall redetermine the Postal supplemental liability as of the close of the fiscal year, for each fiscal year beginning after September 30, 2003, through the fiscal year ending September 30, 2038, and shall establish a new amortization schedule, including a series of equal annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability by September 30, 2043.

''(C) The Office shall redetermine the Postal supplemental liability as of the close of the fiscal year for each fiscal year beginning after September 30, 2038, and shall establish a new amortization schedule, including a series of equal annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability over 5 years.

''(D) Amortization schedules established under this paragraph shall be set in accordance with generally accepted actuarial practices and principles, with interest computed at the rate used in the most recent dynamic actuarial valuation of the Civil Service Retirement System.

''(E) The United States Postal Service shall pay the amounts so determined to the Office, with payments due not later than the date scheduled by the Office.

''(F) An amortization schedule established under subparagraph (B) or (C) shall supersede any amortization schedule previously established under this paragraph.

''(3) Notwithstanding any other provision of law, in computing the amount of any payment under any other subsection of this section that is based upon the amount of the unfunded liability, such payment shall be computed disregarding that portion of the unfunded liability that the Office determines will be liquidated by payments under this subsection.

''(4) Notwithstanding any other provision of this subsection, any determination or redetermination made by the Office under this subsection shall, upon request of the Postal Service, be subject to reconsideration and review (including adjustment by the Board of Actuaries of the Civil Service Retirement System) to the same extent and in the same manner as provided under section 8423(c).''.

(d) REPEALS.—

(1) IN GENERAL.—The following provisions of law are repealed:

(A) Subsection (m) of section 8348 of title 5, United States Code.

(B) Subsection (c) of section 7101 of the Omnibus Budget Reconciliation Act of 1990 (5 U.S.C. 8348 note).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be considered to affect any payments made before the date of the enactment of this Act under either of the provisions of law repealed by paragraph (1).

(e) MILITARY SERVICE PROPOSALS.—

(1) PROPOSALS.—The United States Postal Service, the Department of the Treasury, and the Office of Personnel Management shall, by September 30, 2003, each prepare and submit to the President, the Congress, and the General Accounting Office proposals detailing whether and to what extent the Department of the Treasury or the Postal Service should be responsible for the funding of benefits attributable to the military service of current and former employees of the Postal Service that, prior to the date of the enactment of this Act, were provided for under section 8348(g)(2) of title 5, United States Code.

(2) GAO REVIEW AND REPORT.—Not later than 60 days after the Postal Service, the Department of the Treasury, and the Office of Personnel Management have submitted their proposals under paragraph (1), the General Accounting Office shall prepare and submit a written evaluation of each such proposal to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

SEC. 3. DISPOSITION OF SAVINGS ACCRUING TO THE UNITED STATES POSTAL SERVICE.

(a) IN GENERAL.—Savings accruing to the United States Postal Service as a result of the enactment of this Act—

(1) shall, to the extent that such savings are attributable to fiscal year 2003 or 2004, be used to reduce the postal debt (in consultation with the Secretary of the Treasury), and the Postal Service shall not incur additional debt to offset the use of the savings to reduce the postal debt in fiscal years 2003 and 2004;

(2) shall, to the extent that such savings are attributable to fiscal year 2005, be used to continue holding postage rates unchanged and to reduce the postal debt, to such extent and in such manner as the Postal Service shall specify (in consultation with the Secretary of the Treasury); and

(3) to the extent that such savings are attributable to any fiscal year after fiscal year 2005, shall be considered to be operating expenses of the Postal Service and, until otherwise provided for by law, shall be held in escrow and may not be obligated or expended.

(b) AMOUNTS SAVED.—

(1) IN GENERAL.—The amounts representing any savings accruing to the Postal Service in any fiscal year as a result of the enactment of this Act shall be computed by the Office of Personnel Management for each such fiscal year in accordance with paragraph (2).

(2) METHODOLOGY.—Not later than July 31, 2003, the Office of Personnel Management shall—

(A) formulate a plan specifically enumerating the actuarial methods and assumptions by which the Office shall make its computations under paragraph (1); and

(B) submit such plan to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(3) REQUIREMENTS.—The plan shall be formulated in consultation with the Postal Service and shall include the opportunity for the Postal Service to request reconsideration of computations under this subsection, and for the Board of Actuaries of the Civil Service Retirement System to review and make adjustments to such computations, to the same extent and in the same manner as provided under section 8423(c) of title 5, United States Code.

(c) REPORTING REQUIREMENT.—The Postal Service shall include in each report rendered under section 2402 of title 39, United States Code, the amount applied toward reducing the postal debt, and the size of the postal debt before and after the application of subsection (a), during the period covered by such report.

(d) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the savings accruing to the Postal Service as a result of the enactment of this Act will be sufficient to allow the Postal Service to fulfill its commitment to hold postage rates unchanged until at least 2006;

(2) because the Postal Service still faces substantial obligations related to postretirement health benefits for its current and former employees, some portion of the savings referred to in paragraph (1) should be used to address those unfunded obligations; and

(3) none of the savings referred to in paragraph (1) should be used in the computation of any bonuses for Postal Service executives.

(e) POSTAL SERVICE PROPOSAL.—

(1) IN GENERAL.—The United States Postal Service shall, by September 30, 2003, prepare and submit to the President, the Congress, and the General Accounting Office its proposal detailing how any savings accruing to the Postal Service as a result of the enactment of this Act, which are attributable to any fiscal year after fiscal year 2005, should be expended.

(2) MATTERS TO CONSIDER.—In preparing its proposal under this subsection, the Postal Service shall consider—

(A) whether, and to what extent, those future savings should be used to address—

(i) debt repayment;

(ii) prefunding of postretirement healthcare benefits for current and former postal employees;

(iii) productivity and cost saving capital investments;

(iv) delaying or moderating increases in postal rates; and

(v) any other matter; and

(B) the work of the President's Commission on the United States Postal Service under section 5 of Executive Order 13278 (67 Fed. Reg. 76672).

(3) GAO REVIEW AND REPORT.—Not later than 60 days after the Postal Service submits its proposal pursuant to paragraph (1), the General Accounting Office shall prepare and submit a written evaluation of such proposal to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(4) LEGISLATIVE ACTION.—Not later than 180 days after it has received both the proposal of the Postal Service and the evaluation of such proposal by the General Accounting Office under this subsection, Congress shall revisit the question of how the savings accruing to the Postal Service as a result of the enactment of this Act should be used.

(f) DETERMINATION AND DISPOSITION OF SURPLUS.—

(1) IN GENERAL.—If, as of the date under paragraph (2), the Office of Personnel Management determines (after consultation with the Postmaster General) that the computation under section 8348(h)(1)(A) of title 5, United States Code, yields a negative amount (hereinafter referred to as a ''surplus'')—

(A) the Office shall inform the Postmaster General of its determination, including the size of the surplus so determined; and

(B) the Postmaster General shall submit to the Congress a report describing how the Postal Service proposes that such surplus be used, including a draft of any legislation that might be necessary.

(2) DETERMINATION DATE.—The date to be used for purposes of paragraph (1) shall be September 30, 2025, or such earlier date as, in the judgment of the Office, is the date by which all postal employees under the Civil Service Retirement System will have retired.

(g) DEFINITIONS.—For purposes of this section—

(1) the savings accruing to the Postal Service as a result of the enactment of this Act shall, for any fiscal year, be equal to the amount (if any) by which—

(A) the contributions that the Postal Service would otherwise have been required to make to the Civil Service Retirement and Disability Fund for such fiscal year if this Act had not been enacted, exceed

(B) the contributions made by the Postal Service to such Fund for such fiscal year; and

(2) the term ''postal debt'' means the outstanding obligations of the Postal Service, as determined under chapter 20 of title 39, United States Code.

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on the date of the enactment of this Act, except that the amendments made by section 2(b) shall apply with respect to pay periods beginning on or after such date.

SA 470. Mr. BAYH submitted an amendment intended to be proposed to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

In chapter 3 of title I, add at the end the following:

SEC. 314. Of the amount appropriated by this chapter under the heading ''OPERATION AND MAINTENANCE'' under the heading ''OPERATION AND MAINTENANCE, ARMY'', $6,000,000 shall be available for the reactivation of two bomb lines at Crane Army Ammunition Activity, Indiana, in order to provide additional support and production for the Joint Munitions command bomb manufacturing capability.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, Subcommittee on Science, Technology, and Space, be authorized to meet on Wednesday, April 2, 2003, at 2:30 p.m., in SR–253, for a hearing on human space flight.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, April 2 at 9:30 a.m. to conduct an oversight hearing to examine issues relating to military encroachment.

The meeting will be held in SD–406.

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

COMMITTEE ON FINANCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Wednesday, April 2, 2003, at 10 a.m., to mark up original bills, entitled, the Energy Tax Incentives Act of 2003; the Clean Diamond Trade Act; and the Tax Court Modernization Act. The Committee may also consider any or all of the following nominees: Mark Everson, to be Commissioner of Internal Revenue; Diane L. Kroupa, to be Judge of the United States Tax Court; Harry A. Haines, to be Judge of the United States Tax Court; Robert Allen Wherry, Jr., to be Judge of the United States Tax Court; Joseph Robert Goeke, to be Judge of the United States Tax Court; and, Raymond T. Wagner, Jr., to be Member of the Oversight Board, U.S. Department of Treasury.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 2, 2003 at 9:30 a.m. to hold a hearing on Foreign Assistance Oversight

Witnesses

AF Panel (Senator Alexander to Chair): Mr. William A. Bellamy, Principal Deputy Assistant Secretary, Bureau of African Affairs, Department of State, Washington, DC; The Honorable Constance Berry Newman, Assistant Administrator, Bureau for Africa, United States Agency for International Development, Washington, DC.

EUR Panel (Senator Allen to Chair): Mr. Charles P. Ries, Acting Assistant Secretary of State, Bureau of Europe and Eurasian Affairs, Department of State, Washington, DC; The Honorable Kent R. Hill, Assistant Administrator, Bureau of Europe and Eurasian Affairs, United States Agency for International Development, Washington, DC.

WHA Panel (Senator Coleman to Chair): Mr. J. Curtis Struble, Acting Assistant Secretary of State, Bureau of Western Hemisphere Affairs, Department of State, Washington, DC; The Honorable Adolfo A. Franco, Assistant Administrator, Bureau for Latin America and the Caribbean, United States Agency for International Development, Washington, DC.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, April 2, 2003 at 10:00 a.m. to consider the nominations of the Clay Johnson, III to be Deputy Director for Management, Office of Management and Budget and Albert Casey and James C. Miller, III to be Governors for the United States Postal Service.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in Executive Session during the session of the Senate on Wednesday, April 2, 2003.

The following agenda will be considered: S. Genetics Information Nondiscrimination Act of 2003; S. Smallpox Emergency Personnel Protection Act of 2003; S. The Improved Vaccine Affordability and Availability Act; S. Caring for Children Act of 2003; S. 231, the ADAM Act.

Any nominees that have been cleared for action.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, April 2, 2003, at 10 a.m. in Room 485 of the Hart Senate Office Building to conduct a hearing on S. 556, a bill to Reauthorize the Indian Health Care Improvement Act.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, Subcommittee on Communications, be authorized to meet on Wednesday, April 2, 2003, at 9:30 a.m., in SR–253, for a hearing on Universal Service.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 2, 2003, at 10 a.m., in open session to receive testimony on the Department of Energy's Office of Environmental Management and Office of Legacy Management in review of the Defense Authorization Request for Fiscal Year 2004.

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

POSTAL CIVIL SERVICE RETIREMENT SYSTEM FUNDING ACT OF 2003

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 58, S. 380.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 380) to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which was reported from the Committee on Governmental Affairs, with an amendment.

[Strike out all after the enacting clause and insert the part printed in italic.]

S. 380

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 ''Postal Civil Service Retirement System Funding Reform Act of 2003''.

[SEC. 2. CIVIL SERVICE RETIREMENT SYSTEM.

[(a) DEFINITIONS.—Section 8331 of title 5, United States Code, is amended—

[(1) in paragraph (17)—

[(A) by striking ''normal cost'' the first place that term appears and inserting ''normal cost percentage''; and

[(B) by inserting ''and standards (using dynamic assumptions)'' after ''practice'';

[(2) by striking paragraph (18) and inserting the following:

[''(18) 'Fund balance'—

[''(A) means the current net assets of the Fund available for payment of benefits, as determined by the Office in accordance with appropriate accounting standards; and

[''(B) shall not include any amount attributable to—

[''(i) the Federal Employees' Retirement System; or

[''(ii) contributions made under the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 by or on behalf of any individual who became subject to the Federal Employees' Retirement System;'';

[(3) in paragraph (27), by striking ''and'' at the end;

[(4) in paragraph (28), by striking the period and inserting ''; and''; and

[(5) by adding at the end the following:

[''(29) 'dynamic assumptions' means economic assumptions that are used in determining actuarial costs and liabilities of a retirement system and in anticipating the effects of long-term future—

[''(A) investment yields;

[''(B) increases in rates of basic pay; and

[''(C) rates of price inflation.''.

[(b) DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.—Section 8334 of title 5, United States Code, is amended by striking the matter following the section heading through paragraph (1) and inserting the following:

[''(a)(1)(A) The employing agency shall deduct and withhold from the basic pay of an employee, Member, congressional employee, law enforcement officer, firefighter, bankruptcy judge, judge of the United States Court of Appeals for the Armed Forces, United States magistrate judge, Court of Federal Claims judge, member of the Capitol Police, member of the Supreme Court Police, or nuclear materials courier, as the case may be, the percentage of basic pay applicable under subsection (c).

[''(B)(i) Except in the case of an employee of the United States Postal Service, an equal amount shall be contributed from the appropriation or fund used to pay the employee or, in the case of an elected official, from an appropriation or fund available for payment of other salaries of the same office or establishment. When an employee in the legislative branch is paid by the Chief Administrative Officer of the House of Representatives, the Chief Administrative Officer may pay from the applicable accounts of the House of Representatives the contribution that otherwise would be contributed from the appropriation or fund used to pay the employee.

[''(ii) In the case of an employee of the United States Postal Service, an amount shall be contributed from the appropriation or fund used to pay the employee equal to the difference between—

[''(I) the product of—

[''(aa) the basic pay of that employee; and

[''(bb) the normal cost percentage applicable to the employee category of that employee under paragraph (1)(A); and

[''(II) the product of—

[''(aa) the basic pay of that employee; and

[''(bb) the percentage applicable to that employee under subsection (c) deducted from basic pay under paragraph (1)(A).''.

[(c) CIVIL SERVICE RETIREMENT AND DISABILITY FUND.—

[(1) IN GENERAL.—Section 8348 of title 5, United States Code, is amended by striking subsection (h) and inserting the following:

[''(h)(1)(A) In this subsection, the term 'Postal supplemental liability' means the estimated excess, as determined by the Office of Personnel Management, of the difference between—

[''(i) the actuarial present value of all future benefits payable from the Fund under this subchapter attributable to the service of current or former employees of the United States Postal Service; and

[''(ii) the sum of—

[''(I) the actuarial present value of deductions to be withheld from the future basic pay of employees of the United States Postal Service currently subject to this subchapter under section 8334;

[''(II) the actuarial present value of the future contributions to be made under section 8334 with respect to employees of the United States Postal Service currently subject to this subchapter;

[''(III) that portion of the Fund balance, as of the date the Postal supplemental liability is determined, attributable to payments to the Fund by the United States Postal Service and employees of the United States Postal Service, including earnings on those payments; and

[''(IV) any other appropriate amount, as determined by the Office in accordance with generally accepted actuarial practices and principles.

[''(B)(i) In computing the actuarial present value of future benefits, the Office shall include the full value of benefits attributable to military and volunteer service for United States Postal Service employees first employed after June 30, 1971, and a prorated share of the value of benefits attributable to military and volunteer service for United States Postal Service employees first employed before July 1, 1971.

[''(ii) Military service included in the computation under clause (i) shall not be included in computation of the payment required under subsection (g)(2).

[''(2)(A) Not later than June 30, 2004, the Office of Personnel Management shall determine the Postal supplemental liability, as of September 30, 2003. The Office shall establish an amortization schedule, including a series of equal annual installments commencing September 30, 2004, which provides for the liquidation of such liability by September 30, 2043.

[''(B) The Office shall redetermine the Postal supplemental liability as of the close of the fiscal year, for each fiscal year beginning after September 30, 2003, through the fiscal year ending September 30, 2038, and shall establish a new amortization schedule, including a series of equal annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability by September 30, 2043.

[''(C) The Office shall redetermine the Postal supplemental liability as of the close of the fiscal year for each fiscal year beginning after September 30, 2038, and shall establish a new amortization schedule, including a series of equal annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability over 5 years.

[''(D) Amortization schedules established under this paragraph shall be set in accordance with generally accepted actuarial practices and principles, with interest computed at the rate used in the most recent valuation of the Civil Service Retirement System.

[''(E) The United States Postal Service shall pay the amounts determined under this paragraph for deposit in the Fund, with payments due not later than the date scheduled by the Office.

[''(3) Notwithstanding any other provision of law, in computing the amount of any payment under any provision other than this subsection that is based upon the amount of the unfunded liability, such payment shall be computed disregarding that portion of the unfunded liability that the Office determines will be liquidated by payments under this subsection.''.

[(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 8334 of title 5, United States Code, is amended by striking subsection (m).

[(d) OTHER PAYMENTS.—

[(1) IN GENERAL.—Section 7101(c) of the Omnibus Budget Reconciliation Act of 1990 (5 U.S.C. 8348 note; Public Law 101–508; 104 Stat. 1388–331) is repealed.

[(2) EFFECT ON PRIOR PAYMENTS.—The repeal under paragraph (1) shall have no effect on payments made under the repealed provisions before the date of enactment of this Act.

[SEC. 3. DISPOSITION OF SAVINGS ACCRUING TO THE UNITED STATES POSTAL SERVICE.

[(a) IN GENERAL.—Savings accruing to the United States Postal Service as a result of the enactment of this Act shall be used to reduce the postal debt to such extent and in such manner as the Secretary of the Treasury shall specify, consistent with succeeding provisions of this section.

[(b) AMOUNTS SAVED.—

[(1) IN GENERAL.—The amounts representing any savings accruing to the Postal Service in any fiscal year as a result of the enactment of this Act shall be computed by the Office of Personnel Management in accordance with paragraph (2).

[(2) METHODOLOGY.—Not later than July 31, 2003, for fiscal year 2003, and October 1 of the fiscal year before each fiscal year beginning after September 30, 2003, and before the date specified in paragraph (4), the Office of Personnel Management shall—

[(A) formulate a plan specifically enumerating the methods by which the Office shall make its computations under paragraph (1); and

[(B) submit such plan to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

[(3) REQUIREMENTS.—Each such plan shall be formulated in consultation with the Postal Service and shall include the opportunity for the Postal Service to request reconsideration of computations under this subsection, and for the Board of Actuaries of the Civil Service Retirement System to review and make adjustments to such computations, to the same extent and in the same manner as provided under section 8423(c) of title 5, United States Code.

[(4) DURATION.—Nothing in this subsection or subsection (a) shall be considered to apply with respect to any fiscal year beginning on or after October 1, 2007.

[(c) REPORTING REQUIREMENT.—The Postal Service shall include in each report which is rendered under section 2402 of title 39, United States Code, and which relates to any period after the date of the enactment of this Act and before the date specified in subsection (b)(4), the amount applied toward reducing the postal debt, and the size of the postal

debt before and after the application of subsection (a), during the period covered by such report.

[(d) POSTAL DEBT DEFINED.—For purposes of this section, the term ''postal debt'' means the outstanding obligations of the Postal Service, as determined under chapter 20 of title 39, United States Code.

[(e) SENSE OF CONGRESS.—It is the sense of the Congress that—

[(1) the savings accruing to the Postal Service as a result of the enactment of this Act will be sufficient to allow the Postal Service to fulfill its commitment to hold postage rates unchanged until at least 2006;

[(2) because the Postal Service still faces substantial obligations related to postretirement health benefits for its current and former employees, some portion of the savings referred to in paragraph (1) should be used to address those unfunded obligations; and

[(3) none of the savings referred to in paragraph (1) should be used to pay bonuses to Postal Service executives.

[(f) REPORT RELATING TO UNFUNDED HEALTHCARE COSTS.—

[(1) IN GENERAL.—The United States Postal Service shall, by December 31, 2003, in consultation with the General Accounting Office, prepare and submit to the President and the Congress a report describing how the Postal Service proposes to address its obligations relating to unfunded postretirement healthcare costs of current and former postal employees.

[(2) PRESIDENT'S COMMISSION.—In preparing its report under this subsection, the Postal Service should consider the report of the President's Commission on the United States Postal Service under section 5 of Executive Order 13278 (67 Fed. Reg. 76672).

[(3) GAO REVIEW AND REPORT.—Not later than 30 days after the Postal Service submits its report pursuant to paragraph (1), the General Accounting Office shall prepare and submit a written evaluation of such report to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

[(g) DETERMINATION AND DISPOSITION OF SURPLUS.—

[(1) IN GENERAL.—If, as of the date under paragraph (2), the Office of Personnel Management determines (after consultation with the Postmaster General) that the computation under section 8348(h)(1)(A) of title 5, United States Code, yields a negative amount (hereinafter referred to as a ''surplus'')—

[(A) the Office shall inform the Postmaster General of its determination, including the size of the surplus so determined; and

[(B) the Postmaster General shall submit to the Congress a report describing how the Postal Service proposes that such surplus be used, including a draft of any legislation that might be necessary.

[(2) DETERMINATION DATE.—The date to be used for purposes of paragraph (1) shall be September 30, 2025, or such earlier date as, in the judgment of the Office, is the date by which all postal employees under the Civil Service Retirement System will have retired.

[SEC. 4. EFFECTIVE DATE.

[(a) IN GENERAL.—This Act shall take effect on the date of enactment of this Act.

[(b) APPLICATION.—Section 8334(a)(1)(B)(ii) of title 5, United States Code (as added by section 2(b) of this Act), shall apply only with respect to pay periods beginning on or after the date of enactment of this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Postal Civil Service Retirement System Funding Reform Act of 2003''.

SEC. 2. CIVIL SERVICE RETIREMENT SYSTEM.

(a) DEFINITIONS.—Section 8331 of title 5, United States Code, is amended—

(1) in paragraph (17)—

(A) by striking ''normal cost'' the first place that term appears and inserting ''normal cost percentage''; and

(B) by inserting ''and standards (using dynamic assumptions)'' after ''practice'';

(2) by striking paragraph (18) and inserting the following:

''(18) 'Fund balance'—

''(A) means the current net assets of the Fund, as determined by the Office in accordance with appropriate accounting standards; and

''(B) shall not include any amount attributable to—

''(i) the Federal Employees' Retirement System; or

''(ii) contributions made under the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 by or on behalf of any individual who became subject to the Federal Employees' Retirement System;'';

(3) in paragraph (27), by striking ''and'' at the end;

(4) in paragraph (28), by striking the period and inserting ''; and''; and

(5) by adding at the end the following:

''(29) 'dynamic assumptions' means economic assumptions that are used in determining actuarial costs and liabilities of a retirement system and in anticipating the effects of long-term future—

''(A) investment yields;

''(B) increases in rates of basic pay; and

''(C) rates of price inflation.''.

(b) DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.—Section 8334 of title 5, United States Code, is amended by striking the matter following the section heading through paragraph (1) and inserting the following:

''(a)(1)(A) The employing agency shall deduct and withhold from the basic pay of an employee, Member, congressional employee, law enforcement officer, firefighter, bankruptcy judge, judge of the United States Court of Appeals for the Armed Forces, United States magistrate judge, Court of Federal Claims judge, member of the Capitol Police, member of the Supreme Court Police, or nuclear materials courier, as the case may be, the percentage of basic pay applicable under subsection (c).

''(B)(i) Except in the case of an employee of the United States Postal Service, an equal amount shall be contributed from the appropriation or fund used to pay the employee or, in the case of an elected official, from an appropriation or fund available for payment of other salaries of the same office or establishment. When an employee in the legislative branch is paid by the Chief Administrative Officer of the House of Representatives, the Chief Administrative Officer may pay from the applicable accounts of the House of Representatives the contribution that otherwise would be contributed from the appropriation or fund used to pay the employee.

''(ii) In the case of an employee of the United States Postal Service, an amount shall be contributed from the appropriation or fund used to pay the employee equal to the difference between—

''(I) the product of—

''(aa) the basic pay of that employee; and

''(bb) the normal cost percentage applicable to the employee category of that employee under paragraph (1)(A); and

''(II) the product of—

''(aa) the basic pay of that employee; and

''(bb) the percentage applicable to that employee under subsection (c) deducted from basic pay under paragraph (1)(A).''.

(c) CIVIL SERVICE RETIREMENT AND DISABILITY FUND.—

(1) IN GENERAL.—Section 8348 of title 5, United States Code, is amended by striking subsection (h) and inserting the following:

''(h)(1)(A) In this subsection, the term 'Postal supplemental liability' means the estimated excess, as determined by the Office of Personnel Management, of the difference between—

''(i) the actuarial present value of all future benefits payable from the Fund under this subchapter attributable to the service of current or former employees of the United States Postal Service; and

''(ii) the sum of—

''(I) the actuarial present value of deductions to be withheld from the future basic pay of employees of the United States Postal Service currently subject to this subchapter under section 8334;

''(II) the actuarial present value of the future contributions to be made under section 8334 with respect to employees of the United States Postal Service currently subject to this subchapter;

''(III) that portion of the Fund balance, as of the date the Postal supplemental liability is determined, attributable to payments to the Fund by the United States Postal Service and employees of the United States Postal Service, including earnings on those payments; and

''(IV) any other appropriate amount, as determined by the Office in accordance with generally accepted actuarial practices and principles.

''(B)(i) In computing the actuarial present value of future benefits, the Office shall include the full value of benefits attributable to military and volunteer service for United States Postal Service employees first employed after June 30, 1971, and a prorated share of the value of benefits attributable to military and volunteer service for United States Postal Service employees first employed before July 1, 1971.

''(ii) Military service included in the computation under clause (i) shall not be included in computation of the payment required under subsection (g)(2).

''(2)(A) Not later than June 30, 2004, the Office of Personnel Management shall determine the Postal supplemental liability, as of September 30, 2003. The Office shall establish an amortization schedule, including a series of equal annual installments commencing September 30, 2004, which provides for the liquidation of such liability by September 30, 2043.

''(B) The Office shall redetermine the Postal supplemental liability as of the close of the fiscal year, for each fiscal year beginning after September 30, 2003, through the fiscal year ending September 30, 2038, and shall establish a new amortization schedule, including a series of equal annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability by September 30, 2043.

''(C) The Office shall redetermine the Postal supplemental liability as of the close of the fiscal year for each fiscal year beginning after September 30, 2038, and shall establish a new amortization schedule, including a series of equal annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability over 5 years.

''(D) Amortization schedules established under this paragraph shall be set in accordance with generally accepted actuarial practices and principles based on the dynamic interest rate.

''(E) The United States Postal Service shall pay the amounts determined under this paragraph for deposit in the Fund, with payments due not later than the date scheduled by the Office.

''(3) Notwithstanding any other provision of law, in computing the amount of any payment under any provision other than this subsection that is based upon the amount of the unfunded liability, such payment shall be computed disregarding that portion of the unfunded liability that the Office determines will be liquidated by payments under this subsection.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 8334 of title 5, United States Code, is amended by striking subsection (m).

(d) OTHER PAYMENTS.—

(1) IN GENERAL.—Section 7101(c) of the Omnibus Budget Reconciliation Act of 1990 (5 U.S.C. 8348 note; Public Law 101–508; 104 Stat. 1388–331) is repealed.

(2) EFFECT ON PRIOR PAYMENTS.—The repeal under paragraph (1) shall have no effect on payments made under the repealed provisions before the date of enactment of this Act.

SEC. 3. DISPOSITION OF SAVINGS ACCRUING TO THE UNITED STATES POSTAL SERVICE.

(a) DEFINITION.—In this section, the term ''postal debt'' means the outstanding obligations of the Postal Service, as determined under chapter 20 of title 39, United States Code.

(b) IN GENERAL.—Savings accruing to the United States Postal Service as a result of the enactment of this Act shall be used to reduce the postal debt to such extent and in such manner as the Secretary of the Treasury, in consultation with the United States Postal Service, shall specify, consistent with this section.

(c) AMOUNTS SAVED.—

(1) IN GENERAL.—The amounts representing any savings accruing to the Postal Service in any fiscal year as a result of the enactment of this Act shall be computed by the Office of Personnel Management in accordance with paragraph (2).

(2) METHODOLOGY.—Not later than July 31, 2003, the Office of Personnel Management shall—

(A) formulate a plan specifically enumerating the actuarial methods and assumptions by which the Office shall make its computations under paragraph (1); and

(B) submit the plan to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(3) REQUIREMENTS.—The plan shall be formulated in consultation with the Postal Service and shall include the opportunity for the Postal Service to request reconsideration of computations under this subsection, and for the Board of Actuaries of the Civil Service Retirement System to review and make adjustments to such computations, to the same extent and in the same manner as provided under section 8423(c) of title 5, United States Code.

(4) DURATION.—Nothing in this subsection or subsection (b) shall be considered to apply with respect to any fiscal year beginning on or after October 1, 2007.

(d) REPORTING REQUIREMENT.—The Postal Service shall include in each report which is rendered under section 2402 of title 39, United States Code, and which relates to any period after the date of the enactment of this Act and before the date specified in subsection (c)(4), the amount applied toward reducing the postal debt, and the size of the postal debt before and after the application of subsection (b), during the period covered by the report.

(e) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the savings accruing to the Postal Service as a result of the enactment of this Act will be sufficient to allow the Postal Service to fulfill its commitment to hold postage rates unchanged until at least calendar year 2006;

(2) because the Postal Service still faces substantial obligations related to postretirement health benefits for its current and former employees, some portion of the savings referred to under paragraph (1) should be used to address those unfunded obligations; and

(3) none of the savings referred to under paragraph (1) should be used in the computation of bonuses to Postal Service executives or managers.

(f) REPORT RELATING TO UNFUNDED HEALTHCARE COSTS.—

(1) IN GENERAL.—Not later than December 31, 2003, the United States Postal Service shall prepare and submit to the President and Congress a report that—

(A) describes how the Postal Service proposes to address its obligations relating to unfunded postretirement healthcare costs of current and former postal employees; and

(B) outlines how prior and future actuarial accrued costs for postretirement healthcare benefits and the amounts necessary to prefund those costs are treated for purposes of financial statement reporting and establishing rates of postage and fees for postal services.

(2) PRESIDENT'S COMMISSION.—In preparing the report under this subsection, the Postal Service should consider the report of the President's Commission on the United States Postal Service under section 5 of Executive Order 13278 (67 Fed. Reg. 76672).

(3) GAO REVIEW AND REPORT.—Not later than 60 days after the Postal Service submits the report under paragraph (1), the General Accounting Office shall prepare and submit a written evaluation of the report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(g) DETERMINATION AND DISPOSITION OF SURPLUS.—

(1) IN GENERAL.—If, as of the date under paragraph (2), the Office of Personnel Management determines (after consultation with the Postmaster General) that the computation under section 8348(h)(1)(A) of title 5, United States Code, yields a negative amount (hereinafter referred to as a ''surplus'')—

(A) the Office shall inform the Postmaster General of its determination, including the size of the surplus so determined; and

(B) the Postmaster General shall submit to Congress a report describing how the Postal Service proposes that surplus be used, including a draft of any necessary legislation.

(2) DETERMINATION DATE.—The date to be used for purposes of paragraph (1) shall be September 30, 2025, or such earlier date as, in the judgment of the Office, is the date by which all postal employees under the Civil Service Retirement System will have retired.

(h) DISPOSITION OF SAVINGS REPORTS.—

(1) IN GENERAL.—Not later than December 31, 2004, and after that date, not later than 8 months preceding the date on which the Postal Service submits any request for a recommended decision of rate adjustments under section 3622 of title 39, United States Code, the Postal Service shall submit to the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the General Accounting Office a report (including a letter of comment on the report from the Secretary of the Treasury) on recommendations for the disposition of future savings accruing to the Postal Service as a result of the enactment of this Act that considers—

(A) whether, and to what extent, those future savings should be used to address—

(i) debt repayment;

(ii) prefunding of postretirement healthcare benefits for current and former postal employees;

(iii) productivity and cost saving capital investments;

(iv) maintaining postal rate stability; and

(v) any other matter; and

(B) the report of the President's Commission on the United States Postal Service under section 5 of Executive Order 13278 (67 Fed. Reg. 76672).

(2) GAO REVIEW AND REPORT.—Not later than 45 days after the Postal Service submits a report under paragraph (1), the General Accounting Office shall prepare and submit a written evaluation of the report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(3) POSTAL SERVICE ACTION ON RECOMMENDATIONS.—The Postal Service may not take any action to implement any recommendation for the disposition of future savings in any report submitted under paragraph (1), until 90 days after the date on which that report is submitted.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect on the date of enactment of this Act.

(b) APPLICATION.—Section 8334(a)(1)(B)(ii) of title 5, United States Code (as added by section 2(b) of this Act), shall apply only with respect to pay periods beginning on or after the date of enactment of this Act.

AMENDMENT NO. 469

(Purpose: To amend chapter 83 of title 5, United States Code, to reform the funding benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.)

Mr. FRIST. Mr. President, on behalf of Senators COLLINS, LIEBERMAN, and CARPER, I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST], for Ms. COLLINS, for herself, Mr. LIEBERMAN, and Mr. CARPER, proposes an amendment numbered 469.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment be agreed to; the committee amendment, as amended, be agreed to; the bill, as amended, 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 amendment (No. 469) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (S. 380), as amended, was read the third time and passed.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 103, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 103) to authorize representation by the Senate Legal Counsel in the case of John Jenkel v. Daniel K. Akaka, et al.

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

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

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

The resolution (S. Res. 103) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 103

Whereas, in the case of John Jenkel v. Daniel K. Akaka, et al., No. C 03–0381 (JCS), pending in the United States District Court for the Northern District of California, the plaintiff has named as defendants ninety-four Members of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent the Members of the Senate who are defendants in the case of John Jenkel v. Daniel K. Akaka, et al.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, pursuant to Public Law 100–696, appoints the following Senators as members of the United States Capitol Preservation Commission: The Senator from Utah, Mr. BENNETT, vice the Senator from Illinois, Mr. DURBIN; the Senator from Colorado, Mr. CAMPBELL, vice the Senator from Nevada, Mr. REID.

The Chair, on behalf of the Democratic Leader, pursuant to Public Law 100–696, announces the appointment of the Senator from Illinois, Mr. DURBIN, as a member of the United States Capitol Preservation Commission, vice the Senator from Utah, Mr. BENNETT.

The Chair announces, on behalf of the Majority Leader, pursuant to Public Law 101–509, the appointment of Alan C. Lowe, of Tennessee, to the Advisory Committee on the Records of Congress.

The Chair announces, on behalf of the Democratic Leader, pursuant to Public Law 101–509, the appointment of Stephen Van Buren, of South Dakota, to the Advisory Committee on the Records of Congress, vice Elizabeth Scott of South Dakota.

EXECUTIVE SESSION

JOINT CONVENTION ON SAFETY OF SPENT FUEL AND RADIOACTIVE WASTE MANAGEMENT—TREATY DOCUMENT 106–48

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 5, Treaty Document No. 106–48 on today's Executive Calendar. I further ask unanimous consent that the treaty be considered as having been passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification; that any statements relating to the treaty be printed in the RECORD as if read; and that the Senate immediately proceed to a vote on the resolution of ratification; further, that when the resolution of ratification is voted upon, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and that following the disposition of the treaty, the Senate return to legislative session.

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

The question is on agreeing to the resolution of ratification.

Mr. FRIST. Mr. President, I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. A division vote is requested. Senators in favor of the resolution of ratification will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

On a division vote, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification was agreed to as follows:

JOINT CONVENTION ON SAFETY OF SPENT FUEL AND RADIOACTIVE WASTE MANAGEMENT

[Treaty Doc. 106–48]

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO CONDITIONS.

The Senate advises and consents to the ratification of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, done at Vienna on September 5, 1997 (Treaty Document 106–48), subject to the conditions of section 2.

SEC. 2. CONDITIONS.

The advice and consent of the Senate to ratification of the Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management is subject to the following conditions, which shall be binding upon the President:

(1) COMMITMENT TO REQUEST AND REVIEW REPORTS.—Not later than 45 days after the deposit of the United States instrument of ratification, the President shall certify to the appropriate committees of Congress that the United States will:

(A) request copies of all national reports submitted pursuant to Article 32 of the Convention; and

(B) comment in each review meeting held pursuant to Article 30 of the Convention (including each meeting of a subgroup) upon aspects of safety significance in any report submitted pursuant to Article 32 of the Convention by a Contracting Party that is receiving United States financial or technical assistance relating to the improvement of its nuclear and radiological safety and security practices.

(2) COMPLETE REVIEW OF INFORMATION BY THE LEGISLATIVE BRANCH OF GOVERNMENT.—

(A) UNDERSTANDING.—The United States understands that neither Article 36 nor any other provision of the Convention shall be construed as limiting the access of the legislative branch of the United States Government to any information relating to the operation of the Convention, including access to information described in Article 36 of the Convention.

(B) PROTECTION OF INFORMATION.—The Senate understands that the confidentiality of information provided by other Contracting Parties that is properly identified as protected pursuant to Article 36 of the Convention will be respected.

(C) CERTIFICATION.—Not later than 45 days after the deposit of the United States instrument of ratification, the President shall certify to the appropriate committees of Congress that the Comptroller General of the United States shall be given full and complete access to—

(i) all information in the possession of the United States Government specifically relating to the operation of the Convention that is submitted by any other Contracting Party pursuant to Article 32 of the Convention, including any report or document; and

(ii) information specifically relating to any review or analysis by any department, agency, or other entity of the United States, or any official thereof, undertaken pursuant to Article 30 of the Convention, of any report or document submitted by any other Contracting Party.

(D) REPORTS TO CONGRESS.—Upon the request of the chairman of either of the appropriate committees of Congress, the President shall submit to the respective committee an unclassified report, and a classified annex as appropriate, detailing—

(i) how the objective of a high level of nuclear and radiological safety and security has been furthered by the operation of the Convention;

(ii) with respect to the operation of the Convention on an Article-by-Article basis—

(I) the situation addressed in the Article of the Convention;

(II) the results achieved under the Convention in implementing the relevant obligation under that Article of the Convention; and

(III) the plans and measures for corrective action on both a national and international level to achieve further progress in implementing the relevant obligation under that Article of the Convention; and

(iii) on a country-by-country basis, for each Contracting Party that is receiving United States financial or technical assistance relating to nuclear or radiological safety or security improvement—

(I) a list of all nuclear facilities within the country, including those installations operating, closed, and planned, and an identification of those nuclear facilities where significant corrective action is found necessary by assessment;

(II) a review of all safety or security assessments performed and the results of those assessments for existing nuclear facilities;

(III) a review of the safety and security of each nuclear facility using facility-specific data and analysis showing trends of safety or security significance and illustrated by particular issues at each facility;

(IV) a review of the position of the country as to the further operation of each nuclear facility in the country;

(V) an evaluation of the adequacy and effectiveness of the national legislative and regulatory framework in place in the country, including an assessment of the licensing system, inspection, assessment, and enforcement procedures governing the safety and security of nuclear facilities;

(VI) a description of the country's on-site and off-site emergency preparedness; and

(VII) the amount of financial and technical assistance relating to nuclear or radiological safety or security improvement expended as of the date of the report by the United States, including, to the extent feasible, an itemization by nuclear facility, and the amount intended for expenditure by the United States on each such facility in the future.

(3) TREATY INTERPRETATION.—The Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997, relating to condition (1) of the resolution of ratification of the Intermediate-

Range Nuclear Forces (INF) Treaty, approved by the Senate on May 27, 1988.

SEC. 3. DEFINITIONS.

As used in this resolution:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) CONTRACTING PARTY.—The term ''Contracting Party'' means any nation that is a party to the Convention.

(3) CONVENTION.—The term ''Convention'' means the Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, done at Vienna on September 5, 1997 (Treaty Document 1060948).

(4) NUCLEAR FACILITY.—The term ''nuclear facility'' has the meaning given the term in Article 2(f) of the Convention.

(5) UNITED STATES INSTRUMENT OF RATIFICATION.—The term ''United States instrument of ratification'' means the instrument of ratification of the United States of the Convention.

LEGISLATIVE SESSION

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

ORDERS FOR THURSDAY, APRIL 3, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Thursday, April 3. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 10 a.m., with the time equally divided between Senator HUTCHISON and the minority leader or their designees. I further ask unanimous consent that at 10 a.m., the Senate resume consideration of S. 762, the supplemental appropriations bill, and that Senator BOXER be recognized at that point to offer an amendment related to antimissiles.

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

PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, the Senate will be in a period for morning business until 10 a.m. to allow Members to continue to make statements in support of the troops. At 10 a.m., the Senate will resume consideration of the supplemental appropriations bill. The chairman has been talking to colleagues on the other side of the aisle regarding the lineup of amendments. Senator BOXER will go first, and we will try to reach a 30-minute time limitation on her amendment.

I understand that following Senator BOXER's amendment, Senator BAYH will be prepared with an amendment regarding bioterrorism, and Senator GRAHAM of Florida will have an amendment regarding VA health.

We have also had discussions about stacking the votes on amendments until early afternoon to accommodate some scheduling problems. We will be prepared to do that tomorrow morning.

The Senate will complete action on the supplemental appropriations bill tomorrow. I thank the two managers for their diligent, hard work, and I especially thank the assistant Democratic leader for helping to expedite the completion of this important bill.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, the majority leader is absolutely right. We have made progress on this bill. Senator BOXER had originally agreed on 20 minutes. She would have 20 minutes, and Senator STEVENS would have 10 minutes. The amendment is not here so there was no way Senator STEVENS could look at the amendment. Senator BAYH agreed to 10 minutes and Senator STEVENS agreed to 10 minutes. Senator GRAHAM also agreed to 10 minutes and Senator STEVENS 10 minutes. We hope to work that out as soon as the amendments are here so the majority can look at them tomorrow.

We had Senator STEVENS make an announcement, as I have for the Democratic leader, to make sure people realize we are going to finish the bill tomorrow. Senator BREAUX has an amendment that Senator DASCHLE wants him to offer. So we will have to see what else we can work out. I know Senator STEVENS has amendments on his side. We have a goal in mind to finish this bill tomorrow so we can get it immediately to conference and have a bill on the President's desk before we leave for our Easter break.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, again, I thank all of our colleagues for working very hard, especially the managers of this bill, to complete it tomorrow night or tomorrow afternoon, or as soon tomorrow as possible. I think we will be able to accomplish that goal.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:39 p.m., adjourned until Thursday, April 3, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 2, 2003:

DEPARTMENT OF STATE

STEPHEN M. YOUNG, OF NEW HAMPSHIRE, 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 KYRGYZ REPUBLIC.

STEVEN A. BROWNING, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALAWI.

RONALD L. SCHLICHER, OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TUNISIA.

JOHN F. MAISTO, OF PENNSYLVANIA, TO BE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION OF AMERICAN STATES, WITH THE RANK OF AMBASSADOR, VICE ROGER FRANCISCO NORIEGA.

DEPARTMENT OF JUSTICE

WILLIAM EMIL MOSCHELLA, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE DANIEL J. BRYANT.

DEPARTMENT OF THE TREASURY

TERESA M. RESSEL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE EDWARD KINGMAN, JR.

LEGAL SERVICES CORPORATION

HERBERT S. GARTEN, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005, VICE DOUGLAS S. EAKLEY, TERM EXPIRED.

THOMAS R. MEITES, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2004, VICE LAVEEDA MORGAN BATTLE, TERM EXPIRED.

UNITED STATES INSTITUTE OF PEACE

STEPHEN D. KRASNER, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005, VICE SHIBLEY TELHAMI.

DANIEL PIPES, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005, VICE ZALMAY KHALIZAD, TERM EXPIRED.

CHARLES EDWARD HORNER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2007, VICE STEPHEN HADLEY, TERM EXPIRED.

CORPORATION FOR PUBLIC BROADCASTING

ELIZABETH COURTNEY, OF LOUISIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2010. (REAPPOINTMENT)

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 276:

To be captain

LEWIS J. BUCKLEY, 0000

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER-MINISTER:

CHARLES A. FORD, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

THOMAS LEE BOAM, OF UTAH

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JOHNNY E. BROWN, OF SOUTH CAROLINA
C. FRANKLIN FOSTER JR., OF VIRGINIA
IRA E. KASOFF, OF CALIFORNIA

IN THE AIR FORCE

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. RONNIE D. HAWKINS JR., 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JERRY L. SINN, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN W. BERGMAN, 0000
BRIG. GEN. JOHN J. MCCARTHY JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

BARETT R. BYRD, 0000

WITHDRAWAL

Executive message transmitted by the President to the Senate on April 2, 2003, withdrawing from further Senate consideration the following nomination:

RONALD L. SCHLICHER, OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TUNISIA, WHICH WAS SENT TO THE SENATE ON APRIL 2, 2003.