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Senate

(Legislative day of Monday, July 21, 2003)

The Senate met at 9:46 a.m., on the expiration of the recess, and was called to order by the Honorable LINCOLN D. CHAFEE, a Senator from the State of Rhode Island.

PRAYER

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

Let us pray.

Almighty God, You are our refuge, and we put our trust in You. Thank You for providing us with comfort in times of sorrow and for the gift of friends who encourage us. Thank You also for opportunities to be used by Your spirit. Lord, help us to walk in the light that You cast on our path. Today empower our Senators to be Your faithful agents in planting seeds of goodness in our world. Fill them with faith, knowledge, temperance, patience, and godliness that they may glorify You in words and actions. Again, Lord, we ask that You stand with our troops in harm's way. We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN D. CHAFEE led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 22, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN D. CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. CHAFEE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will be in a period for morning business until 11 a.m. Following morning business, the Senate will resume consideration of H.R. 2555, the Department of Homeland Security appropriations bill. One amendment is pending. It was offered by Senator BYRD during yesterday's proceedings. I anticipate further debate on that amendment today, and then it is hoped that a consent will be reached for a time certain to vote in relation to that amendment. There will be no votes prior to the policy luncheons.

In addition, this afternoon, there will be an all-Senators briefing, and therefore I will be discussing with the Democratic leadership the best timeframe for the scheduling of votes today.

It is hoped that once debate is complete on the Byrd amendment, we can set that aside and consider other amendments. We will make further progress on the bill throughout the day and stack rollcall votes for later this afternoon. We will stay in session this afternoon and early evening to dispose of as many amendments as possible.

As I indicated last week, we hope to complete this important Homeland Security bill during Wednesday's session of the Senate. That would enable us to proceed to other appropriations bills that are available this week.

The end of the fiscal year is fast approaching, and the Senate should continue to work through the constitutionally required appropriations process as expeditiously as possible.

Next week is the final week of legislative work prior to the August recess, and that will be devoted to finishing the Energy bill. I would therefore ask for all Senators' consideration as we continue through this last week and a half. I should add that it would be helpful to both Senator COCHRAN and Senator BYRD if Members would come forward today with their amendments so that we could schedule the debate and votes in an orderly way.

I thank all Members for their attention.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic whip is recognized.

Mr. REID. The leader should be aware that we are going to run a hotline to find out what amendments we have on Homeland Security. Senator BYRD's amendment is a large amendment, and he has a speech that will take close to an hour to talk about. As soon as that is completed, I am sure we will be able to arrive at an end of the debate on that issue and a vote can be scheduled at the pleasure of the leader.

I would ask, through the Chair: We are this morning going to be in morning business until 11. Senator BYRD is preoccupied on other matters until 11:30. The leader has indicated there will be no votes this morning. The party caucuses usually run until 2:15, and we are always jammed for time in ours. I wonder if it would be in the best interest of the Senate that the party caucuses be extended an additional 15

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

minutes from 2:15 to 2:30. I think we should be in recess when Mr. Bremer is here.

The point is, if the leader intends to put us in recess until 3:30, could we extend the caucuses another 15 minutes?

Mr. FRIST. Mr. President, I would rather talk to Senator COCHRAN before making decisions about this afternoon. As the Democratic leadership wants to do, I want to progress in an expeditious way but at the same time give people the opportunity to do policy lunches and debate. We also have an all-the-Senate briefing this afternoon. But before locking down any understanding, I will first check with the floor managers on the particular bill. That would be appreciated.

AMERICA'S ENERGY POLICY

Mr. FRIST. Mr. President, I rise to speak to an issue we will be addressing next week, as I mentioned earlier, and that is the Energy bill. As I mention daily, or almost daily, on the floor, I am very pleased with the productive debate we have had to date on this very important bill and want to take this opportunity to commend the chairman of the Energy Committee, our distinguished colleague from New Mexico, Chairman DOMENICI, for his work on moving this Energy bill forward because it is important to every American.

We have made solid progress. We have locked in an agreement which limits the number of amendments to the Energy legislation. We have reminded people, again almost on a daily basis, to continue working, even though we have other activity on the floor, to narrow those amendments, to continue the discussion, to work out agreements so that we can use the time most efficiently on the floor next week. I am confident that because of that, we will be able to pass this crucial legislation next week.

It is imperative that we do so. America's economic future is at stake. It is our responsibility to pass this bill. The House of Representatives has already passed an energy bill. The President has clearly stated he wants the Congress—specifically the Senate—to address this issue, and now is the time for us to act.

I mentioned the economic interests because when a lot of people think energy, they think directly about whether it means gasoline or whether it means paying their utility bills, but it also—and this is why I mentioned it—has a real impact on our economy.

Federal Reserve Chairman Alan Greenspan came to the Hill last month specifically to talk about the energy policy. The price of natural gas for July delivery is 150 percent what it was just a little over 2, almost 3, years ago. Meanwhile, natural gas storage levels are at their lowest in almost three decades. In these meetings, Chairman Greenspan warned that the volatility in the price of natural gas could eventually affect and contribute to erosion in the economy. We simply cannot afford that. We have a responsibility to respond, and indeed we have that opportunity next week.

American industry is caught between regulations limiting the supply of natural gas and regulations encouraging its use. The result: Rising gas prices, with some industries cutting jobs or being priced out altogether, and consumers getting hit with rising electric bills. We simply must diversify our sources of energy, and we must do so in a way that lessens our dependence on foreign sources for this energy.

The fact that almost 60 percent of our energy sources come from overseas is simply too much. It is unacceptable today. America's energy policy should be consistent with our foreign policy in that it has the principles of independence and security at its foundation. By increasing America's domestic production of clean coal, oil, gas, nuclear, solar, and other renewable energy sources, we increase not just our energy supply but also our national security.

By passing a comprehensive energy package, we will be creating the needed jobs. The Energy bill will create at least 500,000 jobs and will save even more. The Alaskan pipeline, for example, will create at least 400,000 jobs. The hundreds of millions of dollars in research and development of all sorts in new technologies will not only benefit the environment but will create new jobs in fields such as engineering, math, science, and physics.

I am committed to getting a comprehensive national energy bill passed. While some people are talking of a weak economy, warning of a weak economy and increasing unemployment, we are taking action on the Senate floor to make our economy strong. We will do so in this Energy bill, as we did with the Jobs in Growth Act, which indeed provides immediate tax relief to millions of American families, to businesses, and to our States.

As we all know, checks of up to $400 will soon be sent to 25 million taxpayers starting even later this week. A family of four making $40,000 will see their taxes reduced by over $1,100 this year, and of the overall $350 billion stimulus and growth package, nearly $200 billion, fully 60 percent of it, will be injected into the economy in the next 18 months. This injection of money and resources is the input we need to grow our economy, to create jobs, to create investment, to provide States with the resources they need to maintain essential government services and to reduce unemployment.

We will be able to amplify that legislative success by securing our energy supply. A strong, productive energy policy is crucial to our efforts to strengthen our economic and national security.

As I mentioned, we will return to that Energy bill on Monday. I look forward to addressing the remaining amendments over the course of that week. We will be able to deliver to the American people energy that is cleaner, more abundant, and more secure. Energy is fuel for our economy, as well.

Together with other issues we will be addressing—tax reform, medical liability reform, and many other issues we are addressing in the Senate—we will secure and strengthen our economy and protect its future growth.

I make these comments only as a prelude to what will be a very important week next week as we address energy policy for fulfilling our responsibility.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business until the hour of 11 a.m. with the time equally divided between the two leaders or their designees.

SENATE SCHEDULE

Mr. DASCHLE. Mr. President, I come to the floor to acknowledge the schedule the distinguished majority leader has enunciated and to respond to a couple of remarks he has made.

I share his view that we ought to do all we can to address the question of energy policy in this country. I certainly recognize its priority as we consider all of the competing issues we have to address. I have indicated to him on several occasions that I was very concerned about the decision he has made to limit the amount of debate on the Energy bill to a matter of a couple of days. We will start on Monday and obviously the scheduled recess is to begin on Friday. We have a lot of amendments. If I recall, it is over 320 amendments pending. Frankly, I don't know how one can accommodate the amendments contemplated in that brief period of time.

In the last Congress, we voted 88 to 11 to pass a comprehensive Energy bill, but it took 144 amendments and 8 weeks of floor debate to reach that accomplishment. We spent significantly less time debating the Energy bill this year. In total, we have spent about 9 days, with 24 amendments, and only 12 rollcall votes.

We have not addressed the many issues remaining. I am told not 320 amendments but 382 amendments are currently pending, including a renewable portfolio standard to require utilities to generate 10 percent of their electricity from renewable sources by the year 2020. It was in the Senate bill last year but dropped in the conference. That is very critical to a number of Senators.

I am told the electricity title is now the subject of a redraft. We have not had the opportunity even to see this title yet. I understand it is being drafted; it is going to be one of the most critical parts of the debate. The longer we go without having had the opportunity to see it, the more difficult it will be to address it ultimately when it is brought to the floor. It is an understatement to say electricity policy is complicated. All one has to do is look at the experience over the last few years in California to know how challenging and how complicated those issues involving electricity are.

Last year's bill included a comprehensive framework to address global warming. The current bill eliminates those provisions. We think that also is a very important issue.

There are many other issues, including hydroelectric dam relicensing, nuclear power subsidies, the Indian energy programs and policies that remain unresolved, and of course the energy tax package that passed out of the Finance Committee has yet to be included in the Energy bill.

That is a lot of work to do in a matter of a couple of days. I hope we could take it up this week so we could be sure we can address all of these issues in a timely way, in a way that would accommodate a good and full debate. Even if we took up the Energy bill this week and spent the next 2 weeks debating it, we would still be approximately a month shorter in the overall consideration of the bill than we were last year. Last year, we spent 2 full months. We have spent a little more than a week debating the bill so far this year. We are far short from the time dedicated, devoted to the issue of energy policy last year. If we cut what remains of this month in half and limit the debate to a matter of a few days, I am very concerned about our ability to complete the work. I am very concerned about the ability to address in a meaningful way many of the outstanding issues that still remain.

The distinguished majority leader also noted that he would hope that this Energy bill would add to the economic portfolio we have attempted to address this year. He mentioned the checks that will be going out later this week. I am still troubled—in fact, I would hope the whole Senate is troubled—by the fact that 6 million families with 12 million children were left out when this bill was signed into law. These families will not receive child care tax credit checks. We have attempted to come to the Senate on several occasions to address this inequity. On an overwhelming basis the Senate has committed to addressing the inequity. Yet our House colleagues and this administration have not engaged and have not weighed in on their behalf to allow this work to be completed.

We will look for ways to address that particular issue this week, next week, whatever length of time it takes because it is inexcusable that we would literally carve out those who would benefit most. It could generate the most economic activity were they included as we had originally intended. That, too, is an issue of great concern.

We have to be concerned about the economy. We have lost, now, 3 million jobs since this administration has taken office. We have to go all the way back to Herbert Hoover to find a time when any administration has lost jobs. In every administration since Herbert Hoover we have actually allowed the economy to grow to a net gain of jobs being realized. This is now the first time in some 70 years where that is not the case. Many believe that, in part, is a result of the horrendous fiscal policy we faced. We are facing indebtedness now in this fiscal year of some $400 billion. Take away Social Security and it is over $550 billion, and that fiscal policy alone has resulted in this devastating economic circumstance we are facing.

We will have a lot of discussion, and there is a great deal of work to be done. First, on the economy; secondly, on fairness within the economy especially for those working families whose incomes were dramatically affected by the carveout, intentionally, of many of our Republican friends as they wrote the tax bill but on energy, as well.

I hope we could begin sooner than next Monday so we could address these issues in a meaningful and constructive and bipartisan and comprehensive way.

I will certainly talk to the majority leader about this more directly and personally as the occasions arise.

Mr. REID. Will the Senator yield?

Mr. DASCHLE. Yes.

Mr. REID. To put this in proper perspective, the distinguished Democratic leader is aware, to complete this bill in 5 days, would require us to handle 77½ amendments a day. That has never happened in the Senate and never will happen in the Senate. If we go to a 4-day week, which we usually do here, coming late Monday nights, that would mean 95 amendments a day.

I say to the distinguished Democratic leader, if we were fortunate enough to be able to get Senators not to offer half of those amendments, and worked a 5-day week, we would still have to do 38 amendments a day, which never has happened and never will happen.

I know this bill, to me, is very important in the sense it has in it an alternative section that I think is quite good. I would like to finish the bill. But it is not going to be finished when we have 382 amendments pending, and we only have 4 or 5 days to complete this bill. It just is humanly impossible under any sense of one's ability to understand the Senate or even one's imagination.

So I very much appreciate the Senator being here for those of us who want an Energy bill. We want one with some debate or we will not have an Energy bill. We have too many important issues that simply have to be debated. So I extend my appreciation to the Senator for recognizing we cannot do approximately 77 amendments a day.

Mr. DASCHLE. Mr. President, the assistant Democratic leader makes a very compelling argument. No one knows the management of the Senate floor better than he does. He is here every day, and he is right. You can't deal with 15 or 20 amendments a day, much less 70 or 80.

I think it minimizes, in some ways it demeans the debate about energy policy in this country. To say about important issues such as the ones we have outlined again this morning on renewable fuels, on conservation, on nuclear energy, on electricity, on taxes, that we are going to have debates about those extraordinary policy questions and condense them somehow in a matter of a few hours as we debate energy policy that could affect us for the next generation—that is not the way to legislate, certainly not the way to manage an important bill such as this.

These issues deserve attention. They deserve our careful consideration, and they will simply not have that if we wait until next week to address these issues. So, again, I thank the Senator for his calculations about the management of these amendments. I hope we could entertain this bill a lot sooner than next Monday to accommodate that very problem.

I yield the floor.

Mr. REID. Mr. President, it is my understanding the distinguished majority leader's time is not part of morning business. Is that right?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I am sure, if the Republican leader were here, he would acknowledge that morning business should be divided fairly. The Democratic leader's time has been calculated as in the Democrats' half of the morning business; is that right?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I ask unanimous consent that for fairness, the Republican leader's time be calculated as in morning business, along with that of the Democratic leader. That way the time will be divided fairly.

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

The Senator from Illinois.

MISLEADING THE AMERICAN PEOPLE

Mr. DURBIN. Mr. President, last week there was a historic meeting of the Senate Intelligence Committee, of which I am a member. Director Tenet of the Central Intelligence Agency came before us. There has been a lot written and said about that meeting of the Intelligence Committee.

I think what is important is we reflect on what has occurred since that meeting because I think it speaks volumes about where we are in America when it comes to the issue of being

critical of this administration, its policies, and its use of intelligence.

At issue, of course, were 16 words in the President's State of the Union Address last January. This address on January 28 included the following statement by the President of the United States:

The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.

This sentence was part of a speech delivered by the President, the most important speech any President delivers in the course of a given year, at a time in our Nation's history when we were asked to rally behind our troops and our President to invade the nation of Iraq. This was a moment, of course, of great consequence because not only was America's foreign policy about to be decided in relation to the Middle East, but families across America were going to be asked to send their sons and daughters, husbands and wives, and loved ones into harm's way. The words have to be measured carefully because the consequences of those words are so serious.

Many people have said, What was wrong with the President's statement? The British intelligence was insisting that they had evidence that, in fact, Iraq had tried to obtain uranium, fissile material to build nuclear weapons from Niger, an African nation. It turns out there was much more to the story. In addition to the efforts of British intelligence, our own intelligence agencies had been looking closely at the same issue and had come to the opposite conclusion. They decided that the evidence presented did not make the case. In fact, in October of 2002, when President Bush was going to give a very important speech in Cincinnati, OH, outlining the reasons he believed we should be mindful of the threat of Iraq, White House staffers—Mr. Hadley, who was with the security portion of the White House—wanted to include in that speech the same reference to this sale of uranium from Niger to Iraq. He was cautioned by the Central Intelligence Agency in October not to include it because the sources of the information, according to the American intelligence agency, were not credible; the claim was dubious. So the charge was taken out of the President's Cincinnati speech in October.

Then comes the President's State of the Union Address in January. Once again, the same White House staff—I am not alluding to Mr. Hadley again, but someone on the White House staff came forward and said these words should be included, even after being warned 3 months earlier that they were not accurate.

So Director Tenet came before us last week to explain what happened, why words that were disqualified from the President's earlier speech were then included in this State of the Union Address. As the Director came before us, we knew several things. A week before, the President of the United States said the words should not have been included in the speech, and Director of the CIA, Mr. Tenet, said he took personal responsibility for not removing them; that the Central Intelligence Agency, responsible for reviewing that kind of wording in the speech, should have stopped the President from using those remarks a second time in the State of the Union Address.

I said publicly and on the floor of the Senate that what Director Tenet told us was important, but equally important was the question as to what individual or group of individuals within the White House was so adamant in their pursuit of including this important language in the speech, in the President's State of the Union Address—particularly after the White House had been told not to say that in an earlier Presidential speech.

I made that point after the hearing. I certainly did not disclose the name of the White House employee given to us during the course of the Intelligence Committee hearing. I said, as I believe now, that as a result of that hearing it was clear that when we make this inquiry, all roads lead to 1600 Pennsylvania Avenue. We have to really look to the White House staff and the role they played in pushing for and putting this language in the speech which led the President to mislead the American people.

I have said and repeated, there is no evidence or indication that President Bush knew this statement was wrong—none. If that comes out at some later time, so be it. I am not making any allegation about the President's motive of including it. But I will say this, unequivocally. The President was let down by his staff in the White House. They had a responsibility to make certain what he said to the American people was true, and they knew better. In October, they had been warned by the CIA that this information was not accurate, was dubious, could not be backed up. Yet they persisted in January in including these same remarks.

After I made the statement, it was interesting the reaction from the White House. The next day, the White House Press Secretary, Mr. Scott McClellan, called my claims nonsense and went on to say that because I voted against the use of force resolution when it came to the invasion of Iraq when it was before the Senate last October, that I was, in fact, trying to justify my vote by the statements I was making.

That was the White House interpretation of my remarks. They did not go to the heart of the issue, obviously, as to whether there was anyone in the White House staff insistent or persistent when it came to including these remarks and what action might be taken by the White House to take that staffer off the case, perhaps to remove them completely from the White House because they had misled the President. No, that was not the issue. The issue was this Senator and my credibility. Well, I understand that. Politics isn't a bean bag. I was not born yesterday. You have to have a tough mental hide if you are going to aspire to this office and be in a national debate. But it was interesting, on the first day, when the time came to address the issue, instead of attacking the problem, they attacked me. So be it.

But then there was more to follow. On the following day, on Friday, the White House press operation started floating the story that there were Senators in this Chamber who were asking for my removal from the Senate Intelligence Committee because of the statements I had made. And when pressed as to what those statements were, the White House said DURBIN has disclosed classified information and, therefore, should be removed from the Senate Intelligence Committee.

Now, that is a very serious charge. I can think of perhaps only once or twice in my entire congressional career that I have ever heard a similar charge. So, of course, the reporters who called said to the White House: What did he disclose? And they said two things: First, he disclosed the name of the White House staffer who was responsible for writing this speech. And, secondly, on the floor of the Senate, at this very desk, he said there were 550 suspected sites of weapons of mass destruction in Iraq identified by the U.S. Government before our invasion.

The White House said: Both of those items are classified, DURBIN disclosed them, and he should leave the Intelligence Committee.

Well, the facts are these: No. 1, I never disclosed the name of the White House staffer—to this day—who was involved in the preparation of the speech. And, secondly, the information I gave on the floor of 500 suspected sites of weapons of mass destruction had been declassified a month earlier, declassified and made public. So the White House allegations to back up my removal from the Intelligence Committee, attacking my credibility, saying that I disclosed classified information, were, in fact, false and inaccurate.

Sadly, what we have here is a continuing pattern by this White House. If any Member of this Senate—Democrat or Republican—takes to the floor, questions this White House policy, raises any questions about the gathering of intelligence information, or the use of it, be prepared for the worst. This White House is going to turn on you and attack you. They are going to question your patriotism. They are going to question the fact of whether or not you are living up to your oath of office here in the Senate. And they are going to question as to whether or not you belong in this debate on intelligence; whether, for instance, you should be a member of the Senate Intelligence Committee. I think that is a very serious outcome. It is one that all of us should reflect on for a moment.

This morning, Paul Krugman has an article in the New York Times. I ask unanimous consent the article be printed in the RECORD.

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

[From the New York Times, July 22, 2003]

WHO'S UNPATRIOTIC NOW?

(By Paul Krugman)

Some nonrevisionist history: On Oct. 8, 2002, Knight Ridder newspapers reported on intelligence officials who ''charge that the administration squelches dissenting views, and that intelligence analysts are under intense pressure to produce reports supporting the White House's argument that Saddam poses such an immediate threat to the United States that pre-emptive military action is necessary.'' One official accused the administration of pressuring analysts to ''cook the intelligence books''; none of the dozen other officials the reporters spoke to disagreed.

The skepticism of these officials has been vindicated. So have the concerns expressed before the war by military professionals like Gen. Eric Shinseki, the Army chief of staff, about the resources required for post-war occupation. But as the bad news comes in, those who promoted this war have responded with a concerted effort to smear the messengers.

Issues of principle aside, the invasion of a country that hadn't attacked us and didn't pose an imminent threat has seriously weakened our military position. Of the Army's 33 combat brigades, 16 are in Iraq; this leaves us ill prepared to cope with genuine threats. Moreover, military experts say that with almost two-thirds of its brigades deployed overseas, mainly in Iraq, the Army's readiness is eroding: normal doctrine calls for only one brigade in three to be deployed abroad, while the other two retrain and refit.

And the war will have devastating effects on future recruiting by the reserves. A widely circulated photo from Iraq shows a sign in the windshield of a military truck that reads, ''One weekend a month, my ass.''

To top it all off, our insistence on launching a war without U.N. approval has deprived us of useful allies. George Bush claims to have a ''huge coalition,'' but only 7 percent of the coalition soldiers in Iraq are non-American—and administration pleas for more help are sounding increasingly plaintive.

How serious is the strain on our military? The Brookings Institution military analyst Michael O'Hanlon, who describes our volunteer military as ''one of the best military institutions in human history,'' warns that ''the Bush administration will risk destroying that accomplishment if they keep on the current path.''

But instead of explaining what happened to the Al Qaeda link and the nuclear program, in the last few days a series of hawkish pundits have accused those who ask such questions of aiding the enemy. Here's Frank Gaffney Jr. in The National Post: ''Somewhere, probably in Iraq, Saddam Hussein is gloating. He can only be gratified by the feeding frenzy of recriminations, second-guessing and political power plays. . . . Signs of declining popular appreciation of the legitimacy and necessity of the efforts of America's armed forces will erode their morale. Similarly, the enemy will be encouraged.''

Well, if we're going to talk about aiding the enemy: By cooking intelligence to promote a war that wasn't urgent, the administration has squandered our military strength. This provides a lot of aid and comfort to Osama bin Laden—who really did attack America—and Kim Jong Il—who really is building nukes.

And while we're on the subject of patriotism, let's talk about the affair of Joseph Wilson's wife. Mr. Wilson is the former ambassador who was sent to Niger by the C.I.A. to investigate reports of attempted Iraqi uranium purchases and who recently went public with his findings. Since then administration allies have sought to discredit him—it's unpleasant stuff. But here's the kicker: both the columnist Robert Novak and Time magazine say that administration officials told them that they believed that Mr. Wilson had been chosen through the influence of his wife, whom they identified as a C.I.A. operative.

Think about that: if their characterization of Mr. Wilson's wife is true (he refuses to confirm or deny it), Bush administration officials have exposed the identity of a covert operative. That happens to be a criminal act; it's also definitely unpatriotic.

So why would they do such a thing? Partly, perhaps, to punish Mr. Wilson, but also to send a message.

And that should alarm us. We've just seen how politicized, cooked intelligence can damage our national interest. Yet the Wilson affair suggests that the administration intends to continue pressuring analysts to tell it what it wants to hear.

Mr. DURBIN. This morning, in the New York Times, Paul Krugman wrote about another episode. I would like to read from it because I think it indicates what I have been through over the past several days is not unique.

We are aware of the fact that Ambassador Joe Wilson, who has served the United States, was called on by this administration to go to Africa and to establish whether or not the sale of uranium took place. He came back, and it is my understanding he made an oral report to the administration questioning whether or not there was any background evidence to support the claim that Iraq had tried to obtain or had obtained uranium fissile material from Niger. He made the report to the administration, which is part of the cumulative evidence of the weakness of this assertion by British intelligence.

And, of course, a week or two ago, in the New York Times, Ambassador Wilson published a column indicating the timeline and substance of his involvement with this issue, and making it clear that based on the request of the administration, he had gone to Africa, came back with the information, and told the administration he could not make this claim.

Let me read from Paul Krugman's article today about Ambassador Joe Wilson and what has happened to him since he went public with the fact that he had warned this administration that saying anything about the uranium coming from Africa was really not credible, of dubious background. Here is what Krugman writes:

And while we're on the subject of patriotism, let's talk about the affair of Joseph Wilson's wife. Mr. Wilson is the former ambassador who was sent to Niger by the C.I.A. to investigate reports of attempted Iraqi uranium purchases and who recently went public with his findings. Since then administration allies have sought to discredit him—it's unpleasant stuff. But here's the kicker: both the columnist Robert Novak and Time magazine say that administration officials told them that they believed that Mr. Wilson had been chosen through the influence of his wife, whom they identified as a C.I.A. operative.

Think about that: if their characterization of Mr. Wilson's wife is true . . .

And Krugman writes that Wilson refuses to confirm or deny it—

Bush administration officials have exposed the identity of a covert operative. That happens to be a criminal act; it's also definitely unpatriotic.

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And that should alarm us. We've just seen how politicized, cooked intelligence can damage our national interest. Yet the Wilson affair suggests that the administration intends to continue pressuring analysts to tell it what it wants to hear.

End of quote from this Krugman article.

Mr. President, I am going to ask the chairman of the Senate Intelligence Committee and the ranking member to investigate this matter. This is an extremely serious situation. If, in fact, administrative officials have publicly disclosed the identity of Mr. Wilson's wife, who is allegedly, according to these news articles, working for the CIA, this is an extremely serious matter. In their effort to seek political revenge against Ambassador Wilson for his column, they are now attacking him and his wife, and doing it in a fashion that is not only unacceptable, it may be criminal. And that, frankly, is as serious as it gets in this town.

I would say to my colleagues in the Senate, understand what this is all about. If you come to the floor of this Senate, or stand before a microphone, and are critical of this administration for their policy or use of intelligence, be prepared for the worst. You are in for a rough ride.

Certainly what happened to me was minor league compared to what happened to Ambassador Wilson. In my situation, they merely questioned my integrity and asked I be removed from the Senate Intelligence Committee. In Mr. Wilson's situation, they have set out to destroy the career of his wife. That speaks volumes of where this administration has gone when it comes to this essential issue.

People have asked me: Why are 16 words so important? Why does it make any difference if the President happened to make a mistake? And maybe technically he didn't. He attributed this information to British intelligence. Tony Blair was here last week and says he still stands by it.

I think it is important in this respect: We spend billions of dollars each year accumulating important intelligence information to protect America. We can count on the dedicated men and women in intelligence agencies around the United States and around the world to keep us safe. They risk their lives to do it. They are as fine and patriotic as any man or woman

who has ever served this country in uniform. And they try to bring this gathered information together, to sift through it, establish what is credible and what is not, and to alert the policy leaders—the President and others—as to the steps we need to take as a nation to defend ourselves.

That is always an important job, but in a war on terrorism it is essential. That intelligence becomes increasingly important. Without that intelligence data, how can we possibly protect this Nation from another 9/11?

Second, there is a question as well; that is, not only whether we are gathering accurate intelligence but whether that intelligence that we have gathered and that information is being accurately and honestly reported to the American people. What is at issue is not just the intelligence data but the honesty and credibility of the policymakers who use it and portray it.

The question we have before us is whether the intelligence information in this important statement about nuclear weapons in Iraq was somehow spun, hyped, or exaggerated. If that is true, what was the motive? How far up the chain does it go? Is it only one zealous White House staffer who was trying his best to put this information in a speech or is it more? It is an important question. It is one which I am certain the administration doesn't want to face. But in this age where intelligence is more important than ever, it has to be faced.

Let me go into the chronology of how the White House has responded as we have questioned whether those 16 words should have been included in the State of the Union Address. This is over a span of about 5 or 6 weeks.

On June 8, 2003, on Meet the Press, National Security Adviser Condoleezza Rice said that the uranium claim in the State of the Union address was ''mistaken,'' but that the White House had not known about intelligence doubts until afterward. Rice claimed, ''We did not know at the time—no one knew at the time, in our circles—maybe someone knew down in the bowels of the agency, but no one in our circles knew that there were doubts and suspicions that this might be a forgery.'' Since then, it has been shown that the National Security Adviser Condoleezza Rice was indeed aware of deep doubts regarding this claim. In fact, the CIA prevented one of Dr. Rice's chief deputies from including the uranium reference in an October 2002 speech the President gave in Cincinnati.

When Dr. Rice said on June 8, 2003, on ''Meet the Press'' that, ''We did not know at the time—no one knew at the time in our circles'' that there were opportunities and suspicions that this might be a forgery, that ran in direct contradiction of the simple facts that have been disclosed. The CIA had advised the White House and the national security portion of the White House not to include the same words in the speech 3 months earlier.

Let us go to July 7, 2003.

Prompted by a New York Times oped article in which Joseph Wilson, former U.S. ambassador to Gabon, contended that the Bush administration ignored—and possibly manipulated—his findings regarding an Iraq-Niger uranium connection, the White House acknowledged that Bush should not have made the claim because of concerns about the intelligence behind it. Then White House Press Secretary Ari Fleischer tried to shut down the story in its tracks, insisting it was old news.

On July 10, 2003—Four days into the controversy, as Bush was dogged with questions while visiting Africa, Secretary of State Colin Powell said there was no intention to deceive and called the outcry ''overwrought and overblown and overdrawn.'' In defending the process by which the President allowed such a statement in the State of the Union speech, he said ''There was sufficient evidence floating around at the time that such a statement was not totally outrageous.''

Is that the standard? It was not totally outrageous?

Frankly, it is interesting that a few days after the President's State of the Union Address when Secretary of State Colin Powell was in careful preparation of his presentation before the United Nations Security Council, he consciously decided not to include that same reference in the speech to the United Nations Security Council. He knew better, and he knew that the standard of credibility of America is not whether something is or is not totally outrageous.

On July 11, 2003: first Condoleezza Rice, then President Bush himself, pointed fingers at the CIA for not removing the claim while vetting the speech.

Rice:

> There was even some discussion on that specific sentence, so that it reflected better what the CIA thought. And the speech was cleared. Now, I can tell you, if the CIA, the director of Central Intelligence, had said, ''Take this out of the speech,'' it would have been gone, without question.

President Bush said:

> I gave a speech to the nation that was cleared by the intelligence services. And it was a speech that detailed to the American people the dangers posed by the Saddam Hussein regime.

At that point, July 11, CIA Director George Tenet made his statement concerning this particular episode. He said in a statement that CIA officials reviewing the draft remarks of the State of the Union ''raised several concerns about the fragmentary nature of the intelligence with National Security Council colleagues. Some of the language was changed.'' The change included using British intelligence as the source of the information. The CIA, however, continued to doubt the reliability of the British claim, and in fact doubted the credibility of the statement made by the President of the United States, which is certainly asserting the same claim.

Between July 11 and July 14, a new line of defense was established by the White House. Dr. Rice and Secretary of Defense Don Rumsfeld appeared on three Sunday talk shows to offer a new explanation: Bush's remark was technically accurate because he correctly described what British intelligence had reported:

> It turns out that it's technically correct what the president said, that the UK did say that and still says that. Even though the words should not have been included in the speech, they're not necessarily inaccurate. The British say they believe that it is accurate, and that may very well be the case. We will just have to wait and see.

Dancing on the head of a pin, the Secretary of Defense, moving back and forth between whether this statement is accurate or not, says that the British intelligence discredited by our intelligence agency said maybe we have to take a wait-and-see attitude and see maybe if they are right and maybe if they are wrong.

Again, is that the standard for statements by the President of the United States in preparation for a war where we are about to risk American lives? I certainly hope the standard is much higher.

On Monday, July 14, White House Press Secretary Ari Fleischer emphasized that the British could be right. He said:

> We don't know if [British intelligence claims were] true but nobody—but nobody—can say it was wrong. The fact of the matter is whether they sought it from Africa or didn't seek it from Africa doesn't change the fact that they were seeking to reconstitute a nuclear program.

That was a statement made in his Monday press briefing. Now they are basically saying it really doesn't make any difference whether what we said was truthful or not. According to Ari Fleischer, we all knew they were setting out to reconstitute a nuclear program. But it turned out that this was one of the two major pillars the Bush administration was using to argue that nuclear weapons were a threat from Iraq.

First, the aluminum tube controversy, which went in circles many times as to whether or not these tubes would be used for nuclear weapons or conventional munitions and the fissile material and uranium coming from Africa. What we have here is a situation where they are trying to build the case, and build it with the shakiest evidence already discredited by the CIA and other intelligence agencies.

Between July 10 and July 18, there came a new strategy from the White House on the issue. Scott McClellan, who succeeded Fleischer as White House spokesman, also tried to dismiss questions. Over four days, he told reporters 20 times that the particular question they were asking had already been ''addressed.''

On July 16, 2003, Scott McClellan said claims by Senator DURBIN that White House officials applied pressure on the CIA to keep the uranium reference in

the speech were ''nonsense'' and accused skeptics of trying to ''politicize this issue by rewriting history.'' At the same time, the White House tried to redirect the debate onto the overall danger posed by Saddam's chemical and biological weapons—uranium or not—and onto Bush's resolve in acting to confront that threat.

On July 17, 2003, McClellan cautioned that Senator DURBIN—and possibly other Democrats—were ''lying about the little things'' related to CIA Director George Tenet's testimony before the Senate Intelligence Committee. The ''little thing'' was whether Tenet has named names of these responsible at the White House.

Although I refused to disclose any names mentioned by the CIA Director, I will say this: I stand by my statement.

Let me explain for a moment the issue at hand. We have made it clear that Director Tenet would appear before the Intelligence Committee. That was public knowledge. The fact is that Director Tenet sat at the committee table in the Senate Intelligence Committee with several people from his agency. What he said, of course, was given to the members of committee. Questions from members of the committee were directed to appropriate members of the staff, and he would indicate which member might give an answer to a question.

I took great care in commenting about his testimony to limit any reference to anyone in the room, specifically to Director Tenet, so that I would not even disclose the names of the CIA employees who were in the room. Perhaps I was over cautious. But that caution on my part was then used against me by the White House. Because when we asked Director Tenet pointblank who was the White House staffer responsible for the State of the Union Address—in fact, it has now been publicly disclosed by the CIA and others—he turned to Alan Foley, an assistant who worked on the speech, and Allen Foley gave the name to the committee with a nod by Director Tenet. So my caution and care not to even disclose the name of Alan Foley who sat at the table with the CIA Director was turned and used against me by the White House, saying that I was lying to the American public as to whether Director Tenet disclosed the name.

The fact is, Director Tenet was testifying. He turned to Mr. Foley, his assistant, who said the name. Whether Director Tenet repeated the name, only the record of the hearing can reflect. But what I was establishing was the fact that the identity of the person involved was disclosed during Director Tenet's testimony. I stand by that.

On July 18, on Friday, the White House press staff began leaking word that one of the leading White House opponents, Senator DURBIN of Illinois, had released classified material regarding names of those involved in the controversy and the number of suspected WMD sites in Iraq. As a result, the White House said some Senators were contemplating having me, Senator DURBIN, removed from the Intelligence Committee.

Our office pointed out to reporters that no classified material had been released by this Senator. I had refused to name the White House staffer or characterize specific witness testimony. And the number of suspected Iraqi WMD sites, 550, which I disclosed on the Senate floor, had been declassified this year in June. It is public information.

The White House, when they were confronted with the fact that their accusations against me were not true said, they would ''Look into that.''

After attacking my honesty and integrity and suggesting I be removed from the Senate Intelligence Committee, they were unable to produce any evidence of the disclosure of classified information. I have gone to great lengths to avoid that, and I will continue.

Then on July 18, that same day, the White House took the rare step of declassifying and releasing eight pages of a 90-page top secret national intelligence estimate that was used to write the questioned portions of the State of the Union Address. Instead of putting a lid on the controversy, the document showed prewar divisions within the U.S. intelligence community that were glossed over by administration spokesmen. The State Department, for instance, termed the reports that Saddam Hussein was shopping for uranium in Africa as ''highly dubious.''

That is the chronology. It is an important chapter in our political history. It is an important chapter in the history of the collection and use of intelligence here in the United States.

I am glad the Senate Intelligence Committee will continue its investigation. It is my understanding the chairman and ranking Democrat have said they will call White House staffers before the committee to ask what led up to this situation and why we are in the position we are today.

I can recall times in the past when the Intelligence Committee and its members had been challenged as to whether they disclosed classified information and called on to take polygraphs for fear they may have said something that was top secret and should not be public knowledge. I understand the concern of the administration. That should be the concern of every American. We have to take care not to disclose classified information.

But I have to ask the obvious question: How can this administration declassify things, drop certain items into the press that are complimentary and positive from their point of view and get away with it and not be held to the same standard as members of the committee? When we are in a situation where we are given a body of information and draw a conclusion from that but cannot speak to that publicly, while the administration discretely drops into the public domain information they think is helpful to their side of the case, that is a one-sided argument. It does not serve this Nation well, and the administration is pushing the envelope when they do it.

I am glad the Senate Intelligence Committee is going forward. There is a lot more we need to do. I will say to my colleagues in the Senate, please do not back off from our responsibility. We have a responsibility to the people who elect us and to the American people at large to hold this administration—indeed, every administration—accountable for honesty and accuracy when they speak to the American people, particularly in areas of the discussion of intelligence information which could lead to military action which could, in fact, endanger the lives of Americans and their families. That is our most serious and sacred duty. We should not back off of it because of threats from the White House or efforts by the White House to silence us.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. Mr. President, before Senator DURBIN leaves the floor, I want to say that the concerns he has raised are serious and grave. They deserve serious attention, not just of this body but of the people in this country. I thank him for bringing them to us today and join him in voicing the gravity of the situation. The kind of actions he has described, if they are true, should not be permitted. They should not be countenanced.

(The remarks of Mr. CARPER pertaining to the introduction of S. 1443 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER (Mr. ENZI). The Senator from Iowa.

EXTENSION OF MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that morning business be extended for 7 minutes.

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

WELFARE REFORM

Mr. GRASSLEY. Mr. President, I rise to speak on another subject, but I think it is appropriate for me to respond to the Senator from Delaware only in a general way, not to the specific points he made.

I do take very seriously his efforts at what we call welfare reform, moving people from welfare to work, because not only as Governor did he demonstrate leadership in that area, but in the short time I have served with him in the Senate, he has talked with me frequently about various aspects of welfare, and I know he has been working with others on his side of the aisle, as well as Republicans.

I hope to be able to give fair consideration to the propositions about which he has spoken this morning.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 1440 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the Senate will resume consideration of H.R. 2555, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

(The committee-reported amendment, in the nature of substitute, which was omitted from the RECORD of Monday, July 21, 2003, is as follows:)

[Strike the part shown in black brackets and insert the part shown in italic.]

H.R. 2555

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

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, namely:

[TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

[DEPARTMENTAL ADMINISTRATION

[SALARIES AND EXPENSES

[For necessary expenses for management and operations of the Department of Homeland Security $221,493,000; of which not to exceed $78,975,000 shall be for the Office of the Secretary and Executive Management; of which not to exceed $116,139,000 shall be for the Office of the Under Secretary for Management; of which not to exceed $8,106,000 shall be for the Immediate Office of the Under Secretary for Border and Transportation Security; of which not to exceed $10,044,000 shall be for the Immediate Office of the Under Secretary for Information Analysis and Infrastructure Protection and the Command Center; of which not to exceed $3,293,000 shall be for the Immediate Office of the Under Secretary for Emergency Preparedness and Response; and of which not to exceed $4,936,000 shall be for the Immediate Office of the Under Secretary for Science and Technology: *Provided*, That not to exceed $2,000,000 may be used for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of Homeland Security: *Provided further*, That not to exceed $40,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine.

[COUNTERTERRORISM FUND

[For necessary expenses, as determined by the Secretary of Homeland Security, $20,000,000, to remain available until expended, to reimburse any Federal agency for the costs of providing support to counter, investigate, or prosecute unexpected threats or acts of terrorism, including payment of rewards in connection with these activities: *Provided*, That the Secretary shall notify the Committees on Appropriations 15 days prior to the obligation of any amount of these funds in accordance with section 503 of this Act.

[DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS

[For development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the Land Mobile Radio legacy systems, $206,000,000, to remain available until expended: *Provided*, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology system and the Automated Commercial Environment.

[OFFICE OF THE INSPECTOR GENERAL

[SALARIES AND EXPENSES

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses for the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $58,118,000; of which not to exceed $1,000,000 may be used for unforeseen emergencies of a confidential nature, to be allocated under the direction of the Inspector General of the Department of Homeland Security: *Provided*, That in addition, $22,000,000 shall be derived by transfer from the Emergency Preparedness and Response Disaster Relief Fund.

[TITLE II—BORDER AND TRANSPORTATION SECURITY

[CUSTOMS AND BORDER PROTECTION

[BUREAU OF CUSTOMS AND BORDER PROTECTION

[SALARIES AND EXPENSES

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses of the Bureau of Customs and Border Protection for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports, including planning, construction, and necessary related activities of buildings and facilities, $4,584,600,000; of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $129,000,000 to remain available until September 30, 2005, shall be for inspection technology; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13021(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; and of which not to exceed $5,000,000 shall be for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration: *Provided*, That none of the funds available to the Directorate of Border and Transportation Security may be used to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2004, except that the Commissioner of Customs and Border Protection may exceed such limitation as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector: *Provided further*, That the Border Patrol shall relocate its checkpoints in the Tucson sector at least once every 7 days in a manner designed to prevent persons subject to inspection from predicting the location of any such checkpoint.

[In addition, for administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, and notwithstanding section 1511(e)(1) of Public Law 107–296, $3,000,000 to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with this account.

[AUTOMATION MODERNIZATION

[For expenses not otherwise provided for Bureau of Customs and Border Protection automated systems, $493,727,000, to remain available until expended, of which not less than $318,690,000 shall be for the development of the Automated Commercial Environment: *Provided*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the Bureau of Customs and Border Protection prepares and submits to the Committees on Appropriations a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the Bureau of Customs and Border Protection's Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Bureau of Customs and Border Protection Investment Review Board, the Department of Homeland Security, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: *Provided further*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until such expenditure plan has been approved by the Committees on Appropriations.

[IMMIGRATION AND CUSTOMS ENFORCEMENT

[BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT

[SALARIES AND EXPENSES

[For necessary expenses of the Bureau of Immigration and Customs Enforcement for enforcement of immigration and customs laws, detention and removals, investigations, including planning, construction, and necessary related activities of buildings and facilities, $2,030,000,000; of which not to exceed $5,000,000, to remain available until expended, shall be for conducting special operations pursuant to Public Law 99–570 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not less than $100,000 shall be for promotion of public awareness of the child pornography tipline; and of which not less than $200,000 shall be for Project Alert: *Provided*, That none of the funds available to the Bureau of Immigration and Customs Enforcement may be used to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2004, except that the Assistant Secretary of the Bureau of Immigration and Customs Enforcement may exceed such limitation as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount of funds made available for activities to enforce laws against forced child

labor in fiscal year 2004, not to exceed $5,000,000 shall remain available until expended for support of such activities: *Provided further,* That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year.

[FEDERAL PROTECTIVE SERVICE

[(INCLUDING TRANSFER OF FUNDS)

[For expenses, not otherwise provided for, necessary for the operations of the Federal Protective Service, $424,211,000 shall be transferred from the revenues and collections in the General Services Administration, Federal Buildings Fund.

[AUTOMATION AND INFRASTRUCTURE MODERNIZATION

[For expenses not otherwise provided for Bureau of Immigration and Customs Enforcement automated systems, $367,605,000, to remain available until expended, of which not less than $350,000,000 shall be for the development of the United States Visitor and Immigrant Status Indicator Technology system (US VISIT): *Provided,* That none of the funds appropriated under this heading may be obligated for US VISIT until the Bureau of Immigration and Customs Enforcement prepares and submits to the Committees on Appropriations a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the Bureau of Immigration and Customs Enforcement Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Bureau of Immigration and Customs Enforcement Investment Review Board, the Department of Homeland Security, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: *Provided further,* That none of the funds appropriated under this heading may be obligated for US VISIT until such expenditure plan has been approved by the Committees on Appropriations.

[AIR AND MARINE INTERDICTION

[For expenses, not otherwise provided for, necessary for the operation, maintenance and procurement of marine vessels, aircraft, and other related equipment of the Office of Air and Marine Interdiction of the Bureau of Immigration and Customs Enforcement, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: conducting homeland security operations; interdiction of narcotics and other illegal substances or items; the provision of support to Department of Homeland Security and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Bureau of Immigration and Customs Enforcement; and, at the discretion of the Under Secretary for Border and Transportation Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $175,000,000, which shall remain available until expended: *Provided,* That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to Bureau of Immigration and Customs Enforcement requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security, during fiscal year 2004 without the prior approval of the Committees on Appropriations.

[TRANSPORTATION SECURITY ADMINISTRATION

[AVIATION SECURITY

[For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to Public Law 107–71, $3,679,200,000 (reduced by $20,000,000), to remain available until expended, of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided,* That of such total amount, not to exceed $1,672,700,000 shall be for passenger screening activities; not to exceed $1,284,800,000 shall be for baggage screening activities; and not to exceed $721,700,000 shall be for airport support and enforcement presence: *Provided further,* That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and used for providing civil aviation security services authorized by that section: *Provided further,* That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2004, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $1,609,200,000: *Provided further,* That any security service fees collected in excess of the amount appropriated under this heading shall be treated as offsetting collections in fiscal year 2005: *Provided further,* That none of the funds in this Act shall be used to recruit or hire personnel into the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time equivalent screeners: *Provided further,* That of the total amount provided herein, $235,000,000 shall be available only for physical modification of commercial service airports for the purpose of installing checked baggage explosive detection systems and $100,000,000 shall be available only for procurement of checked baggage explosive detection systems.

[FEDERAL AIR MARSHALS

[For necessary expenses of the Federal air marshals, $634,600,000, to remain available until expended.

[MARITIME AND LAND SECURITY

[For necessary expenses of the Transportation Security Administration related to maritime and land transportation security grants and services pursuant to Public Law 107–71, $231,700,000, to remain available until expended: *Provided,* That of such amount, $100,000,000 shall be available only to make port security grants, which shall be distributed under the same terms and conditions as provided for under Public Law 107–117.

INTELLIGENCE

[For necessary expenses of the Transportation Security Administration related to transportation security intelligence activities, $13,700,000, to remain available until expended.

[RESEARCH AND DEVELOPMENT

[For necessary expenses of the Transportation Security Administration for research and development related to transportation security, $125,700,000, to remain available until expended.

[ADMINISTRATION

[For necessary expenses of the Transportation Security Administration for administrative activities, including headquarters and field support, training, and information technology, $487,100,000, to remain available until September 30, 2005.

[FEDERAL LAW ENFORCEMENT TRAINING CENTER

[SALARIES AND EXPENSES

[For the necessary expenses of the Federal Law Enforcement Training Center, $136,629,000, of which $26,635,000 shall be for material and support costs of Federal law enforcement basic training and shall remain available until September 30, 2006, and of which not to exceed $12,000 shall be for official reception and representation expenses: *Provided,* That notwithstanding any other provision of law, the Center is authorized to expend appropriations for the purchase of police-type pursuit vehicles without regard to the general purchase price limitation; student athletic and related recreational activities; conducting and participating in firearms matches and the presentation of awards for such matches; public awareness and enhancing community support of law enforcement training, including the advertisement and marketing of available law enforcement training programs; room and board for student interns; short-term medical services for students undergoing training at Center training facilities; travel expenses of non-Federal personnel attending course development meetings; services authorized by section 3109 of title 5, United States Code; support of Federal law enforcement accreditation; and a flat monthly reimbursement to employees authorized to use personal cell phones for official duties: *Provided further,* That: (1) funds appropriated to this account may be used at the discretion of the Center's Director to train United States Postal Service law enforcement personnel, State and local law enforcement personnel, foreign law enforcement personnel, and private security personnel; (2) with the exception of private security personnel, the Center's Director is authorized to fully fund the cost of this training, including the cost of non-Federal travel, or to seek full or partial reimbursement for this training; and (3) such reimbursements shall be deposited in this appropriation: *Provided further,* That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training at the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further,* That the Center is authorized to accept and use gifts of property, real and personnel, and to accept services, for authorized purposes: *Provided further,* That the Center is authorized to harvest timber and use the proceeds from timber sales to supplement the Center's forest management and environmental programs: *Provided further,* That notwithstanding any other provision of law, students attending training at any Center site shall reside in on-center or center-provided housing, to the extent available and in accordance with Center policy.

[ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

[For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $32,323,000, to remain available until expended: *Provided,* That the Federal Law Enforcement Training Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities on training centers operated by the Federal Law Enforcement Training Center: *Provided further,* That notwithstanding any other provision of law, all facilities shall remain under the control of the Federal Law Enforcement Training Center, which shall be responsible for scheduling, use, maintenance, and support.

[OFFICE FOR DOMESTIC PREPAREDNESS

[DOMESTIC PREPAREDNESS

[For grants, contracts, cooperative agreements, and other activities of the Office for Domestic Preparedness, as authorized by the Homeland Security Act of 2002 (Public Law 107–296) and the USA PATRIOT Act of 2001 (Public Law 107–56), $3,503,000,000 (increased by $10,000,000), to remain available until expended: *Provided*, That of the amount provided under this heading—

[(1) $1,900,000,000 shall be for basic formula grants;

[(2) $500,000,000 (increased by $10,000,000) shall be for grants to State and local law enforcement for terrorism prevention activities;

[(3) $200,000,000 shall be for critical infrastructure grants;

[(4) $500,000,000 shall be for discretionary grants for use in high-density urban areas and high-threat areas; and

[(5) $35,000,000 shall be for grants for Centers for Emergency Preparedness:

[*Provided further*, That the application for grants appropriated in subsections (1), (2), and (3) under this heading shall be made available to States within 30 days of enactment of this Act; States shall submit applications within 30 days of the grant announcement; and the Office for Domestic Preparedness shall act on each application within 15 days of receipt: *Provided further*, That 80 percent of the funds appropriated in subsections (1), (2), (3), and (4) under this heading to any State shall be allocated by the State to units of local governments and shall be distributed by the State within 60 days of the receipt of funds: *Provided further*, That section 1014(c)(3) of Public Law 107–56 shall not apply to funds appropriated in subsections (4) and (5) under this heading: *Provided further*, That none of the funds appropriated under this heading shall be used for construction or renovation of facilities: *Provided further*, That funds appropriated in subsections (3) and (4) under this heading shall be available for operational costs, including personnel overtime as needed.

[TITLE III—EMERGENCY PREPAREDNESS AND RESPONSE

[ADMINISTRATIVE AND REGIONAL OPERATIONS

[For necessary expenses for administrative and regional operations of the Emergency Preparedness and Response Directorate, $168,589,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), 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), Reorganization Plan No. 3 of 1978, and the Homeland Security Act of 2002; of which not to exceed $3,000 shall be for official reception and representation expenses.

[PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

[For necessary expenses for preparedness, mitigation, response, and recovery activities of the Emergency Preparedness and Response Directorate, $363,339,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), 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), Reorganization Plan No. 3 of 1978, and the Homeland Security Act of 2002; of which $25,000,000 shall be for emergency operations centers grants: *Provided*, That the aggregate charges assessed during fiscal year 2004, as authorized by Public Law 106–377, shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided further*, That the methodology for assessment and collection of fees shall be fair and equitable, and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That fees received pursuant to this section shall be deposited in this account as offsetting collections, shall become available for authorized purposes on October 1, 2004, and shall remain available until expended.

[PUBLIC HEALTH PROGRAMS

[For necessary expenses for countering potential biological, disease, and chemical threats to civilian populations, $484,000,000, including $400,000,000, to remain available until expended, for the Strategic National Stockpile.

[BIODEFENSE COUNTERMEASURES

[For necessary expenses for securing medical countermeasures against biological terror attacks, $5,593,000,000, to remain available until September 30, 2013: *Provided*, That not to exceed $3,418,000,000 may be obligated during fiscal years 2004 through 2008, of which not to exceed $890,000,000 may be obligated during fiscal year 2004.

[GRANT PROGRAMS

[For activities designed to reduce the risk of flood damage to structures pursuant to the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of such Act, and for a pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $200,000,000, to remain available until expended, of which $20,000,000 shall be derived from the National Flood Insurance Fund, and shall remain available until September 30, 2005: *Provided*, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such title II (42 U.S.C. 5133(g)): *Provided further*, That notwithstanding section 203(f) of such title II (42 U.S.C. 5133(f)), grant awards shall be made without reference to State allocations, quotas, or other formula-based allocation of funds.

[EMERGENCY FOOD AND SHELTER

[To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77 (42 U.S.C. 11331 et seq.), $153,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3½ percent of the total appropriation.

[FIREFIGHTER ASSISTANCE GRANTS

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses, not otherwise provided for, for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $750,000,000 (increased by $10,000,000) to remain available through September 30, 2005: *Provided*, That up to 5 percent of this amount shall be transferred to ''Preparedness, Mitigation, Response, and Recovery'' for program administration.

[DISASTER RELIEF

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,800,000,000 and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $22,000,000 may be transferred to the Office of Inspector General for audits and investigations.

[FLOOD MAP MODERNIZATION FUND

[For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968, $200,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act; to remain available until expended.

[NATIONAL FLOOD INSURANCE FUND

[(INCLUDING TRANSFER OF FUNDS)

[For activities under the National Flood Insurance Act of 1968, and the Flood Disaster Protection Act of 1973, not to exceed $32,761,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $77,809,000 for flood mitigation, to remain available until September 30, 2005, including up to $20,000,000 for expenses under section 1366 of such Act of 1968, which amount shall be available for transfer to Grant Programs until September 30, 2005, and which amounts shall be derived from offsetting collections assessed and collected pursuant to 42 U.S.C. 4014, and shall be retained and used for necessary expenses under this heading: *Provided*, That no funds, in excess of $55,000,000 for operating expenses; $565,897,000 for agents' commissions and taxes; and $40,000,000 for interest on Treasury borrowings, shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

[DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

[For direct loans, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses to carry out the direct loan program, $558,000.

[TITLE IV—OTHER DEPARTMENTAL ACTIVITIES

[CITIZENSHIP AND IMMIGRATION SERVICES

[OPERATING EXPENSES

[For necessary expenses for citizenship and immigration services, including international services, $248,500,000.

[UNITED STATES COAST GUARD

[OPERATING EXPENSES

[For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note); and recreation and welfare; $4,703,530,000, of which $1,300,000,000 shall be for defense-related activities; of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund; and of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That none of the funds appropriated in this or any other Act shall be available for pay of administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available

for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation.

[ENVIRONMENTAL COMPLIANCE AND RESTORATION

[For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $17,000,000, to remain available until expended.

[RESERVE TRAINING

[For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $94,051,000.

[ACQUISITIONS, CONSTRUCTION, AND IMPROVEMENTS

[For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $805,000,000, of which $23,500,000 shall be derived from the Oil Spill Liability Trust Fund; of which $66,500,000 shall be available until September 30, 2008 to acquire, repair, renovate, or improve vessels, small boats, and related equipment; $138,500,000 shall be available until September 30, 2006 for other equipment; $70,000,000 shall be available until September 30, 2005 for personnel compensation and benefits and related costs; and $530,000,000 shall be available until September 30, 2008 for the Integrated Deepwater Systems program: *Provided*, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2006 only for Rescue 21 (the National Distress and Response System Modernization program): *Provided further*, That upon initial submission to the Congress of the fiscal year 2005 President's budget, the Secretary of Homeland Security shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard that includes funding for each budget line item for fiscal years 2005 through 2009, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

[ALTERATION OF BRIDGES

[For necessary expenses for alteration or removal of obstructive bridges, $19,500,000, to remain available until expended.

[RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

[For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $22,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

[RETIRED PAY

[For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses under the National Defense Authorization Act, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $1,020,000,000.

[INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

[OPERATING EXPENSES

[For necessary expenses of the Directorate of Information Analysis and Infrastructure Protection of the Department of Homeland Security as authorized by law, $776,000,000, to remain available until September 30, 2005.

[SCIENCE AND TECHNOLOGY

[RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

[For necessary expenses of activities of the Department of Homeland Security in carrying out the purposes of title III of the Homeland Security Act of 2002 (Public Law 107–296), for basic and applied research, development, test and evaluation, construction, procurement, production, modification and modernization of systems, subsystems, spare parts, accessories, training devices, operation of the Science and Technology Directorate and its organizations and activities, including the Homeland Security Advanced Research Projects Agency, for cooperative programs with States and local governments to enable the detection, destruction, disposal, or mitigation of the effects of weapons of mass destruction and other terrorist weapons, and for the construction, maintenance, rehabilitation, lease, and operation of buildings and other facilities, and equipment, necessary for the activities of the Directorate, $900,360,000, to remain available until September 30, 2006.

[UNITED STATES SECRET SERVICE

[SALARIES AND EXPENSES

[For necessary expenses of the United States Secret Service, $1,148,700,000, including purchase of American-made side-car compatible motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitation on such expenditures in this or any other Act; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $25,000 for official reception and representation expenses; not to exceed $100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase limitation for the current fiscal year: *Provided*, That $1,633,000 shall be available for forensic and related support of investigations of missing and exploited children: *Provided further*, That $4,783,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: *Provided further*, That up to $18,000,000 for protective travel shall remain available until September 30, 2005: *Provided further*, That subject to the reimbursement of actual costs to this account, funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers, training Federal law enforcement officers, training State and local government law enforcement officers on a space-available basis, and training private sector security officials on a space-available basis: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: *Provided further*, That the James J. Rowley Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

[ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

[For necessary expenses of construction, repair, alteration, and improvement of facilities, $3,579,000, to remain available until expended.

[TITLE V—GENERAL PROVISIONS

[SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

[(TRANSFERS OF UNEXPENDED BALANCES)

[SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

[(INCLUDING TRANSFER OF FUNDS)

[SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; or (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose, unless both Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

[(b) None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from

any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities, as approved by the Congress; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

[(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security in this Act or provided in previous appropriation Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds and shall not be available for obligation unless the Committees on Appropriations are notified 15 days in advance of such transfer.

[SEC. 504. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2004 from appropriations made available for salaries and expenses for fiscal year 2004 in this Act, shall remain available through September 30, 2005, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

[SEC. 505. Except as otherwise provided in this Act, funds may be used for hire and purchase of motor vehicles as authorized by section 1343 of title 31, United States Code: *Provided*, That purchase for police-type use of passenger vehicles may be made without regard to the general purchase price limitation for the current fiscal year.

[SEC. 506. The Federal Emergency Management Agency ''Working Capital Fund'' shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002, for expenses and equipment necessary for maintenance and operations of such administrative services as the Secretary of Homeland Security determines may be performed more advantageously as central services. Such fund shall hereafter be known as the ''Department of Homeland Security Working Capital Fund''.

[SEC. 507. The Federal Emergency Management Agency ''Bequests and Gifts'' account shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002, for the Secretary of Homeland Security to accept, hold, administer, and utilize gifts and bequests, including property, to facilitate the work of the Department of Homeland Security: *Provided*, That such fund shall hereafter be known as ''Department of Homeland Security, Gifts and Donations'': *Provided further*, That any gift or bequest shall be used in accordance with the terms of that gift or bequest to the greatest extent practicable.

[SEC. 508. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2004 until the enactment of the Intelligence Authorization Act for fiscal year 2004.

[SEC. 509. The Federal Law Enforcement Training Center is directed to establish an accrediting body that will include representatives from the Federal law enforcement community, as well as non-Federal accreditation experts involved in law enforcement training. The purpose of this body will be to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

[SEC. 510. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than 5 miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

[SEC. 511. None of the funds in this Act may be used to make a grant unless the Secretary of Homeland Security notifies the Committees on Appropriations not less than 3 full business days before any grant allocation, discretionary grant award, or letter of intent totaling $1,000,000 or more is announced by the department or its directorates from: (1) any discretionary or formula-based grant program of the Office of Domestic Preparedness; (2) any letter of intent from the Transportation Security Administration; or (3) any port security grant: *Provided*, That no notification shall involve funds that are not available for obligation.

[SEC. 512. Notwithstanding any other provision of law, no agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

[SEC. 513. The Federal Law Enforcement Training Center is directed to ensure that all of the training centers under its control are operated at their highest potential capacity efficiency throughout the fiscal year. In order to facilitate this direction, the Director is authorized to schedule basic and advanced law enforcement training at any site the Federal Law Enforcement Training Center determines is warranted in the interests of the Government to ensure the best utilization of the Center's total capacity for training, notwithstanding legislative prohibitions.

[SEC. 514. None of the funds made available by this Act may be used for the production of customs declarations that do not inquire whether the passenger has been in the proximity of livestock.

[SEC. 515. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a determination, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

[SEC. 516. None of the funds made available in this Act may be used to allow—

[(1) the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); or

[(2) the release into the United States of any good, ware, article, or merchandise on which there is in effect a detention order, pursuant to such section 307, on the basis that the good, ware, article, or merchandise may have been mined, produced, or manufactured by forced or indentured child labor.

[SEC. 517. Appropriations to the Department of Homeland Security in this Act shall be available for purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by section 3109 of title 5, United States Code.

[SEC. 518. None of the funds appropriated in this Act may be used for expenses of any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

[SEC. 519. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Transportation Security Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to aviation security: *Provided*, That the prohibition of funds in this section does not apply to—

[(1) negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items, or

[(2) space for necessary security checkpoints.

[SEC. 520. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a–10c).

[SEC. 521. None of the funds made available in this Act may be used to approve, renew, or implement any aviation cargo security plan that permits the transporting of unscreened or uninspected cargo on passenger planes.

[This Act may be cited as the ''Department of Homeland Security Appropriations Act, 2004''.]

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, namely:

DEPARTMENT OF HOMELAND SECURITY

TITLE I—DEPARTMENTAL OPERATIONS, MANAGEMENT, AND OVERSIGHT

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112) and executive management of the Department of Homeland Security, as authorized by law, $83,653,000.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management and Administration, as authorized by sections 701–704 of the Homeland Security Act of 2002 (6 U.S.C. 341–344), $167,521,000: Provided, That of the total amount provided, $30,000,000 shall remain available until expended solely for the alteration and improvement of facilities and for relocation costs necessary for the interim housing of the Department's headquarters' operations and organizations collocated therewith.

DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS

For development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the land mobile radio legacy systems, $185,000,000, to remain available until expended.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $58,118,000; of which not to exceed

$100,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II—SERVICES

CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, including international services, as transferred by and authorized by the Homeland Security Act of 2002 (6 U.S.C. 271, 272), $229,377,000.

TITLE III—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Under Secretary for Border and Transportation Security, as authorized by Subtitle A, Title IV, of the Homeland Security Act of 2002 (6 U.S.C. 201–203), $8,842,000.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1221 note), $380,000,000, to remain available until expended: Provided, That none of the funds appropriated in this Act for the United States Visitor and Immigrant Status Indicator Technology project may be obligated until the Department of Homeland Security submits a plan for expenditure that has been approved by the Committees on Appropriations of the Senate and the House of Representatives.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports, acquisition, lease, maintenance and operation of aircraft; purchase and lease of up to 4,500 (3,935 for replacement only) police-type vehicles; contracting with individuals for personal services abroad; including not to exceed $1,000,000 to meet unforeseen emergencies of a confidential nature, to be expended under the direction of, and to be accounted for solely under the certificate of, the Under Secretary for Border and Transportation Security; as authorized by any Act enforced by the Bureau of Customs and Border Protection, $4,366,000,000, of which not to exceed $96,000,000 shall remain available until September 30, 2005, for inspection technology; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed $5,000,000 shall be available for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration: Provided, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of $30,000, except that the Under Secretary for Border and Transportation Security may exceed that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided for activities to enforce laws against forced child labor in fiscal year 2004, not to exceed $4,000,000 shall remain available until expended.

In addition, for administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, and notwithstanding section 1511 (e)(1) of Public Law 107–296, $3,000,000 to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the appropriation for ''Salaries and Expenses'' under this heading.

AUTOMATION MODERNIZATION

For expenses for Customs and Border Protection automated systems, $441,122,000, to remain available until expended, of which not less than $318,690,000 shall be for the development of the Automated Commercial Environment: Provided, That none of the funds appropriated in this Act for the Automated Commercial Environment may be obligated until the Department of Homeland Security submits a plan for expenditure that has been approved by the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $90,363,000, to remain available until expended.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for enforcement of immigration and customs laws, detention and removals, investigations; purchase and lease of up to 1,600 (1,450 for replacement only) police-type vehicles; including not to exceed $1,000,000 to meet unforeseen emergencies of a confidential nature, to be expended under the direction of, and to be accounted for solely under the certificate of, the Under Secretary for Border and Transportation Security; as authorized by any Act enforced by the Bureau of Immigration and Customs Enforcement, $2,180,000,000, of which not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081), of which not less than $40,000,000 shall be available until expended for information technology infrastructure, and of which not to exceed $5,000,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That in addition, $424,211,000 shall be transferred from the revenues and collections in the General Services Administration, Federal Buildings Fund for the Federal Protective Service: Provided further, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of $30,000, except that the Under Secretary for Border and Transportation Security may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided for activities to enforce laws against forced child labor in fiscal year 2004, not to exceed $1,000,000 shall remain available until expended.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE AND PROCUREMENT

For necessary expenses for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Bureau of Immigration and Customs Enforcement; and at the discretion of the Director of the Bureau of Immigration and Customs Enforcement, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $257,291,000, to remain available until expended.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $26,775,000, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note), $4,523,900,000, to remain available until September 30, 2005, of which $3,185,000,000 shall be available for screening activities and of which $1,338,900,000 shall be available for airport support and enforcement presence: Provided, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and used for providing civil aviation security services authorized by that section: Provided further, That the sum under this heading appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2004 in order to result in a final fiscal year appropriation from the general fund estimated at not more than $2,453,900,000: Provided further, That any security service fees collected in excess of the amount appropriated under this heading shall be treated as offsetting collections in fiscal year 2005: Provided further, That of the total amount provided under this heading, $309,000,000 shall be available for physical modification of commercial service airports for the purpose of installing checked baggage explosive detection systems, as authorized by section 367 of title III of Division I of the Consolidated Appropriations Resolution, 2003 (49 U.S.C. 47110 note); and $150,500,000 shall be available for procurement of checked baggage explosive detection systems, including explosive trace detection systems, as authorized by section 4490 of title 49, United States Code.

MARITIME AND LAND SECURITY

For necessary expenses of the Transportation Security Administration related to maritime and land transportation security grants and services pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note), $295,000,000, to remain available until September 30, 2005: Provided, That of the total amount provided under this heading, $150,000,000 shall be available for port security grants, which shall be distributed under the same terms and conditions as provided for under Public Law 107–117; and $30,000,000 shall be available to execute grants, contracts, and interagency agreements for the purpose of deploying Operation Safe Commerce.

INTELLIGENCE

For necessary expenses for intelligence activities pursuant to the Aviation and Transportation Security Act (49 U.S.C. 40101 note), $13,600,000, to remain available until September 30, 2004.

RESEARCH AND DEVELOPMENT

For necessary expenses for research and development related to transportation security, $130,200,000, to remain available until expended: Provided, That of the total amount provided under this heading, $45,000,000 shall be available for the research and development of explosive detection devices.

ADMINISTRATION

For necessary administrative expenses of the Transportation Security Administration to carry out the Aviation and Transportation Security Act (49 U.S.C. 40101 note), $433,200,000, to remain available until September 30, 2004.

UNITED STATES COAST GUARD

OPERATING EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for the operation and maintenance of the Coast Guard not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note); and section 229(b) of the Social Security Act (42 U.S.C. 429(b)) and recreation and welfare, $4,719,000,000, of which $340,000,000 shall be available for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That none of the funds appropriated by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided by this Act shall be available for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That notwithstanding section 1116(c) of title 10, United States Code, amounts made available under this heading may be used to make payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund for fiscal year 2004 under section 1116(a) of such title.

In addition, of the funds appropriated under this heading in chapter 6 of title I of Public Law 108–11 (117 Stat. 583), $71,000,000 are hereby rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $17,000,000, to remain available until expended.

RESERVE TRAINING

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services, $95,000,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $1,035,000,000, of which $23,500,000 shall be derived from the Oil Spill Liability Trust Fund; of which $66,500,000 shall be available to acquire, repair, renovate, or improve vessels, small boats, and related equipment, to remain available until expended; of which $178,500,000 shall be available for other equipment, to remain available until expended; of which $70,000,000 shall be available for personnel compensation and benefits and related costs; of which $702,000,000 shall be available for the Integrated Deepwater Systems program, to remain available until expended; and of which $18,000,000 shall be available for alteration or removal of obstructive bridges, to remain available until expended: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available only for Rescue 21 and shall remain available until expended: Provided further, That funds for bridge alteration projects conducted pursuant to the Act of June 21, 1940 (33 U.S.C. 511 et seq.) shall be available for such projects only to the extent that the steel, iron, and manufactured products used in such projects are produced in the United States, unless contrary to law or international agreement, or unless the Commandant of the Coast Guard determines such action to be inconsistent with the public interest or the cost unreasonable.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses under the National Defense Authorization Act, and for payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,020,000,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 730 vehicles for police-type use, of which 610 shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made sidecar compatible motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,114,737,000, of which $1,633,000 shall be available for forensic and related support of investigations of missing and exploited children; and of which $5,000,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2005: Provided further, That in fiscal year 2004 and thereafter, the James J. Rowley Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $3,579,000, to remain available until expended.

TITLE IV—ASSESSMENTS, PREPAREDNESS, AND RECOVERY

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary of Homeland Security, $20,000,000, to remain available until expended, to reimburse any Department of Homeland Security organization for the costs of providing support to counter, investigate, or prosecute unexpected threats or acts of terrorism, including payment of rewards in connection with these activities: Provided, That any funds provided under this heading shall be available only after the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives in accordance with section 605 of this Act.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; for expenses for student athletic and related activities; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; room and board for student interns; and services as authorized by section 3109 of title 5, United States Code, $172,736,000, of which up to $44,413,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2005: Provided, That in fiscal year 2004 and thereafter, the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes: Provided further, That in fiscal year 2004 and thereafter, the Center is authorized to accept detailees from other Federal agencies, on a non-reimbursable basis, to staff the accreditation function: Provided further, That notwithstanding any other provision of law, in fiscal year 2004 and thereafter, students attending training at any Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That in fiscal year 2004 and thereafter, funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken under section 801 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–32); training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: Provided further, That in fiscal year 2004 and thereafter, the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That in fiscal year 2004 and thereafter, the Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $28,708,000, to remain available until expended.

OFFICE FOR DOMESTIC PREPAREDNESS

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,888,000,000, which shall be allocated as follows:

(1) $1,750,000,000 for grants pursuant to section 1014 of the USA PATRIOT Act of 2001 (42 U.S.C. 3711), of which $500,000,000 shall be available for State and local law enforcement terrorism prevention grants: Provided, That no funds shall be made available to any State prior to the submission of an updated state plan to the Office for Domestic Preparedness: Provided further, That the application for grants shall be made available to States within 15 days after enactment of this Act; and that States shall submit applications within 30 days after the grant

announcement; and that the Office for Domestic Preparedness shall act on each application within 15 days after receipt: Provided further, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 45 days after the grant award;

(2) $30,000,000 for technical assistance;

(3) $750,000,000 for discretionary grants for use in high-threat urban areas, as determined by the Secretary of Homeland Security: Provided, That no less than 80 percent of any grant to a State shall be made available by the State to local governments within 45 days after the receipt of the funds: Provided further, That section 1014(c)(3) of the USA PATRIOT Act of 2001 (42 U.S.C. 3711) shall not apply to these grants; and

(4) $358,000,000 for national programs:

Provided, That none of the funds appropriated under this heading shall be used for the construction or renovation of facilities: Provided further, That funds appropriated for State and local law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraph (3) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with Office for Domestic Preparedness certified training as needed: Provided further, That the Secretary of Homeland Security shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of the funds provided under paragraphs (1) and (3) of this heading.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $750,000,000, to remain available until September 30, 2005: Provided, That up to 5 percent of this amount shall be available for program administration.

OFFICE OF THE UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE

For necessary expenses for the Office of the Under Secretary for Emergency Preparedness and Response as authorized by section 502 of the Homeland Security Act of 2002 (6 U.S.C. 312), $3,615,000.

EMERGENCY PREPAREDNESS AND RESPONSE

OPERATING EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses of the Emergency Preparedness and Response Directorate, $826,801,000, to remain available until expended, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), 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 Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 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), Reorganization Plan No. 3 of 1978 (5 U.S.C. 903 note), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That of the amount provided under this heading: $163,000,000 shall be for activities relating to Preparedness, Mitigation, Response and Recovery; $434,000,000 shall be for Public Health Programs, including the Disaster Medical Assistance Teams and the Strategic National Stockpile; $165,214,000 shall be for Administrative and Regional Operations; and $64,587,000 shall be for Urban Search and Rescue Teams.

In addition, of the funds appropriated under this heading by Public Law 108–11 (117 Stat. 583), $3,000,000 are hereby rescinded.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2004, as authorized by the Energy and Water Development Appropriations Act, 2001 (Public Law 106–377; 114 Stat. 114A–46), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2004, and remain available until expended.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,956,000,000, notwithstanding the matter under the heading ''Disaster Relief'' under the heading ''Federal Emergency Management Agency'' of chapter II of title I of Public Law 102–229 (42 U.S.C. 5203), to remain available until expended; of which not to exceed $22,000,000 shall be transferred to and merged with the appropriation for ''Office of the Inspector General'' for audits and investigations.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For direct loans, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162): Provided, That gross obligations for the principal amount of direct loans not to exceed $25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a). In addition, for administrative expenses to carry out the direct loan program, $557,000.

NATIONAL PRE-DISASTER MITIGATION FUND

For a pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $150,000,000, to remain available until expended: Provided, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(g)): Provided further, That, notwithstanding section 203(f) of that Act (42 U.S.C. 5133(f)), grant awards shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: Provided further, That total administrative costs shall not exceed 3 percent of the total appropriation.

FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $200,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), not to exceed $32,663,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and not to exceed $77,809,000 for flood hazard mitigation, to remain available until September 30, 2005, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2005, and which amounts shall be derived from offsetting collections assessed and collected pursuant to section 1307 of that Act (42 U.S.C. 4014), and shall be retained and used for necessary expenses under this heading: Provided, That in fiscal year 2004, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $565,897,000 for agents' commissions and taxes; and (3) $40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), $20,000,000, to remain available until September 30, 2005, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by 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 Reductions Act of 1977 (42 U.S.C. 7701 et seq.), and the Reorganization Plan No. 3 of 1978 (5 U.S.C. 903 note), $165,000,000.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77 (42 U.S.C. 11331 et seq.), $153,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total appropriation.

CERRO GRANDE FIRE CLAIMS

For payment of claims under the Cerro Grande Fire Assistance Act (Public Law 106–246; 114 Stat. 583), $38,062,000, to remain available until expended: Provided, That up to 5 percent of this amount may be made available for administrative costs.

OFFICE OF THE UNDER SECRETARY FOR INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

For necessary expenses of the Office of the Under Secretary for Information Analysis and Infrastructure Protection as authorized by section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121), $10,460,000; of which $5,442,000 shall be for operations of the Department of Homeland Security Command Center.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION, OPERATING EXPENSES

For necessary expenses for information analysis and infrastructure protection as authorized by section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121), $823,700,000, to remain available until September 30, 2005.

TITLE V—RESEARCH AND DEVELOPMENT

OFFICE OF THE UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY

For necessary expenses of the Office of the Under Secretary for Science and Technology as authorized by section 302 of the Homeland Security Act of 2002 (6 U.S.C. 182), $5,400,000.

SCIENCE AND TECHNOLOGY, RESEARCH, DEVELOPMENT, ACQUISITION AND OPERATIONS

For necessary expenses for science and technology research, development, acquisition, and operations, as authorized by sections 302, 307, and 308 of the Homeland Security Act of 2002 (6 U.S.C. 182, 187, 188), $866,000,000, to remain available until expended; of which $55,000,000 is for university-based centers for homeland security as authorized by section 308(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 188(b)(2)); and of which $70,000,000 is provided for the centralized Federal technology clearinghouse as authorized by section 313 of the Homeland Security Act of 2002 (6 U.S.C. 193): Provided, That of the total amount appropriated,

$20,000,000 shall be available for the construction of the National Biodefense Analysis and Countermeasures Center.

TITLE VI—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 601. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 602. The Federal Emergency Management Agency ''Working Capital Fund'' shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002 (6 U.S.C. 313 and 557), for expenses and equipment necessary for maintenance and operations of such administrative services as the Secretary determines may be performed more advantageously as central services: Provided, That such fund shall hereafter be known as the ''Department of Homeland Security Working Capital Fund''.

SEC. 603. The Federal Emergency Management Agency ''Bequests and Gifts'' account shall be available to the Department of Homeland Security, as authorized by sections 503 and 1517 of the Homeland Security Act of 2002 (6 U.S.C. 313 and 557), for the Secretary of Homeland Security to accept, hold, administer and utilize gifts and bequests, including property, to facilitate the work of the Department of Homeland Security: Provided, That such fund shall hereafter be known as ''Department of Homeland Security, Gifts and Donations'': Provided further, That any gift or bequest is to be used in accordance with the terms of that gift or bequest to the greatest extent practicable.

SEC. 604. No employee of the Department of Homeland Security may be detailed or assigned from an agency, bureau, or office funded by this Act to any other agency, bureau, or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment unless expressly so provided herein.

SEC. 605. (a) None of the funds provided by this Act, or provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by Congress; or (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, projects or activities, as approved by Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year to the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) of this section and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

SEC. 606. Of the funds appropriated by this Act or otherwise made available, not to exceed $100,000 may be used for official reception and representation expenses when specifically approved by the Secretary.

SEC. 607. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2004 until the date of enactment of an Act authorizing intelligence activities for fiscal year 2004.

SEC. 608. The Federal Law Enforcement Training Center is directed to establish an accrediting body that will include representatives from the Federal law enforcement community, as well as non-Federal accreditation experts involved in law enforcement training. The purpose of this body will be to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 609. For fiscal year 2004 and thereafter, none of the funds made available by this Act may be used for the production of customs declarations that do not inquire whether the passenger had been in the proximity of livestock.

SEC. 610. For fiscal year 2004 and thereafter, none of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a determination, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 611. For fiscal year 2004 and thereafter, none of the funds made available by this Act may be used to allow—

(1) the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); or

(2) the release into the United States of any good, ware, article, or merchandise on which there is in effect a detention order under such section 307 on the basis that the good, ware, article, or merchandise may have been mined, produced, or manufactured by forced or indentured child labor.

SEC. 612. Unless otherwise provided, funds may be used for purchase of insurance for official motor vehicles operated in foreign countries, and for the hire and purchase of motor vehicles as authorized by section 1343 of title 31, United States Code: Provided, That purchase for police-type use of passenger vehicles may be made without regard to the general purchase price limitation for the current fiscal year.

SEC. 613. Unless otherwise provided, funds may be used for uniforms without regard to the general purchase price limitation for the current fiscal year.

SEC. 614. None of the funds made available by this Act shall be used to pay the salaries and expenses of personnel to adopt guidelines or regulations requiring airport sponsors to provide to the Transportation Security Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to aviation security: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the Transportation Security Administration for necessary security checkpoints.

SEC. 615. (a) None of the funds provided by this or previous appropriations Acts may be obligated for testing (other than simulations), deployment, or implementation of the Computer Assisted Passenger Prescreening System (CAPPS II) that the Transportation Security Administration (TSA) plans to utilize to screen aviation passengers, until the General Accounting Office has reported to the Committees on Appropriations of the Senate and the House of Representatives that—

(1) a system of due process exists whereby aviation passengers determined to pose a threat and either delayed or prohibited from boarding their scheduled flights by the TSA may appeal such decision and correct erroneous information contained in CAPPS II;

(2) the underlying error rate of the government and private data bases that will be used both to establish identity and assign a risk level to a passenger will not produce a large number of false positives that will result in a significant number of passengers being treated mistakenly or security resources being diverted;

(3) the TSA has stress-tested and demonstrated the efficacy and accuracy of all search tools in CAPPS II and has demonstrated that CAPPS II can make an accurate predictive assessment of those passengers who may constitute a threat to aviation;

(4) the Secretary of Homeland Security has established an internal oversight board to monitor the manner in which CAPPS II is being developed and prepared;

(5) the TSA has built in sufficient operational safeguards to reduce the opportunities for abuse;

(6) substantial security measures are in place to protect CAPPS II from unauthorized access by hackers or other intruders;

(7) the TSA has adopted policies establishing effective oversight of the use and operation of the system; and

(8) there are no specific privacy concerns with the technological architecture of the system.

(b) The General Accounting Office shall submit the report required under paragraph (a) of this section no later than 60 days after the enactment of this Act.

This Act may be cited as the ''Department of Homeland Security Appropriations Act, 2004''.

Pending:

Byrd amendment No. 1317, to fulfill homeland security promises.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, yesterday when we presented this bill for consideration, we had opening statements describing the content of the legislation. It is the first appropriations bill that will provide funding for the new Department of Homeland Security. It provides funding in the amount of $29.326 billion for this new Department. It is a billion dollars over the President's budget request but consistent with the allocation under the budget resolution to this subcommittee.

The additional funds are used primarily for training enforcement personnel and developing new equipment

and technologies that can be utilized to better protect our homeland. State and local governments will get grants from the Department to help upgrade their capabilities in this area, not just against the war against terror and defeating terrorism but in dealing with natural disasters as well.

The 22 agencies that previously existed that have responsibilities in this area have been folded into one organization under this new Department headed up by Secretary Tom Ridge. We are hopeful we can complete action on this bill by Wednesday evening, and we will be able, then, to start working to iron out differences between the House and Senate bills so when we come back from the break in August we can pass this bill and do our part to contribute to the timely consideration of all appropriations bills in time for the beginning of the fiscal year on October 1. We have asked Senators to let us know what amendments they intend to offer. We hope we can handle these amendments expeditiously.

There was one amendment laid down yesterday by Senator BYRD that would add over a billion dollars to different accounts in the bill. We can take that amendment up. I am advised that Senator BYRD will be coming to discuss that amendment and other issues that are involved in this legislation later in the day. Until that amendment can be disposed of, we have an opportunity for other amendments to be called up. We can set aside the Byrd amendment and consider other amendments if it is agreed to.

I looked at the list. There are 29 amendments that we know about. Most of them are being offered by Senators on the Democratic side of the aisle. We hope we can have the cooperation of all Senators to expeditiously consider the legislation and not drag out the consideration of amendments.

I thank my friend, the Senator from Nevada, for working with us to look at ways to expedite the consideration of this bill. I appreciate his assistance, advice, and counsel in this process.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator BYRD has said, as the distinguished manager of the bill has noted, that he has no objection to moving to another amendment. The only caveat would be that at 3:30, or whenever we reconvene after the caucuses, that he be recognized and his amendment recur. That would give someone at least an hour and a half or thereabouts to work on their amendment.

As I indicated to the distinguished majority leader, we are in the process of hotlining. We do have a list of amendments. I am going to step off the Senate floor now and make some calls and see if we can get someone to come over.

There was some understanding that Senator BYRD would have the floor this morning, but that is not the case now. So maybe someone could come over when there is a relative quiet time, before the rush at the end of this bill takes place sometime later this week.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we appreciate the advice and information that the distinguished Democratic whip has offered us. We do hope Senators will come now and call up amendments. In the expectation that will be the case, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the Byrd amendment be set aside, and that Senator BYRD's amendment recur when we come back after our caucus recess today.

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

AMENDMENT NO. 1318

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1318.

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

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

The amendment is as follows:

(Purpose: To appropriate $20,000,000 to the Office for Domestic Preparedness to be used for grants to urban areas with large tourist populations)

On page 58, strike line 6 and all that follows through page 59, line 17, and insert the following:

any other provision of law, $2,908,000,000, which shall be allocated as follows:

(1) $1,750,000,000 for grants pursuant to section 1014 of the USA PATRIOT Act of 2001 (42 U.S.C. 3711), of which $500,000,000 shall be available for State and local law enforcement terrorism prevention grants: *Provided*, That no funds shall be made available to any State prior to the submission of an updated state plan to the Office for Domestic Preparedness: *Provided further*, That the application for grants shall be made available to States within 15 days after enactment of this Act; and that States shall submit applications within 30 days after the grant announcement; and that the Office for Domestic Preparedness shall act on each application within 15 days after receipt: *Provided further*, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 45 days after the grant award;

(2) $30,000,000 for technical assistance;

(3) $750,000,000 for discretionary grants for use in high-threat urban areas, as determined by the Secretary of Homeland Security: *Provided*, That no less than 80 percent of any grant to a State shall be made available by the State to local governments within 45 days after the receipt of the funds: *Provided further*, That section 1014(c)(3) of the USA PATRIOT Act of 2001 (42 U.S.C. 3711) shall not apply to these grants;

(4) $20,000,000 for discretionary grants for use in urban areas with large tourist populations, to be used as determined by the Secretary of Homeland Security; and

(5) $358,000,000 for national programs:

Provided, That none of the funds appropriated under this heading shall be used for the construction or renovation of facilities: *Provided further*, That funds appropriated for State and local law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraphs (3) and (4) of this heading shall be available for operational costs, to include personnel overtime and overtime.

Mr. REID. Mr. President, this amendment deals with our efforts to secure hometowns. First, I thank the chairman and ranking member of the Homeland Security Subcommittee for their efforts to bring a responsible bill to the Senate floor. As I have said to both the chairman and ranking member of this subcommittee, I think the bill's biggest problem is simply a lack of money. They did not have an easy task. The subcommittee did not have an easy task. The full Appropriations Committee did not have an easy task with this new subcommittee, created as a result of the 9/11 terror act.

The subcommittee allocations this year have made it a challenge for each subcommittee. Unfortunately, the budget that Congress passed this year has made it nearly impossible to address all the needs of our Nation's emergency responders.

A recent report, sponsored by the Council on Foreign Relations, and directed by Warren Rudman, who, of course, we know is a longtime Senator from the State of New Hampshire, found that our Nation will need an additional—let's round it off to $100 billion—basically what he said is more than $98 billion over the next 5 years to meet all of our hometown safety needs, an additional $20 billion each year.

Because of this fact, I am on the floor today to offer an amendment that will attempt to address one of the areas that I believe we have not sufficiently addressed; namely, the tourists that come to many of our Nation's cities.

The United States is home to some of the most visited and cherished cities in the world. I applaud my friend, the distinguished President pro tempore of the Senate, the chairman of the Appropriations Committee, for coming up, in the supplemental bill we just passed, with $50 million to promote tourism for the United States. The State and local governments in our country will make far more than what we spend by advertising, by promoting places in America for people to visit.

I am always stunned when Senator ENSIGN and I have our ''Welcome to Washington'' meetings every Thursday morning. People come to Washington from all over Nevada, and a large number of them say: I have never been to our Nation's Capital before. They have been other places. I am always amazed when someone says: Yes, I have been to

London. I have been to Paris or Mexico City but never Washington, DC. Washington, DC, is a beautiful city. It is our Nation's Capital. Certainly we should be proud.

Not only do we have landmarks, such as the Washington Monument, the Lincoln Memorial, the Capitol, the White House, the beautiful Mall, but things are being built all the time to entice people to come here. It is too bad we do not do a better job of promoting tourism for our country because people who come to Washington, DC, see amazing things. If they have been here before, they see new things when they come back.

Now under construction is the American Indian Museum. It is going to be a beautiful place on our Mall. In recent years, of course, we have added places to visit, i.e., the Franklin Roosevelt Memorial, which is a tremendous piece of work. They did a wonderful job in laying out the four terms this man served as President of the United States—the four times he was elected as President of the United States.

One of the most moving items on that Mall is a memorial that was relatively recently constructed, the Korean Memorial, especially at nighttime. Those soldiers are lined up in their ponchos, with their rifles on their shoulders. You can just see them in the ''coldest war,'' as the Korean war is referred to.

There are lots of places to visit in America. We should do everything we can to get more people to come here.

Again, I commend the Senator from Alaska for working it out so we could have this money to promote the United States.

Whether you visit the Nation's Capital, go to Disney World or Disneyland, or go to Chicago, the so-called windy city that is really not as windy as some might think—it is an extremely pleasant place, if you are not there in the wintertime. Chicago is a wonderful place. I was so impressed when we went to the National Democratic Convention there. I really didn't look forward to going to Chicago. I had been there basically in the wintertime at the airport, and those are not pleasant experiences. One of the nicest times my wife and I ever had was at that convention. Chicago is a beautiful city, with many places to see. And it is a place for visitors, for tourists.

America's tourist destinations are a source of pride for our country, as well they should be. Our national parks are places that are the envy of the rest of the world.

But in our cities, emergency responders take just as much pride in protecting those temporary residents, those tourists who make their homes in hotel rooms rather than apartments and houses. So we should make sure these emergency responders have the resources to protect us when we travel, just as they would protect us in a permanent residence.

This may not seem like a major issue, but let's look at some of the facts. Tourists account for a sizable number of people in many of our larger cities. There are 15 cities with more than 45,000—45,000—hotel rooms, based on a study by Smith Travel Research. Each hotel room accounts for several visitors every day. That means just the hotel rooms in each of these cities is responsible for at least 100,000 new people, additional people each day. That is the size of a small city.

In Nevada, we have cities that have a lot of people in them: Reno, Las Vegas, Henderson, and North Las Vegas; and then there are places that are pretty small by most standards.

Las Vegas has about 130,000 hotel rooms. We have been very fortunate. The occupancy has been good even after September 11. In fact, in Las Vegas an average of about a quarter of a million people stay in our hotels each day. During most weekends, it approaches 350,000 or 400,000. That tourist population of only 250,000 on a weekday in Las Vegas represents a city the size of Savannah, GA, or Tallahassee, FL.

This amendment would correct that deficiency. It would correct it in Orlando, Las Vegas, New York, Dallas, and other places where we have a lot of tourists on a daily basis. This amendment would set aside a relatively small amount. This bill is more than $25 billion but not $30 billion, so this is $20 million for these areas where there are a lot of tourists. This amendment would not take away from any other worthwhile program. My amendment would simply add $20 million to the money we are already spending for homeland security. The Rudman report told us we need to give our emergency responders almost $100 billion in the next 5 years. So this means unless we do something we are giving our emergency responders $100 billion less than what they need. This amendment is a start to addressing the shortfall.

We have a long way to go, but we have to start somewhere. It is quite clear this amendment is direct. It provides an additional $20 million to be distributed to cities with large tourist populations. The amendment has no offset. I have indicated that. There are very few opportunities for offsets in this bill since almost all programs are underfunded. So trying to take money from one place and putting it someplace else in this bill certainly would not be fair.

I repeat, according to a task force chaired by Senator Rudman, current homeland security funding levels will fall $98 billion short of the needs of our Nation over the next 5 years. From the standpoint of simply directing a message to the American people, it makes sense that we take care of people no matter where they are or why they are there. We have to make sure people who are emergency responders—police, fire, emergency medical personnel—have the money to take care of people, whether they are tourists or permanent residents.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we appreciate the Senator from Nevada bringing this issue to the attention of the Senate by offering this amendment. His amendment goes directly to the provision of the bill that provides funds for discretionary grants to high threat urban areas. In the bill, we provide an appropriation for this program of $750 million. These are discretionary grants to be made by the Office for Domestic Preparedness to those who are considered by the Department to be in need of these funds to better protect the security of these specific urban areas.

This is a discretionary program, and we are hoping that by defining the criteria to be considered by the Department, we help encourage the selection of sites. But we don't pretend to make those decisions here in the Senate or in the Congress. These are administrative decisions. If we got into the business of deciding which areas of the country, specifically which urban areas of the country should be entitled to these funds, it would be a very unwieldy process.

What we have done is to try to define the kinds of characteristics that should be taken into account by the administration as they make decisions in the awarding of these grants.

Vulnerability is one of those criteria. I will read now from the committee report, page 48, where this grant program is described. It says:

> The Committee expects the [Office for Domestic Preparedness] to allocate these funds no later than 30 days after enactment of the act. No less than 80 percent of discretionary grants provided to any State shall be obligated to local governments within 45 days of the State's receipt of funds. In making grants to State and local governments, the Secretary of Homeland Security shall take into consideration credible threat, vulnerability, population, cooperation of multiple jurisdictions in preparing domestic preparedness plans, and identified needs of public agencies. The grants may be made to single or multiple jurisdictions in the same urban area.

It is our judgment that the inclusion of the word ''vulnerability'' and also the statement with regard to population gives the Secretary the discretion to consider popularity as a tourist destination to be a vulnerability or characteristic that is consistent with vulnerability. Large hotels, as the Senator from Nevada describes, are, of course, vulnerable. A transient population that is not acquainted with the area as a resident might be could make them more vulnerable to a terrorist act. And while obviously the Senator has a legitimate concern for these communities and wants to be sure they are considered when the Department divides this money among other municipalities and local government agencies around the country, we think it is provided for already in the bill.

More importantly, to go back to the statement I made at the outset of my

response to the Senator, we don't need to get into the business of trying to convert this discretionary program into one where the Congress, by massaging the language and putting in additional criteria, ends up taking the discretion away or limiting the discretion that ought to be exercised by the Department. Many characteristics are going to be considered, but we hope we won't try to tie the hands of the administrator so tightly that this program loses its significance.

High threat urban areas, we recognize, are entitled to Federal support in managing the threats to those communities, and it may cost more than States or local jurisdictions can manage to more fully and successfully protect the security interests of people in those areas.

I am hopeful the Senate will reject the amendment. Specifically, the amendment is an add-on of $20 million without any offset. So it is subject to a point of order and would have to overcome that point of order. The Senate could waive the point of order, could approve a motion to waive, but that would be one way to join issue with this.

I think our discussion here—the Senator's comments and the response I have made—can be interpreted as a colloquy that clarifies the authority the Secretary has to give consideration to the special vulnerability of cities and other localities that have a high degree of tourist population. He specifically mentioned Las Vegas. I am thinking specifically, too, about the gulf coast of Mississippi where we have a large number of tourists who come visit the resort areas and the tourists hotels, other attractions along the Mississippi gulf coast.

That area might very well also qualify for consideration as a vulnerable area for funding under this provision. I think the Senator points out something the Secretary and the Office for Domestic Preparedness specifically ought to consider as they make these grants to so-called high-threat urban areas. These are discretionary, but we think the criteria we have listed and described in the committee report and in the colloquy we have had on this amendment the Senator offered will help guide the Department in making these grants and enable them to fully consider the vulnerability of areas with high density or high levels of tourist population. We think that would be appropriate.

Mr. REID. Will the Senator yield for a question?

Mr. COCHRAN. Yes.

Mr. REID. How much is set aside in this bill for these discretionary grants?

Mr. COCHRAN. Seven hundred and fifty million dollars.

Mr. REID. I appreciate very much the statement of the Senator from Mississippi. I am one of Secretary Ridge's fans. I came to Washington with him in 1982. Under very trying circumstances, I think he has done a very good job.

I also want to elaborate on some of the problems we have in Nevada. We have about 2.4 million people who come from overseas to Las Vegas. So on any given day there are 60,000, 70,000, 80,000 people from other countries in Las Vegas. I misspoke before when I said there were 130,000 hotel rooms; it is really closer to 150,000 hotel rooms in Las Vegas. It goes without saying that in those hotel rooms, which average about 90 percent occupancy, there are a lot of extra people.

I do appreciate not only what the Senator from Mississippi said but how he said it. Probably $750 million for discretionary grants isn't enough, but it is certainly a lot of money. I hope those who work with Secretary Ridge will do what they can to protect people in destinations no matter how they got there or why they are there. Whether you are a resident of Georgia and you are in Nevada or a resident of Nevada and you are in Georgia doing a little tourist work, you still have to be protected; and whether you are from England or Memphis and you are in Las Vegas, there is still a requirement to take good care of the people who are there, make sure they have police and fire protection and emergency medical personnel.

So I appreciate the work of the subcommittee, as I stated when I started my remarks. We have a problem in America today with security needs, and we in Congress have an obligation to do what we can to help State and local governments with problems that are national in scope. This is one area where we need help.

At an appropriate time, after further discussion with the chairman and ranking member of the committee, I will make a determination as to whether this amendment should require a vote or whether I want to work on the basis of the colloquy with the Senator from Mississippi and withdraw the amendment. That decision will be made at a subsequent time.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I appreciate the comments of the distinguished Senator from Nevada. We will continue to work with him to be sure that we take into account the observations he has made, and the urban areas in his State will be dealt with fairly by the Office for Domestic Preparedness in the consideration of the allocation of grants from this fund.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

Mr. COCHRAN. Mr. President, I am going to propound two unanimous consent requests which we understand have been cleared on both sides of the aisle, and I make this request at the suggestion of the majority leader.

I ask unanimous consent that the committee substitute amendment be agreed to and considered as original text for the purpose of further amendment, provided that no points of order be waived by virtue of this agreement; provided further that the amendments that are now pending be modified so they are considered as pending to the bill.

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

The committee amendment in the nature of a substitute was agreed to.

ORDER OF PROCEDURE

Mr. COCHRAN. Mr. President, I ask unanimous consent that at 12:30, the Senate stand in recess until 3:30 this afternoon. This would allow all Senators to attend an important briefing this afternoon, in addition to the party lunches at 12:30.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I wonder if it would not be to the benefit of especially the Senator and myself, but the Senate generally, if as soon as the Senator completes these unanimous consent requests we go into recess at that time rather than wait until 12:30?

Mr. COCHRAN. I have no objection to that and so modify my request in that way.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 3:30 p.m.

Thereupon, the Senate, at 12:22 p.m., recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. SUNUNU).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004—Continued

Mr. COCHRAN. Mr. President, we are on the Homeland Security appropriations bill. We have two amendments pending for consideration. It is my understanding a briefing is being held right now and Senators are expected to be in the Chamber soon to either debate these amendments or make other comments about the bill.

We encourage those who do have amendments to let us know about them. We have some indication that there are amendments that will be offered before we complete action on this bill, but we intend to push ahead and work as late tonight as the leader permits and complete action on this bill tomorrow, if possible. That is our intention. We hope to have the cooperation of all Senators.

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

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

AMENDMENT NO. 1317

Mr. BYRD. Mr. President, the Nation's eyes have been turned to war overseas. The country's focus has been on the daily battles in Iraq. On the news almost daily there have been reports of American soldiers still dying. While the President arguably says that the mission in Iraq has been accomplished, the mission to protect our citizens here at home is far from complete.

Immediately after September 11, 2001, there was a great outcry for strengthening homeland security. Congress responded, infusing $40 billion into the war on terrorism—including efforts to better protect our citizens here at home. But since those early weeks after that clear September morning, the momentum has slowed. The pace has slackened. Homeland security initiatives are falling behind.

Just last month, former Senator Warren Rudman chaired a task force at the Council on Foreign Relations that examined investments in police, fire, and emergency medical teams. This blue ribbon panel included Nobel laureates, U.S. military leaders, former high-level government officials, and other senior experts, and was advised by former White House terrorism and cyber-security chief Richard Clarke. The results of their examination should shake this Congress from its homeland security slumber and especially it should shake the White House from its slumber and from its focus elsewhere.

The task force found that, nearly two years after 9/11, the United States is drastically underfunding local emergency responders and remains dangerously unprepared to handle a catastrophic attack on American soil, particularly one involving chemical, biological, radiological, nuclear, or high-impact conventional weapons. The panel concluded that, if the Nation does not take immediate steps to better identify and address the urgent needs of emergency responders, the next terrorist incident could be even more devastating than 9/11.

Imagine that, more devastating than September 11, 2001.

The underlying legislation before the Senate is the Fiscal Year 2004 Homeland Security Appropriations bill. It provides more than $28 billion for a variety of programs, from better border security to natural disaster response efforts. But while this is a step forward, the legislation does not accomplish enough. It does not provide the investments in protections that the Nation so desperately needs.

This fact is not the fault of Subcommittee Chairman THAD COCHRAN or Appropriations Committee Chairman TED STEVENS. The hand that they were dealt was poor from the start. But that does not mean that this Senate needs to settle for less than is needed.

The amendment that I have offered would add critical dollars to some of our Nation's most vulnerable entities. It is a responsible $1.75 billion approach to begin to close the enormous gaps in America's homeland security. The amendment to which I address my remarks at this time is about fulfilling our promises to the American people. After 9/11, Congress passed the Patriot Act. It passed the Maritime Transportation Security Act. It passed the Aviation and Transportation Security Act. It passed the Enhanced Border Security Act. And the President signed these with great fanfare. But when it comes to securing our homeland, the administration follows the same pattern. The President seems to be satisfied with rhetoric, which doesn't cost anything, rather than working with Congress to provide real dollars.

The amendment I offer today is intended to fulfill the promises made for securing our homeland. It would add a total of $1.75 billion for critical homeland security programs. The amendment adds: $602 million for Maritime and Land Security, including port security and transit security; $729.5 million for first responder funding for our police, fire and emergency medical personnel, including funding for high threat urban areas; $238.5 million for security improvements at U.S. borders with Canada and Mexico; it includes 100 million for air cargo security; and it includes $80 million for protections at chemical facilities.

With public warnings ringing in our ears from Secretary Ridge that another terrorist attack is inevitable, some may argue that our homeland security needs seem endless, and therefore the Congress must set limits. I agree that they are endless and that Congress must set limits. That is why this amendment focuses on the specific expanded homeland security missions that Congress has authorized since 9/11, but that the administration has yet to adequately fund. Unfortunately, the budget resolution endorsed by this White House has forced us to exclude from the bill some funding that both the Congress and the President have recognized as being real needs. This amendment focuses on those critical shortfalls. It puts the beam on those critical shortfalls. It puts the microscope right down to their level.

One of the mysteries about the President's budget is the budget for the Transportation Security Administration, or TSA. TSA was created by the Aviation and Transportation Security Act of 2001 and was supposed to focus on securing all modes of transportation. Yet the President's budget includes only $86 million or 2 percent of the TSA budget for maritime and land security. Yes, I said 2 percent—just 2 percent of the TSA budget for maritime and land security. The rest of the President's budget request is for aviation security and for—you guessed it—administration. What about securing our ports? What about securing our trains? What about securing our railroad tunnels, and our subways? What about buses or securing the trucks that carry hazardous materials?

In fact, the President's budget requests 2.5 times more for administering the TSA bureaucracy than he does for securing the Nation's ports, trains, trucks, and buses.

This amendment would add $602 million for maritime and land transportation funding. To his credit, Chairman COCHRAN provided $295 million for these programs. My amendment further enhances the good work Senator COCHRAN has begun.

On November 25, 2002, the same day that the President signed the Homeland Security Act, he also signed the Maritime Transportation Security Act—MTSA, putting in place significant new standards for improving the security of our 361 ports around the Nation. On July 1, the Coast Guard published regulations putting the MTSA into action.

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.

Let me repeat that. The Appropriations Committee of the Senate conducted hearings last week, anent homeland security. And we heard testimony from mayors, Governors, and from seven Department heads—I am talking about Departments in the President's Cabinet—and from FEMA as well. And one of these witnesses was Stephen Flynn. Here is what he said about the Nation's seaports. He said:

> [They] are the only part of an international boundary that the federal government invests no money in terms of security. . . . Most ports, [he said] the best you get is a chain link fence with maybe some barbed wire.

Comforting? Is that comforting?

Consider that U.S. ports receive 16,000 cargo containers per day and more than 6 million containers per year. Consider the fact that U.S. ports are home to oil refineries and chemical plants that process noxious, volatile chemicals. Consider the additional fact that there are 68 nuclear powerplants located along U.S. waterways and that the average shipping container measures 8 feet by 40 feet and can hold 60,000 pounds. Consider, further, 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—unfathomable—why we have not insisted this amendment be signed into law months ago.

This amendment would make sure that more than a chain link fence is protecting the Nation's ports. Not too much to ask, is it?

The Coast Guard has estimated that it will cost the ports $5.4 billion during the next decade to implement the Maritime Transportation Security Act standards, including $1.1 billion this year; and yet the President did not request one thin dime—can you believe it, not one dime—for port security. The amendment that I will offer, which is at the desk, would increase port security grant funding from the $150 million contained in the bill by $460 million, thus providing a total of $610 million for this program.

The Commandant of the Coast Guard testified before the House authorizing committee on June 3, 2003, about the implementation of the MTSA legislation. Here is what he said:

> The regulatory impact on the maritime industry will be significant, and the time line for implementing the new robust maritime security requirements is exceptionally short.

However, the administration, while aggressively supporting Federal security funding for the aviation industry, has failed in four straight spending requests to include a single penny—not one red cent—for port security grants even though 95 percent of all non-North American U.S. trade enters our 361 ports around the Nation. This is serious.

During our Homeland Security Subcommittee hearings this spring, I asked Under Secretary Asa Hutchinson why there was no money requested in the President's budget for port security grants and Mr. Hutchinson testified that he believed it was the responsibility of the port industry—the responsibility of the port industry. Yet the port industry's first priority is moving goods through ports as quickly as possible because that increases profits. There must be incentives if we are to realistically expect the ports to improve security.

This year, the Transportation Security Administration received over $1 billion of applications from the ports for the limited funding that was approved by Congress last year. There clearly is a demand from the ports, for help to harden physical security to reduce the Nation's well documented seaport vulnerabilities. These are vulnerabilities that are well documented.

The amendment also addresses other important homeland security needs authorized by the Maritime Transportation Security Act—and yet again not funded.

The Maritime Transportation Security Act requires that vessel and port facility owners prepare and submit security plans to the Department of Homeland Security for the purpose of deterring a transportation security incident. The Coast Guard serves as the lead agency to develop a National Maritime Transportation Security Plan and review all security plans prepared by vessel or facility owners or operators.

To meet requirements set in the MTSA, vessel and facility owners must submit security plans to the Coast Guard for review and approval by the end of calendar year 2003. But, once again, the administration provided no funding to the Coast Guard for this effort or for tracking compliance with the plans in its fiscal year 2004 budget request.

In recent testimony, Coast Guard Commandant ADM Thomas H. Collins acknowledged that the Coast Guard still needs an additional $70 million and 150 full-time employees by this fall to review and approve more than 10,000 security plans by vessel and facility owners. My amendment provides the money.

My amendment also provides $57 million for public transit grants. According to a Mineta Transportation Institute study, one-third of terrorist attacks worldwide have been on transportation systems, and transit systems are the mode most commonly attacked. According to the study, nine surface transportation systems were the target of more than 195 terrorist attacks from 1997 through the year 2000.

The approximately 6,000 transit agencies in the United States provide more than 9 billion trips each year representing 43 billion passenger miles, and yet the administration has provided minimal funding for transit security.

The General Accounting Office, the GAO, recently reported that:

> Insufficient funding is the most significant challenge in making transit systems as safe and secure as possible.

Mr. President, at just 8 of the 10 transit agencies surveyed, the General Accounting Office identified the need for security improvements estimated at $700 million. The General Accounting Office also found that:

> TSA has yet to exert full responsibility for the security of any transportation mode other than aviation.

The chemical attack on the Tokyo subway system in 1995 is a sobering reminder of how a terrorist attack on one transit system can affect human lives, the economy, and confidence in our transit systems. How many times do we have to witness attacks on transit systems in other countries before we secure our transit systems?

This amendment would provide $57 million in direct grants to the Transportation Security Administration to help with that shortfall.

The amendment also would add $15 million to the $10 million already provided in the bill for intercity bus grants. A study conducted by the Mineta Transportation Institute, ''Protecting Public Surface Transportation against Terrorism and Serious Crime,'' found that during the period 1997 through 2000, 54 percent of the worldwide attacks on surface transportation systems were against buses or bus terminals.

Almost 800 million people ride over-the-road buses annually, more than the airlines and Amtrak combined. Intercity buses serve approximately 5,000 communities daily, compared to roughly 500 each for the airlines and Amtrak. Intercity buses serve those who truly need public transportation—rural residents who have no other public transportation alternatives and urban residents who must rely on affordable public transportation.

Given the important role that intercity buses play in the Nation's transportation system and their susceptibility to terrorist attacks, they must be protected.

One of the most glaring funding deficiencies identified in the recent Rudman report is the poor support for first responders. The Rudman report estimated that America will fall approximately $98.4 billion short of meeting critical emergency responder needs in the next 5 years, if current funding levels are maintained. But the legislation before the Senate does not even maintain that current funding level.

While the underlying bill provides first responder funding at a level that is $303 million above the President's request, it is $434 million below the level that the Congress approved for the current fiscal year.

In the nearly 2 years since the terrorist attacks of September 11, 2001, States and cities have worked to better protect the Nation. They have undertaken critical assessments of vulnerabilities. They have provided specialized training to police officers, firemen, and emergency medical teams. They have attempted to close as many gaps as possible to prevent another terrorist attack. But unfortunately, for many communities, they have had to act without the support of the Federal Government.

A March 2003 analysis by the U.S. Conference of Mayors reports that cities are spending an additional $70 million per week on personnel costs alone, to keep up with security requirements. Mayors and governors have contacted almost every Member of this Congress, if not all, practically begging for additional funds to help defray the huge expenses for homeland security. Their requests come at a time when cities, counties, and states are in the worst financial shape in decades. Los Angeles Mayor James Hahn stated earlier this year that ''We've dug deep into our own pockets. Now we really need the help of the Federal Government.'' This is taken from the Los Angeles Times of February 23. They have come hat in hand for help, and we ought not turn our backs on them.

My amendment adds $500 million to the budget of the Office of Domestic Preparedness for first responders. Specifically, it provides $250 million for

State grants, and $250 million for high threat urban areas, bringing the total for high-threat urban areas to $1 billion. This amendment provides funds to meet the immediate and growing needs that State and local first responders have for funds for equipment, training, homeland security exercises, and planning.

The needs are great.

According to the Federal Emergency Management Agency and the National Fire Protection Association, only 13 percent of fire departments have the equipment and training to handle an incident involving chemical or biological agents.

Forty percent of fire department personnel involved in hazardous material response lack formal training in those duties.

Only 10 percent of fire departments in the United States have the personnel and equipment to respond to a building collapse.

Funds would be used to purchase: Personal protective equipment for first responders—chemical resistant gloves, boots, and undergarments; interoperable communications equipment, portable radios, satellite phones, batteries; detection equipment—equipment, to monitor, detect, sample, identify and quantify chemical, biological, radiological/nuclear and explosive agents; medical supplies and pharmaceuticals; and, training costs and paying overtime costs associated with attendance at training for emergency responders, emergency managers, and public officials.

My amendment also provides $79.5 million for grants for interoperable communications equipment. This bill currently includes no funds specifically for interoperable communications equipment. This amendment proposes to add $79.5 million, the same amount that was provided in fiscal year 2003.

The initial $79.5 million was a small step in starting the process of integrating and coordinating communications equipment between and among first responders firefighters, police officers, and emergency medical personnel—a deficiency uncovered during the 9/11 attacks on the United States.

Only one-fourth of all fire departments can communicate with all of their rescue partners. The Council on Foreign Relations' June, 2003 study on homeland security needs estimated that the need for interoperable communications equipment funding was $6.8 billion over the next 5 years.

The amendment also provides an additional $150 million for fire grants. The Senate bill includes $750 million for assistance to firefighter grants, roughly the same amount as last year. This amendment would add $150 million for fire grants, which would bring the total to $900 million, the level authorized. Our fire departments need this money.

On average, fire departments across the country have only enough radios to equip half the firefighters on a shift, and breathing apparatuses for only one third.

In the 3 years this program has been in existence, it has become one of the best run programs in the Federal Government. This Senate should fund this program at the authorized level. Our frontline defenders deserve no less.

In October of 2001, the President signed the Patriot Act which called for tripling the number of border patrol agents and Customs and immigration inspectors on the northern border. In May of 2002, the President signed the Enhanced Border Security Act, which authorized significant new investments in border patrol agents and facilities. The goals with regard to Customs inspectors and border facilities cannot be met with the limited funding that was made available for this bill.

The amendment I have offered adds $100 million for improvements to our border ports-of-entry. There are 197 ports-of-entry on our Nation's land borders. Of those, 128 out of 197 are stretched across our 5,525 mile long border with Canada.

The remaining sites are along our highly-trafficked border with Mexico.

Most facilities along the U.S.-Canada border were constructed either as part of the Civilian Conservation Corps program during the Great Depression or in the period between 1950 and 1965. These older facilities are having an increasingly difficult time meeting the energy and power requirements of today's technology.

Along the U.S.-Mexico border, traffic both in people and goods has more than doubled since the last major border infrastructure effort was launched during the Reagan administration.

Trade with Canada has doubled in the last decade, while trade with Mexico has tripled during the same time frame. However, the facilities through which trade must flow have not been expanded or enhanced to keep pace with this traffic.

A Congressionally mandated study called the ''Ports of Entry Infrastructure Assessment Study,'' completed over a year prior to the tragic events of September 11, 2001, identified a growing backlog of infrastructure needs at our Nation's border crossings. It specifically identified 822 infrastructure requirements with an estimated gross cost of $784 million. That report was completed 3 years ago last month—but Congress has yet to seriously begin to address this growing problem.

Consistent with the Enhanced Border Security Act and legislation introduced in this body by a bipartisan group of Senators, this amendment provides $100 million for the new Bureau of Customs and Border Protection to begin addressing this backlog. The funds provided in this amendment could be used to replace the trailer—yes, the trailer—that serves as a border port-of-entry in Easton, ME, or to complete construction of the San Diego fence along the border with Mexico which was authorized by Congress in 1997.

My amendment would also add $138.5 million to hire additional border protection staff to meet the levels authorized in the USA PATRIOT Act.

While funding in the Committee bill will allow the Bureau for Customs and Border Protection, CBP, to succeed in meeting the Congressionally mandated staffing goal for the Border Patrol by the end of this fiscal year, the remaining components of this newly created bureau fall far short of meeting the authorized target.

The PATRIOT Act authorizes a total of 4,845 legacy Customs, Immigration and Agriculture inspection personnel along the northern border by the end of fiscal year 2004. According to the CBP, it will fall far short of that goal. It estimates that it will only have 3,387 inspection personnel at the many port-of-entry and other facilities that stretch across the 5,525 mile northern border with Canada. This is 1,458 personnel short of the authorized and required level.

My amendment would provide the $138.5 million estimated to complete the hiring initiative called for in the PATRIOT Act. The funds would be used to hire an additional 1,458 inspectors to: enhance our ability to conduct inspections of people and goods entering our country to ensure that the people entering the country are authorized to do so; to ensure that the products in the containers are indeed what they are claimed to be and that no dangerous foods, meats, or other products are brought into the country.

Another key area of focus is air cargo security. Most Americans would be stunned to learn that, under the President's budget proposal, each airline passenger will be screened before boarding a plane. Each passenger's baggage will be screened before being loaded on a plane. But commercial cargo on that same plane is left unchecked.

The amendment would add $100 million to the Transportation Security Administration's budget. The additional funds proposed in this amendment would accomplish some key immediate objectives while at the same time laying the ground work for a more comprehensive, multi-year plan. Of this amount, $70 million would be provided to immediately strengthen and expand a number of ongoing TSA activities while the remaining $30 million would be used to increase research, development and testing of screening technologies and other systems.

The $70 million would be used for the following purposes:

To immediately deploy personnel to the Customs and Border Protection's National Targeting Center to develop rules for targeting suspicious packages on passenger aircraft and, as resources are provided, all-cargo aircraft; to provide $20 million for approximately 125 inspectors to be devoted to cargo screening. These personnel would be trained to inspect cargo operations, but in keeping with TSA's Aviation Operations strategy to cross-train its personnel, they would be trained for additional duties in future fiscal years; to provide $15 million to advance

by one-year the TSA plan to expand canine screening teams for limited cargo screening. These activities would be co-located at airports currently using TSA canine for screening of U.S. mail, and would work as a complement to EDS screening at smaller locations; to provide $25 million to fully deploy the ''known shipper'' and profiling programs for cargo being carried on passenger aircraft; to provide $5 million to update the risk and vulnerability assessments for cargo operations; to provide $5 million to launch immediately a pilot program to use explosive detection system, EDS, machines at select locations to screen cargo.

The additional $30 million would be added to the currently budgeted $30 million in TSA's research and development account for air cargo activities, doubling the total amount available for research and development within the air cargo pilot program.

Finally, my amendment provides $80 million to begin addressing the issue of physical security at chemical facilities.

Michael O'Hanlon of the Brookings Institution has called the lack of security at U.S. chemical plants a ''ticking time-bomb.'' The General Accounting Office has reported that chemical plants remain vulnerable to a terrorist attack. Using data from the Environmental Protection Agency, the GAO noted that 123 chemical facilities across the country, if attacked, could inflict serious damage and expose millions of people to toxic chemicals and gases.

There are 3,000 chemical facilities in 49 States that, if attacked, could affect more than 10,000 people each.

The General Accounting Office found that the Federal Government has not comprehensively assessed the chemical industry's vulnerabilities to terrorist attacks, nor has the Federal Government adequately addressed our nuclear vulnerabilities.

The Homeland Security Department is responsible for carrying out comprehensive assessments of the vulnerabilities of the key resources and critical infrastructure of the United States. The President's National Strategy for Physical Protection of Critical Infrastructure and Key Assets identifies chemical plants as part of the Nation's critical infrastructure. We are talking about chemical plants.

Unfortunately, this administration has paid lipservice to the issue by saying that the Homeland Security Department will take the lead in managing vulnerability assessments of U.S. chemical facilities, but—b-u-t—no funding is identified in this budget to do just that.

When I asked Secretary Ridge who was responsible to secure these facilities, he testified that he thought that securing chemical facilities was the responsibility of the chemical industry. Frankly, I do not believe our communities would be satisfied to wait for the administration to wake up to this danger.

The Congressional Budget Office has estimated that it will cost $80 million to conduct vulnerability assessments for chemical plants. This amendment I have offered would provide those resources.

Protecting this Nation's communities is not easy. Protecting this Nations communities is not cheap. And protecting this Nation's communities cannot wait. After 9/11, Congress passed the Patriot Act, the Maritime Transportation Security Act, the Aviation and Transportation Security Act and the Enhanced Border Security and Visa Entry Reform Act and the President signed all of these with great fanfare. But the President has done little to fulfill the promise of those laws. Now the Senate has before it the funding legislation that will either fulfill the promise of those acts or continue to leave the Nation vulnerable.

We will hear the same old mantra in opposition to this amendment that money cannot possibly solve the problems facing homeland security. I agree that money cannot solve all of our problems but if we fail to invest sufficient funds, if we fail in the effort to protect our people as best we can, we will never even begin to address them. The gaps in our protections and preparations will continue to grow. We all know these caps exist. And, to be sure, if we know where those gaps are, so do the terrorists know where those gaps are. The American people believe that we here in Washington are taking care of the problem. We must make every effort to close those gaps.

In just a few weeks, America will pause to remember the second anniversary of the moments when the airplanes struck the World Trade Centers, the Pentagon, and the Pennsylvania field. We again will remember the mothers and fathers, the brothers and sisters, the firefighters, the police officers, the ambulance drivers. We will remember all of those who lost their lives in those tragic moments. And we should remember those who saved our lives when they sent that plane into the Pennsylvania fields. But as we remember the lives of all these, we owe them more than high-sounding rhetoric. We owe them our best judgment. We owe them rational, responsible action. We owe them a legacy that may truly save lives and prevent another terrorist attack from happening.

I urge all Members to be mindful of their solemn duty to ''provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity'' as we debate this important legislation.

I have gone to considerable lengths to speak concerning my amendment. I urge Senators to support the amendment.

I ask unanimous consent that certain Senators have their names added as cosponsors: Senators LIEBERMAN, CANTWELL, and STABENOW.

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

Mr. BYRD. And I welcome the cosponsorship of other Senators—all Senators for that matter. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, first, I wish to thank the distinguished Senator from West Virginia for his cooperation in the development of this bill that is now before the Senate. His assistance and participation in the hearings, the review of the President's budget request, our meetings with administration officials to fully understand the priorities as they saw them, and, in many ways, his experience and judgment in helping guide the development of this bill were very essential to the success we had in getting it to this point. His support in getting it through the committee and subcommittee was essential and very important.

This amendment, as the distinguished Senator has pointed out, will add money for many different areas of spending in the legislation that we have presented. Of course, it is because there are many needs there. There are many ways we can allocate and spend resources to try to upgrade our capability of protecting our Nation's homeland. So there is no end to the list of ways we could spend additional funds.

What we have tried to do, though, is be guided by the limitations that have been imposed on the committee by the budget resolution. We have a limited amount of money to spend in this bill. In fact, the amount we have been allocated to spend is $1 billion more than the President's budget request that was submitted to Congress earlier. So this bill provides $29.326 billion. We have tried to allocate it among all the competing needs that we have come to understand through our review of the budget request and the information we have been able to obtain as to what our needs are and what the highest priorities are, and that is what this bill reflects: the judgment of the Appropriations Committee of the priorities that exist and how we can best use the amount of money that is allocated to this committee for this next fiscal year, keeping in mind that we have already appropriated funds in the year we are in now, fiscal year 2003.

We have also added a substantial amount of money for homeland security in the supplemental appropriations bill that was just recently passed by the Senate and signed by the President. Therefore, since this amendment proposes to add another $1.75 billion to the bill that is before us with no offsetting suggestion of where the money would come from, I will be constrained to make a point of order against the amendment because it provides spending in excess of the subcommittee's allocation in violation of the Budget Act. Before doing that, let me make a few observations about the Senator's comments on some specific provisions in the bill.

Facilities along the land borders, which the Senator discussed, are maintained under the General Services Administration, and funds for upgrading, maintaining, and replacing facilities are funded through the General Services Administration and the appropriations bill that has that as part of its jurisdiction.

This committee does not have GSA jurisdiction. What we do have is the responsibility of trying to accommodate the deployment of facilities to implement the U.S. visitor and immigrant status indicator technology. This is a new program. It is to be deployed upon land ports of entry, and funds are included in the committee bill for that purpose.

In addition, the Bureau of Customs and Border Protection has undertaken to hire additional inspectors to be deployed on these borders, to enforce the new rules and to better protect us from people who come across the border who may be a threat to the security of our homeland.

Our indications from the Bureau of Customs and Border Protection are that over 4,000 inspectors have been added to the workforce since September 11, 2001. That has increased coverage at these ports of entry by 25 percent. Over 2,600 inspectors are on the northern border, compared to about 1,600 prior to September 11. There are 613 Border Patrol agents who are assigned to the northern border compared to 368 before September 11. Commissioner Bonner says he plans to have 1,000 agents on the northern border by October of this year. So when the new agents who are funded in this bill are counted, are included, there will be over 11,600 Border Patrol agents in fiscal year 2004. That is funding already in this bill.

We added additional staffing in the wartime supplement. We put in the supplemental $75 million for additional northern border and maritime ports of entry personnel. This was in addition to the money that was previously appropriated for this fiscal year for new personnel. We also included $25 million to transfer Border Patrol agents to the northern border. It is an important new undertaking, and we are cooperating with the administration in trying to meet those needs.

The Bureau of Customs and Border Protection can only hire so many people in any one year. This bill includes the maximum number of new border agents who can be absorbed in one year.

We also think it is important to preserve the Department's flexibility to assess its staffing needs nationwide. We should not come in and say they have to hire 1,000 more than they planned to hire this year. We have to leave to the good judgment of the administrators how they can absorb and find the qualified people to hire, how they can train them in their new duties and deploy them to the places where they can be used. I think it would be a mistake at this point for the Senate to try to superimpose our judgment about a detail of that kind.

We have the same goal. We are on the same team with this administration. We have to listen to the statements and suggestions they make to us about the funds they can use and what they need to do their job within the limits that we have. We have to allocate the funds according to the priorities as we see them.

Up to this point in time, it is the judgment of the committee at least that the funding we have made available for border security agencies, for personnel to carry out the missions of the USA PATRIOT Act, which the Senator mentioned, and other authorizing legislation is funded in the bill to the extent that it is possible to be funded in the bill.

In the case of the Transportation Security Administration, the additional funding suggested in the amendment is $100 million for screening of air cargo. First, the authorizing committee assessed the needs for new authorities and how the responsibilities for screening air cargo would be changed to meet the new threats. Congress responded by passing the Air Cargo Security Improvement Act, S. 165. It authorizes the development and deployment of something called a known shipper database, strengthening security enforcement and compliance measures for indirect air carriers and implementing mandatory security programs for all cargo carriers.

The Transportation Security Administration has undertaken a comprehensive, strategic plan for air cargo security. It is based on threat assessment and risk management.

As I understand it, there are three elements to the approach of the Transportation Security Administration. They strengthen the current known shipper program to verify shipper legitimacy. They have developed a cargo prescreening and profiling system that targets shipments based on a set of guidelines to indicate which shipments may be suspicious. They have a targeted inspection system to identify suspicious cargo utilizing explosive detection systems, explosive trace detection, canine detection, and other approved methods for inspecting air cargo.

This comprehensive approach is consistent with the Department's approach in securing containers that cross our borders by all modes of transportation, and the funding that was requested in the President's bill has been respected. The bill we have before the Senate provides $60 million. Ironically, it is $30 million more than the President requested for this function.

The Transportation Security Administration, according to my understanding, can use this money. But this amendment that has been offered by the Senator from West Virginia would add an additional $100 million in addition to what is already in the bill. I am not sure the administration can use that and use it effectively.

The amendment has additional money for grants for public transit agencies, for enhancing security against chemical and biological threats. We already have $71 million for the Science and Technology Directorate to develop and deploy chemical, biological, and nuclear sensor networks throughout the country, including public transit facilities. That would duplicate and be over and above what is already being spent to try to make sure that we deploy the right kind of defenses to this kind of threat.

Again, I think it is important for us to work with the administration and say: Okay, we have so much money that has been allocated to us to spend for homeland security. How can we best spend that money right now? How much do they need this year? What can they use? What are the highest priorities? Where do we need to spend the money first?

The amendment the Senator has offered also increases port security grants by $460 million, as he pointed out. We already have $150 million in the bill for port security grants, and this is in addition to $365 million provided in 2002 and 2003.

Of the $365 million already provided by the Congress, only $260 million has been obligated by the administration. So think about this: We have a proposal to add $460 million to an account where the money is still there and has not been obligated that has previously been appropriated. How much can be spent is something that has to be taken into account as well, not how much we can appropriate. That is not going to be a measure of the success of this bill or whether or not it has been thoughtfully expended to protect our security. We have to make sure it can be used and that it can be used thoughtfully, consistent with a plan that has been developed by the administration.

The Transportation Security Administration can only obligate about $150 million a year because assessments of ports have to be conducted, they have to be given some kind of priority, and then an application process by the ports for the funds has to be analyzed, assessed, and careful decisions need to be made. It cannot be just a rush to apply for a grant: Hey, they have a new fund in Washington. If you are a port director, if you get your application in now and put pressure on the administration, you may get some funds.

Will it be consistent with the overall national plan? Will it be targeted where the threats are the most imminent and most troublesome, where the money really needs to be spent? Are

other agencies going to be able to take up the slack in helping to deal with threats that are known to exist in our ports?

There is a capacity only to spend so much money at one time. That is the point. The rush to spend money can put the agency in disarray, can give a false sense of security to the people in the country, saying, look, we spent $460 million in addition to what had already been appropriated. But that may not actually help improve our security.

There is no doubt there will be a need for these funds later. There will be a need to increase security at our ports over and above what we are doing in this fiscal year or next fiscal year—and not just in ports but in all modes of transportation. But we need to take a measured, thoughtful approach, and weigh the funding provided for the security of our Nation's homeland security needs. That is what we tried to do, take a balanced approach and make an assessment based on limitations we have and the realities we face.

There is a proposal in this amendment to add $70 million to the Coast Guard operating expenses account to increase the total funding of the Coast Guard. The bill already provides $4.719 billion for Coast Guard operating expenses. This is $12 million more than the President has asked for operating expenses, excluding environmental compliance and restoration, and reserve training, which are funded separately.

Included in the bill for acquisition, construction, and improvements is the amount of $1.035 billion which is $238 million above the President's budget request.

Funding to implement the Maritime Transportation Security Act (MTSA) was not requested in the President's budget because that Act had not been passed until after the President's budget was prepared. No request was made for funding to implement MTSA in the fiscal year 2003 supplemental either. We know funding for the implementation of the MTSA is a priority for the Coast Guard. If we had additional funds available, we would agree to increased funding in fiscal year 2004. But the bill has been very generous to the Coast Guard. We believe funding for the implementation of MTSA should be included in next year's budget request by the President.

The Office for Domestic Preparedness is targeted in this amendment with a funding increase. Mr. President, $729.5 million is provided in this amendment to increase funding for grants to State and local governments.

One of the first calls I made when I realized it was going to be my obligation to chair this subcommittee was to Warren Rudman, our former colleague from New Hampshire, who has been, with Gary Hart, part of a study to assess our homeland security needs. They had published reports and made some presentations in New York, Council on Foreign Relations, and other places.

One of the things I remember former Senator Rudman suggesting to me is, it is impossible to know precisely what is needed and how much it will cost. That is something I have kept in mind.

The fact is, this is not an exact science. We have to use our judgment, make choices, understand that we cannot do everything at once. What we are trying to do is maintain a base level of preparedness through this program.

The Department is going to be better able to assess true needs once the States have had a chance to submit their updated homeland security strategies. We cannot just assume right now the States can identify all of the areas where they need to spend the money, which local governments continue to have needs, and which ones ought to be funded first.

In my judgment, we run the risk of being irresponsible if we increase funding over and above an amount that can logically and systematically be provided through the grant program to State and local governments.

We will have provided through the funds recommended in this bill almost $9 billion through the Office for Domestic Preparedness and the firefighters assistance grants since September 11. A lot of money has been spent already. In addition to those expenditures and the funding in this bill, the Senator suggests we ought to spend another $729.5 million.

We are suggesting the funds appropriated in this bill, in this account, for this fiscal year, are a responsible level of funding for first responders, given the other needs and other demands that come under the responsibility of the Department of Homeland Security.

The amendment also suggests we earmark $80 million for information analysis and infrastructure assessment, a directorate, to conduct assessments for chemical facilities. I am impressed with the concerns reflected in this suggestion. We do not have funding made available to individual industries involved in the chemical business to make these assessments. I am not enough of an expert in that business to know the assessments that have already been made and the security arrangements that many of these businesses and industries already have. One thing we need to keep in mind is that self-interest has motivated business and industries, and anyone who owns a business or a home should do what they can to protect themselves, to be sure their workers are protected, to be sure their families are protected. We all feel that obligation. It is not like everyone has been assuming they had no responsibilities for self-protection.

Businesses and industries have done a great deal, invested huge sums of money, to protect their own assets.

The suggestion is we need to give them more money to do some more analysis, to do some more assessments.

There may be a need for additional critical infrastructure assessment; however, this bill already provides $293.9 million for key asset identification, field assessments of critical infrastructures, and key asset protection implementation to help guide and support the development of protective measures to improve the security of industrial facilities and assets.

Of the amount provided for critical infrastructures, $199.1 million is made available for critical infrastructure and vulnerability assessments of the highest priority infrastructures and assets. But we need the benefit of the advice of the administration, those who are in charge of the programs, to tell us what those are. This amendment that is offered by my friend from West Virginia says it is the chemical industry. That is the only earmark in this part of the bill—$80 million for chemical facilities. There may be other facilities that are more vulnerable or that would cause more damage and displacement of American businesses than the chemical facilities would if they were under a threat of terrorist attack.

The priorities that have to be made and assigned have to be based on a combination of factors: threat, vulnerability, and risk analysis. And we have to leave that up to the administration. I don't feel competent to make that kind of decision. I don't know of any Senator, if this amendment were to be voted on this afternoon, who could just walk in here and decide should that be an earmark or should it not. But it is folded into this big amendment and we are asked to decide whether to target $80 million for just these kinds of facilities. Who is to know whether that is a good decision or not, if they have not been through the hearings, they have not had the opportunity to assess the other options?

So I think it is an unfair choice that we present to other Senators, to have them make that decision right now. Why can't the administration make that decision? I think they are better suited to make that decision than we are right now. We have to work with them and not make prejudgments.

The prioritization is going to be based on a lot of factors. There are 14 critical infrastructure areas—including the chemical sector—5 key asset categories that further break down into about 99 distinct segments, all of which must be considered based on changing threat assessments. So this is not necessarily an effective way to improve our Nation's security, just to earmark money for one particular kind of industry requiring a specific amount of funds to be spent. Why not $180 million? Why not just $40 million? Where does $80 million come from? I don't know. Who knows?

So without the corresponding analysis that helps advise the Senate, it is a mistake for us to be asked to make this kind of choice.

We are telling the terrorist organizations, aren't we, that we are going to spend the money in this sector? We are going to target this sector and emphasize it and make it a high priority, but

not the others? Is that a good way to make decisions in this area or should we let the administration and the infrastructure protection experts decide where the threats really are? What does the intelligence show as to where the threats are? These need to be taken into account.

This amendment, adding $1.75 billion to the bill, violates the Budget Act because it does not offset the spending, it exceeds the subcommittee's allocation that is given to us, and at the appropriate time I will be constrained to make a point of order against the amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I know we have been notified that one Senator is on the way over here to speak on this amendment before the Senator makes his point of order. We have at least one, maybe two Senators who wish to speak on this amendment.

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

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

Mr. BYRD. Mr. President, Senator COCHRAN has said there is no end to the list of homeland security needs. He is absolutely correct on that. We could list these security needs from now until Kingdom come. Additional needs can be found. So he is correct. But that does not mean the amendment I have offered is excessive. It does not mean the amendment is excessive. It is targeted to specific activities that Congress has approved.

As I said in the beginning, I named several pieces of legislation that have been approved and signed into law by the President, some of them with great fanfare. So Congress has approved these acts, and the President has signed them into law.

The chairman is correct in stating the progress we have made in hiring Border Patrol agents and inspectors. But that leaves us nearly 1,500 inspectors short of the goal established in the PATRIOT Act. The President signed that law.

Are we serious or are we not serious about meeting the goals set forth in these acts? My amendment would provide the resources to meet the goals that have been set forth in the acts by Congress, the acts that have been signed by the President.

It has also been noted that the bill already includes $150 million for port security grants. But the Coast Guard has estimated that it will cost $1.1 billion in just the first year for the ports to implement the security plan that the Coast Guard issued on July 1, pursuant to the Maritime Transportation Security Act.

Who signed that act? The President signed it. Who issued the regulations? The Coast Guard. Are they serious or not about port security? Is the President serious? The amendment would result in less than $1 billion of total funding. This is less than the Coast Guard's $1.1 billion estimate.

Our distinguished chairman has said he tried to include a base level of funding for grants to equip and train our police, fire, and medical personnel. And I compliment the chairman. He has done a masterful job in writing the provisions in the bill we have before us, a masterful job in distributing the limited amounts that have been provided to the chairman and to the committee for distribution. He has sought to exercise good judgment. He has done so—with the limitations.

The problem is, we do not have enough funds to appropriately allocate to meet the needs of the country. But I do not believe that establishing a base level of funding is enough. When a nonpartisan organization such as the Council on Foreign Relations estimates a $98 billion shortfall over the next 5 years, I simply cannot understand why the committee funding level is enough. It is $434 million below the level available in fiscal year 2003.

With regard to funding chemical facilities security, the chairman notes there is significant funding in the bill for securing critical infrastructure. Yet, nearly 2 years after 9/11, we have no details—none—from the administration describing how these funds would be used. Secretary Ridge testified to the subcommittee that he believes that securing chemical facilities is the responsibility of the chemical industry.

I do not believe we should continue to wait for the administration to get its act together. We should not allow the budget resolution to artificially limit our ability to address known vulnerabilities in this country. Our citizens do not know about budget resolutions. Our citizens do not know about 302(b) allocations. But they do know they feel vulnerable to terrorist attacks that Secretary Ridge has said are inevitable.

Mr. President, the full committee conducted careful and extensive hearings last year. We had seven Department heads here before the committee. The committee membership was there. The committee hearings were well attended. Senator STEVENS and I carefully selected witnesses to appear before those hearings. There were Governors who appeared. There were mayors who appeared. There were members of county commissions who appeared. First responders appeared. Firemen, policemen, health personnel appeared at those hearings. And we have gone over those hearings carefully. The staff has gone over those hearings and painstakingly gleaned from the rich testimony that was submitted by these public officials and public servants. Based on those and subsequent hearings, we decided that these are needs that ought to be addressed. And so I have tried to address these needs in the amendment.

As I say, the amendment adds $1.75 billion. That would fund 42 hours of the Defense Department expenditures. The Defense Department will be spending $1 billion a day on the military—$1 billion a day. They are spending a billion dollars a week in Iraq. Why can't we spend $1.75 billion on the protection of our own people, and our industries here, the protection of our own infrastructure; $1.75 billion to defend the American people, to defend our infrastructure, to defend our ports, to meet the needs of our ports, $1.75 billion? We spend a $1 billion every 24 hours on our defense budget. Yet when it comes to defending this country, defending its infrastructure, then we say it is too much.

I hope Senators will support the motion to waive the point of order. As I close my remarks at this point, I thank the distinguished chairman for his characteristic courtesy and also for his proficiency, his professional handling of this bill and the hearings. He attended the hearings, started them on time, and asked incisive questions. He is always fair to those on the minority side. I have nothing but praise for him. And I thank the cosponsors of the amendment. I must state again, however, that I feel the need for adding appropriations as I am attempting to do here.

A stitch in time saves nine. There is no question in my mind but that we are underfunding the homeland security needs. The Senator has done the best he could with the limited amount of moneys, but there is no good reason why we can't add moneys to this bill. We have to overcome the point of order, of course. There is a 60-vote point of order. That is difficult. But Senators may come to rejoice in having voted for this amendment. Who knows?

I see the distinguished Senator from New York, Mrs. CLINTON.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from New York.

Mrs. CLINTON. Mr. President, I thank my good friend, the ranking member of the Senate Homeland Security Appropriations Subcommittee and of the full committee, the Senator from West Virginia, for his constancy in sounding the alarm. He is the Paul Revere of the homeland security debate. Because every time we come to the floor to debate and consider provisions that we believe will make our country safer, the Senator from West Virginia is there sounding the alarm.

This time I hope our colleagues on both sides of the aisle will respond to that alarm which he has once again sounded, because his amendment reflects a full and complete understanding of what we know, what the experts tell us is absolutely essential to meeting the homeland security needs of our Nation.

As has already been referred to in many different settings, the amendment the Senator presents to us contains the best thinking of people who

have considered our vulnerabilities and have honestly assessed what it will cost so we can look into the eyes of our constituents and say: We have done the best we knew to do.

Recently the independent Homeland Security Task Force of the Council on Foreign Relations, a task force chaired by former Senator Warren Rudman, issued its third report regarding the state of our homeland defense. While the report noted that we had made progress and that positive action in a number of areas had occurred since September 11, there was still much to be done and we remained woefully unprepared.

The report, ''First Responders: Drastically Underfunded, Dangerously Unprepared,'' says it all in its title. It reminds us as to how much work we truly have in front of us if we intend to address these needs honestly and to equip our frontline homeland defenders with the resources they desperately need.

DRASTICALLY UNDERFUNDED, DANGEROUSLY UNPREPARED

The United States has not reached a sufficient national level of emergency preparedness and remains dangerously unprepared to handle a catastrophic attack on American soil, particularly one involving chemical, biological, radiological, or nuclear agents, or coordinated high-impact conventional means.

How much more specific and dramatic a conclusion from independent experts do we need to have before we act to pass overwhelmingly the amendment that has been presented to us?

The report also emphasizes the pivotal and primary role our first responders play in our national homeland defense:

America's local emergency responders—

We are talking about our police officers, our firefighters, our EMTs, and others who are on the front line, who need to be given the resources that will equip them to prevent horrific attacks, as well as to respond—

will always be the first to confront a terrorist incident and will play the central role in imagining its immediate consequences. . . . the United States—

Namely, the U.S. Government, not the New York State government, or the New York City government, or the Buffalo government, or the West Virginia government, but the United States Government—

has both a responsibility and a critical need too provide them [our first responders] with equipment, training, and other necessary resources to do their jobs safely and effectively.

Again, I don't know how much more specific we need to be. The efforts of these first responders in the minutes and hours following an attack will be critical to saving lives, reestablishing order, and preventing mass panic.

The report speaks about the heroic police and fire professionals who entered the World Trade Center on September 11. They acknowledge what all of us saw: that our emergency responders will be there; they will answer the call; they will perform their duties. What will we do for them?

In providing just a few examples of the needs of these brave police officers and firefighters and EMTs that are unmet, I have picked a few very representative, dramatic examples from the report:

Two-thirds of our fire departments do not meet the consensus fire service standard for minimum safe staffing levels.

On average, fire departments across the country have only enough radios to equip half the firefighters on a shift, and breathing apparatuses for only one-third. Only 10 percent of fire departments in the United States have the personnel and equipment to respond to a building collapse.

Most States' public health labs still lack basic equipment and expertise to respond adequately to a chemical or biological attack. Seventy-five percent of State laboratories report being overwhelmed by too many testing requests.

Most cities do not have the necessary equipment to determine what kind of hazardous materials emergency responders may be facing.

Police departments in cities across the country do not have the protective gear to safely secure a site following an attack using weapons of mass destruction.

I read these statistics, but I also know firsthand from speaking to police officers and firefighters, police chiefs and fire commissioners, and others throughout New York who tell me exactly what we were reading here from this report.

Now, I have to say it is troubling to me that, while we know we have not done enough to equip and fund and provide the resources needed by our first responders, we are seeing, because of budget constraints, cities and counties cutting back on their personnel. According to the International City-County Management Association, the average number of full-time, paid police employees for jurisdictions between 250,000 and 500,000 residents, today, is 16 percent below the figure for 2001. Why is anyone surprised by that? We have seen countless stories about the budget cutbacks that States and counties and cities are experiencing.

Police departments and fire departments are not immune. In the city of New York, after the heroic, incredible performance of these brave firefighters, they watched helplessly as fire stations were closed. So this is something that we know is happening. So not only are we failing to fully fund our first responders, we are seeing the numbers cut back.

When you think about what this report tells us and what the estimate is as to what is necessary for us to protect ourselves, clearly, we are asking that we honestly assess where we are and the funding that is needed. The report says we need approximately $100 billion over the next 5 years—approximately $20 billion a year for 5 years. We spend $5 billion a month in Iraq and Afghanistan. We are asking for 4 months of the expenditures of those two military actions and postconflict activities to make sure we are safe here at home.

These preliminary figures are based on the assessments that are coming directly from first responders and from communities. They were developed in partnership with the Concord Coalition and the Center for Strategic and Budgetary Assessment. It may be conservative, but it is the best assessment we could find.

First, it assumes, however, that State and local governments will continue to spend somewhere between $26 billion and $76 billion of their own funds for homeland security over the next 5 years.

Second, in looking at specific needs, particularly the need for a communications system that actually works and includes everybody, the task force erred on the side of conservative figures they obtained from communications policy experts.

Third, many law enforcement associations could not even assess their own needs. They don't have time to stop and do a survey or try to hire a consultant. So they did the best they could in assessing what they thought their needs were. Clearly, as the task force has pointed out, we should have a thorough national needs assessment. Under Senator BYRD's leadership, he did hold very thorough hearings out of which we got some specific information, and we need to continue a comprehensive needs assessment so that we do know what our needs are so that we can better plan how to meet them.

We certainly would not do for our men and women in uniform what we do for our men and women in uniform at home. I have the honor of serving on the Armed Services Committee. It is a painstaking process to determine what our troops need and how to best plan that they can be protected. I am very proud of that process.

I think it is time we did the same for our front-line defenders, our soldiers in the war against terrorism here at home—primarily our police officers, our firefighters, and our EMTs.

Among the many things we need to be doing, the task force concludes—and I agree—is to create those interoperable communications systems so that first responders can communicate seamlessly across borders, between police and firefighters, and certainly across borders of jurisdictions. We need to extend nationally the Emergency 911 system. I am very proud to be working with my colleague from Montana, Senator BURNS, on groundbreaking legislation to extend the E–911 system. I think it will certainly move us forward as long as we fund it.

We need to enhance our urban search and rescue capabilities. We need to enhance our public health preparedness, particularly by strengthening and expanding the quality and number of laboratories that can track diseases, that can quickly diagnose some kind of biological, chemical, or radiological event.

This report reflects what I hear from all over New York and, of course, from all over the country, whether you are in Los Angeles, where every time the terror alert goes to orange, it costs that city $1.5 million a week and another $1 million a week to protect the Los Angeles International Airport; or whether you are in Denver, a city that has incurred many millions of dollars for emergency preparedness and has purchased mobile emergency equipment but still doesn't have an adequate communications system; or whether you are in Douglas County, NE, which needs resources to buy protective suits for first responders, this is a national problem. Certainly in New York, I know firsthand how inadequately funded many of our brave men and women are.

I know that under the leadership of the chairman of the Homeland Security Appropriations Subcommittee, whom I commend, the committee has worked very hard to come up with a good bill and, given the budgetary constraints under which the committee has operated, they have done an incredible job.

The problem is that the budget resolution we adopted last spring did not adequately reflect the real costs of homeland security. That is why the Senator from West Virginia has an amendment which more honestly assesses those needs. It provides an additional $1.7 billion: $729.5 million for first responders; $602 million for maritime and land security; $238 million for border security; $100 million for air cargo security; and $80 million for chemical facility security.

It is hard to argue with the EPA's own figures that we have 123 chemical facilities located throughout the Nation that have toxic worst-case scenarios where more than 1 million people would be in the so-called vulnerable zone and could be at risk of exposure to a cloud of toxic gas.

Remember the terrible accident in Bhopal, India? Remember that? We have 123 chemical facilities that could produce this kind of extraordinary horror.

We have 600 facilities that could threaten between 100,000 and 1 million people, and 2,300 more that would threaten between 10,000 and 100,000 people in these so-called vulnerable zones.

When I read statistics such as that, it has to make one feel vulnerable, and it certainly makes me, as a Senator with responsibility for my constituents, sick at heart. I do not think any of us want to see these scenarios ever come true and, thank goodness, we have been spared that since September 11.

But that is not the way a great country plans to defend itself. If that were the case, we could have shut down our entire military. After the War of 1812, we could have just said forget it. After the Civil War, we could have said forget it. We could say we do not think we will ever have anything bad in the world happen again, so let's just send everybody home. Let's just let the tanks rust. Let's just give up preparing for the worst-case scenario which will more than likely make it possible for us to avoid such an occurrence.

That is what we are doing when it comes to homeland security. The Congressional Budget Office estimated it will take $80 million to conduct vulnerability assessments associated with our chemical plants. This amendment provides the money for that purpose.

Regarding the first responder funding in the Byrd amendment, there is additional money for State and local grants, $250 million, and I especially appreciate an additional $250 million for high-threat urban area grants; $150 million for FIRE Act grants so we can fund the program fully at the authorized level; and, finally, $79.5 million for the interoperable communications equipment I have talked about in this Chamber so many times since September 11.

We learned tragically that our police and fire departments could not talk with each other. We learned that people coming to our rescue to assist us could not communicate with the New York City police and fire departments.

Later in the debate, I will talk about State and local grants and how important they are and how strongly I believe the Department of Homeland Security and Secretary Ridge should disburse those funds using a threat base rather than a per capita formula. Right now I want to underscore how important it is to get more money into this high-threat urban area category.

In January, I gave a speech at the John Jay College of Criminal Justice in New York City. In that speech, I made some recommendations and released a survey about what I had found as I surveyed cities and counties throughout my State: Seventy percent of New York cities and counties had not received any Federal homeland security funding since September 11. Since January, some money has come forward; more has been appropriated.

But I was in Buffalo, NY, on Sunday speaking with the mayor. They have not received a penny of the money we have appropriated. It is either tied up in Washington or it is tied up in the State capital.

Either explanation is, to me, unacceptable. We need to do more, and in that speech I called for a domestic defense fund.

In March, I proposed that we provide direct funding and we include $1 billion for high-threat urban areas. Later that month, I offered an amendment to the budget resolution that would have provided funding for the domestic defense fund, including the $1 billion for high-threat urban areas for fiscal year 2003. Unfortunately, the amendment was narrowly defeated but at least we began a dialog and a debate about high-threat areas with critical infrastructure, with dense populations.

We are making some progress and, in fact, the supplemental we considered for funding the action in Iraq in April did include $700 million for high-threat urban areas. I thank my colleagues for that funding. I think we all recognize how critical that funding is.

The Department of Homeland Security has begun to allocate high-threat funding based on factors such as credible threat, vulnerability, population, mutual aid agreements, and identified needs of public agencies. And many communities, not just New York and Washington but Houston, Chicago, Los Angeles, Cincinnati, Kansas City, New Orleans, Memphis, Cleveland, Charleston, among others, across our country have received this high-threat funding. This will help us shore up our defenses against our most vulnerable targets.

Regarding New York, I would give anything if terrorists did not have such an interest in New York but we have to accept that reality. New York is such a symbol of our Nation. It is such an incredibly diverse, dynamic place, the most fascinating and exciting city in the world, and it is going to draw that kind of attention. Therefore, we need the support we have been getting and that the Byrd amendment will provide in additional funding that, believe me, we can put to good use.

In recent articles that have appeared in national newspapers, such as USA Today, I read about communities that got homeland security funding and did not know what to do with it. I said: If you really do not know what to do with the money, send it to New York; we have more needs than we can possibly meet.

If we are serious about defending our Nation, then we have to be serious about putting money behind that commitment. What the Byrd amendment does is to say very straightforwardly: We have not done enough. We may have done all we could within the constraints of the budget resolution, and for that I commend the chairman and the ranking member, but the budget resolution was inadequate.

We do not have a budget resolution for our military and occupational expenses in Iraq and Afghanistan. They are not even in the budget. There is not one penny. We passed a $398 billion defense budget last week and there is not one penny for Iraq and Afghanistan.

We did not worry about the budget resolution when it came to supporting our troops. We did what we thought we had to do. Well, we should do the same when it comes to protecting us at home. How on Earth can we do less?

So, yes, we have made some progress since we were attacked. How could we not? How negligent would we have been if we had not done what at least we have started to try to achieve in providing more support? But we have not done nearly enough.

History will judge us harshly if we are found wanting when it comes to defending ourselves on our own soil.

So I hope for the sake of our country, for the sake of our citizens, we will listen to former Senator Warren Rudman

and the task force, we will listen to the distinguished Senator from West Virginia, and we will do our duty, we will vote for the Byrd amendment, and we will send a clear signal to friend and foe alike that we intend to prevent, in every way possible, any further terrorism on our shores. But if anyone dares to take us on, we intend to be ready.

Mr. REID. Will the Senator yield for a question?

Mrs. CLINTON. Yes.

Mr. REID. I appreciate very much the statement of the Senator from New York. Senator BYRD and I were talking earlier. No State has suffered as did New York as a result of the September 11 incident. We all know that. But I bring to the Senator's attention that I offered an amendment earlier today saying that one of the facts that should be taken into consideration is how many tourists are in the community within any given time. Of course, New York is a tourist-oriented community. People are there all the time for various reasons—conventions, just wanting to see the Big Apple. Even today that is in fact the case.

One of the facts I brought to the attention of the Senate the other day is that in Las Vegas, on any given day, there are about 300,000 tourists, and the Senator would agree, I am sure, that the people of Las Vegas—law enforcement, fire, emergency medical responders, first-line responders generally—have as much of an obligation to take care of someone visiting Las Vegas from New York as they do someone who lives there on a full-time basis. The Senator would agree with that, would she not?

Mrs. CLINTON. I certainly would agree with the Senator from Nevada. I believe that is a factor that Secretary Ridge should consider in a threat-based formula where we have large crowds of people who come for attractions such as those that the Senator has in Las Vegas or we have in New York City and certainly other places around our country. That should be taken into account because our police officers, our firefighters are constantly on duty because there is a constant stream of people coming from all over the world to enjoy the attractions.

Mr. REID. I also ask the Senator this: One of the other considerations I brought to the attention of the Senate is that on any given day in Las Vegas there are about 75,000 people from foreign countries. But in looking at some of the statistics I have, even though we have almost 2½ million people who visit Las Vegas yearly who come from other countries, New York City—not the State of New York but New York City—has 5½ million people who come from foreign countries to visit. So on any given day in New York City, instead of the 75,000 we have in Las Vegas, the Senator has 150,000, approximately.

Now, would the Senator agree that someone who is visiting New York City from Turkey, Germany, or Japan, the first-line responders have an obligation to make sure they are taken care of in the event of an emergency just as someone who is a New York resident?

Mrs. CLINTON. I certainly do agree with that.

Mr. REID. I hope there is some consideration given to people who are in New York City, Las Vegas, all of the States—Orlando, FL, where we have Disney World—that have these large numbers of tourists come from various parts of our country and around the world, and I hope the American people understand that. I compliment the Senator from New York for her outstanding statement in bringing to the attention of the people of this country and the Senate the information that only can come from someone who represents the State of New York.

Mrs. CLINTON. I thank the Senator from Nevada.

Mr. BYRD. Mr. President, will the Senator yield?

Mrs. CLINTON. Certainly.

Mr. BYRD. Mr. President, I want to thank the very distinguished Senator from New York, Mrs. CLINTON, on the ringing defense of the provisions that are set forth in the amendment that I and several other Senators are cosponsoring. I do not think any Senator could come to this floor with better credentials than those of the Senator from New York, Mrs. CLINTON. She represents the State and the city that was the hardest hit by the terrorist attacks on 9/11. There is only one other State and one other jurisdiction that suffered, but she has made an extraordinary plea coming from the experiences that she has suffered as a result of 9/11.

I was chairman of the Appropriations Committee in the Senate, and she came to my office not once, not twice, not three times but many times in support of the appropriations that the Senate was considering and that the Senate finally enacted. She had a great impact on me as we sat and talked and as I listened to her recount the problems of her city, the problems of New York City and of New York State that resulted from those attacks.

So I thank her for her support of the amendment and say that no one in the Senate could have made a finer statement in support, and no one in the Senate would better understand the needs the American people have as we try to prepare against any future terrorist attacks. I thank her and her staff for the excellent effort they have put into this matter.

I yield the floor.

Mrs. CLINTON. I thank the Senator from West Virginia and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in strong support of the Byrd amendment. The Senator from West Virginia has clearly identified that there are inadequate resources being devoted to homeland security, and the paramount concern and responsibility of this body is to protect the homeland. We have to do that. It cannot simply be protected by rhetoric. There have to be real resources applied to the task.

In the wake of 9/11, this Congress laid out very clearly and very deliberately, after much consideration and consultation, major legislation such as the Transportation Security Act of 2002, the Enhanced Border Security and Visa Entry Reform Act of 2002, the Aviation and Transportation Security Act, and the USA PATRIOT Act. All of these legislative pronouncements laid out a framework to secure our homeland and, as Senator BYRD points out, we are not living up to the requirements that were clearly identified by that legislation in terms of appropriations.

Specifically addressed by Senator BYRD's amendment is a shortfall in seaports, Coast Guard, and land transit security of $602 million; police, fire, and emergency medical teams of $729.5 million; security at United States borders with Canada and Mexico of $238.5 million; air cargo security, $100 million; and chemical facility security, $80 million.

Now, all of these protections are imperative because what we have discovered from those who wish us ill—terrorist cells—is first they are sophisticated; second, they are ruthless; and third, they tend to strike at areas which are the least protected, not the most protected.

We have made significant improvements in our air transportation system in terms of passenger travel, screening passengers, and I do not think most security consultants would say that would be the primary route of a new attack against us. We still have miles to go with respect to seaport security, maritime security, security at the borders, air cargo security. Again, given the nature of our opponents, our adversaries, it is likely they would look to these places, rather than areas we have reinforced or fortified, to launch another attack.

The Transportation Security Agency, as we all know, is responsible for all modes of transportation security. Yet the TSA, as I have suggested, has focused almost exclusively on our air transportation system with passenger travel throughout the United States and throughout the world. With a $4.8 billion budget, TSA has committed only $86 million for maritime and land security activities in this budget proposed by the administration. In contrast, $4.3 billion was requested for aviation security. In fact, the budget requests for administrative costs at TSA, their headquarters and the mission support centers, consist of amounts to $218 million, 2.5 times greater than the total request for maritime and land security activities.

As a result, the budget proposed by the President, the budget Senator BYRD seeks to amend, does not fully recognize the potential threats to our

ports, to our interstate buses, trucks that carry hazardous material, trains, our transit system, chemical factories—and the list, unfortunately, is longer.

Let me for a moment concentrate on one area of particular concern; that is, public transit. In the last Congress, I had the opportunity, responsibility, and privilege of being the chairman of the subcommittee in the Banking Committee that dealt with transit issues. We had several hearings with respect to numerous transit issues but particularly with respect to transit security. We found, and the GAO verified, there is a huge demand for resources to protect our transit systems, our subway systems, our bus systems. This bill hardly measures up to that.

The Byrd amendment—and I commend the Senator—would increase our efforts in transit security by $57 million. Frankly, based upon the testimony I heard last year before my committee, this is literally the proverbial drop in the bucket. There are some estimates—one by the American Public Transportation Association—that the needs for transit security through all the transit systems in this country would amount to $6 billion, primarily in the areas of communication, surveillance, detection systems, personnel, and training.

For the benefit of my colleagues, I will state that in the wake of the tragedy of 9/11, there was something remarkable taking place that minimized our casualities both in New York City and in Washington, DC. Particularly in Washington, DC, the subway system was the major source or route of evacuation for literally thousands and thousands of people. This system in Washington has been the beneficiary of a great deal of attention. It might be because of the proximity to the appropriators but, indeed, it had effective communications, it had a well-managed and well-trained group of operators, and they were able to move people literally underneath the Pentagon even though that building had been attacked. In New York City, the transit operators, these individual transit police officers and station masters, were able successfully to evacuate the subways and move people out because of communication systems, because of training, because of the infrastructure already there.

Those two systems—New York City and Washington, DC—are some of the most sophisticated in the country. Other parts of the country, other areas do not have the communication systems; they do not have the training; they do not have the expertise. That would go for probably every system, to varying degrees, throughout my country.

In my home State of Rhode Island, we have a statewide bus system, which is a good system, but they would be the first to say they need more training; they need more communications equipment; they need redundant communication systems in the event of an emergency so they can get through to the operators and the operators can get through to their dispatchers and controllers. That is just one example of the tremendous need for help for transit security.

There are approximately 6,000 transit agencies in the United States. These transit agencies provide over 9 billion trips per year, representing 43 billion passenger miles.

Yet there is very minimal funding in this bill for transit security.

Once again, if you believe, as I, that our adversaries are cunning, ruthless, and will strike at the most vulnerable portions of our country, transit is a target that I am sure is being considered. We have to do something to protect our riders, the literally millions of riders a year.

I hope we can support enthusiastically the Byrd amendment. It would represent a significant increase in our homeland security. It would address the areas that have been neglected in this bill sent to us by the administration.

Once again I emphasize, particularly in the area of transit security, even if we were to pass the Byrd amendment, if we wanted to ensure that all of our transit systems have the most up-to-date equipment and communications, that all of their personnel were well trained, we would be talking not about an additional several million dollars but we would be talking about literally billions of dollars.

I commend the Senator from West Virginia for his leadership. This is not the first time he has come to this floor to argue eloquently and passionately that we should defend our homeland. I am sure it will not be the last. I hope we can support this amendment.

Mr. BYRD. Will the Senator yield?

Mr. REED. I yield.

Mr. BYRD. Let me express my appreciation to the Senator for his support of the amendment; more than that, for his steadfast support of the appropriations as we have dealt with this problem time and again on the floor.

The Senator, as is Senator CLINTON, is a member of the Armed Services Committee, and his support for this amendment tells a lot. Here is the support of two Senators on the Armed Services Committee. They have been on there quite a while. They have seniority.

The Senator from Rhode Island is an outstanding member of the committee. I deeply appreciate his support of this amendment. I appreciate his patriotism and his eloquence and support of preparing this country against such attacks as it was subjected to on September 11, 2001.

Mr. REED. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I appreciate the indulgence of the Members. I thank the distinguished Senator from Mississippi for giving me an opportunity to spend a few minutes before making a motion on the amendment offered by the distinguished Senator from West Virginia, Mr. BYRD, to give me a chance to express my views on this amendment and to begin by thanking my seatmate and colleague of these many years for offering this amendment. Once again, his eloquence and his leadership and his vision are giving this body an opportunity to do something right for the American people.

We have all felt the sense of anxiety in this country since the startling events of September 11, 2001. There have certainly been no limits to the number of speeches given to the importance of making our Nation more secure, taking steps to see to it that our airports, our harbors, our borders, receive the kind of support and backing needed to keep this Nation as secure as we possibly can be, with the full understanding that as a nation, an open society, a nation where freedom and liberties are extended to all, this is not an easy path to walk—to be an open, free nation and simultaneously to be more secure. How we balance those interests requires a great deal of thought, a great deal of work.

The Senator is offering a reflection of what has been suggested by the Council on Foreign Relations in the report analyzing where we are today, 2 years after the events of September 11.

To quote the authors of that report, we are ''still dangerously unprepared, underfunded for a catastrophic terrorist attack.''

I think we ought to take their words to heart and we ought to do what we can to see to it that first responders—our fire departments, our police departments—are going to receive the kind of backing and support they ought to be getting from the Federal Government.

What the distinguished Senator from West Virginia is offering is a modest proposal. The money is not significant, I know that. But when you consider the gap that exists—the Council on Foreign Relations suggests that we are underfunding first responders by more than $98 billion. That is a huge amount of money. But if you go even further, reading the report, the number actually is twice that amount when you consider what needs to be done at other levels of government as well, to maximize our protection.

Unfortunately, we are coming way short of that number. So while we talk about this issue and identify the various problems that exist, this 62-page report, released on Monday, points out that we have a lot more work to do.

Senator BYRD has offered us an opportunity to close some of that gap. That is all, it is just some of this gap that will be closed by his amendment. I am disturbed that we are not going to be doing more. I fully support what the Senator from West Virginia is offering, but I think the American public would expect more. I suspect most did not have an opportunity to read this report or even hear news reports about it. But

as certainly as I am standing here today, there are going to be events that will come. I wish I didn't have to say that, but I think all of us know that to be the case. From what we are witnessing in Iraq today, what we have seen in Liberia, what we have seen in various targets around the globe, none of us should operate under the illusion that we are going to be immune from any future attacks because of what we have done since 9/11.

There are those gathered in places around the globe, as I share these words this afternoon, who are planning to attack this country, whether abroad or at home. They are planning it. Be certain of it. They are going to look for the opportunities to do us great harm and great damage. Any conclusion other than that would be foolhardy. They are doing it, and the question is, What are we doing to see to it that we are maximizing the protection of the people we have been charged to represent?

The painful conclusion is that we are not doing enough yet. Obviously, we cannot do this all at once, but we have a report telling us that after 2 years we are still woefully short of meeting those obligations. We have an opportunity. We have to make choices here. They are not comfortable choices, but we need to make these choices.

The time will come when a judgment will be made, and the question will be asked of us: What did you do, when you knew better? You were being told over and over again that you hadn't done enough yet. What did you do on that day in July, prior to your August break, when you were given an opportunity by the Byrd amendment to invest more resources to make these first responders better prepared? Where were you? How did you cast your vote?

Because the memories of 9/11, even after just 2 years, seem to be fading, it would be a catastrophic and tragic mistake, in my view, not to heed the counsel and advice of my colleague from West Virginia and step up and do what is right here and provide backing. I hope for unanimous support for this amendment. I cannot think of a more important or meaningful message we can send that we are prepared to take whatever steps are necessary to maximize the protections of our people within constitutional limitations.

My fear is the less we do along the lines suggested by the Senator from West Virginia, the more likely we are to take steps to limit the freedoms of average Americans. That seems to be the direction we are heading, to restrain or prevent individuals from doing certain things or examining or investigating individual people, rather than to strengthen the first responders and provide more harbor protection, to see to it our harbors and ports are going to be better protected.

Senator BYRD is offering us an opportunity, in a modest way, to answer that question that history will ask of us at some point. When you knew you were likely to be attacked again, when you knew you were likely to be victimized by terrorists, on that day in July when you were asked to make a choice to do more, to step to the plate, how did you cast your ballot? How did you represent your constituents when confronted with that choice? Senator BYRD is providing that opportunity to us this afternoon, and I hope our colleagues will join me in supporting this amendment to take a modest step, and that is all this is, to answer the deep concerns that have been expressed by our former colleague, Warren Rudman, and other individuals who prepared this report for the Council on Foreign Relations.

This report is a serious document. These are serious conclusions reached by serious individuals who have done their homework. This is not a political document. It is a document that lays out, chapter and verse, where the shortcomings are and what needs to be done by this National Government to try to close these gaps. Senator BYRD is offering us that chance to do it.

I thank him profoundly for this suggestion that he has made to us. I am going to have several amendments myself later on in this debate to deal with fire departments across the country to increase, if we can, the resources to see to it they can have the tools necessary to respond to the challenges they will see. This amendment is more comprehensive, the amendment being offered by Senator BYRD. We will have other suggestions to make as well. But this is the first opportunity for us to say that our memories have not faded.

While others may focus on other events as they captivate the attention of the media, we remember what happened on 9/11. While there is no certainty we can stop it from happening again, we want to take the steps necessary to see to it that we make it that much harder for those who would do us harm to achieve their goals.

For those reasons, I strongly endorse this amendment and urge my colleagues to do likewise by casting a vote in favor of the Byrd amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I make a point of order under section 302(f) of the Congressional Budget Act that the Byrd amendment provides spending in excess of the subcommittee's 302(b) allocation.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I realize this is not debatable. I shall shortly move to waive the point of order, which will be debatable, not that I intend to take long in debating it. But if the Chair will indulge me momentarily, I want to thank Senator DODD for his very forceful and cogent and persuasive statement in support of the amendment. He is extremely eloquent. He intends to follow up this statement after a little while with an amendment of his own. But I thank him profusely, without being profuse, for an excellent, excellent statement. I believe his perspicacity will be rewarded in time. I believe it will be. I know the American people are better off for having him in the Senate and for the support he has given to this amendment. I hope the Senate will prevail in support of the statement of the Senator from Connecticut.

Now, Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. ALEXANDER). Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there debate on the motion to waive?

Mr. REID. Mr. President, I know the Senator from Mississippi has been very patient today. We have one additional Senator who says he is on his way. I am confident he is. So if the Senator from Mississippi would be patient, he should be here shortly.

I note the absence of a quorum.

Mr. BYRD. Mr. President, will the Senator withhold?

Mr. REID. I am happy to withhold. Of course I will.

Mr. BYRD. Mr. President, while Senator NELSON is coming to the floor, let me just remind my colleagues that I offered an amendment last January to add $5 billion to the omnibus appropriations bill for 2003 for homeland security programs such as port security, nuclear security, airport security, and first responders. The White House labeled the amendment as extraneous spending and the amendment was defeated.

So what happened? Ten weeks later, the White House requested a $4.4 billion supplemental. And a month later, Congress approved $5.1 billion of supplemental homeland security funding. So the White House was a day late and several hundred million dollars short. All the White House accomplished was the delay of critical homeland security investments for 3 months.

That was a repeat of the same old tune we heard from the White House at the time Senator STEVENS and I wrote a letter to the White House and to Secretary Ridge urging that there be more money for homeland security. Secretary Ridge responded with a letter to Senator STEVENS and to me saying that the White House believed that our amendment was extraneous for the moment and that the White House would be submitting its own request in due time.

So it seems that whenever we have attempted to offer legislation to protect our own country, to protect the people of the country, to protect the infrastructure of the country, to protect the industries of the country from attack, the administration always says it does not need these moneys and that in due time it will submit its own request. And so that seems to be the record today.

Today we are debating an amendment to add just $1.75 billion for homeland security. And the majority, speaking for the administration, says the amendment is too large. Mr. President, history has a way of repeating itself. The Senate should approve this amendment today. The Senate should not wait for the White House to recognize real homeland security vulnerabilities. Delay does not make the Nation more secure.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I rise to speak on behalf of the amendment offered by the Senator from West Virginia.

There are a lot of important reasons to enact this amendment. There is no greater calling for the National Government now than to protect the homeland. We see all the instability in the world and the fact that Iraq has now become a magnet for a lot of bad guys in all the world who want to do damage to the United States. In Iraq, almost one American soldier a day is being assassinated.

By the way, the assassinations are taking place in three different ways. On the eve of my arrival, 2 weeks ago, in Baghdad, very sadly and unfortunately, one of our Florida National Guard soldiers from Gainesville was assassinated. In this particular case, the soldier was on guard duty for a delegation that had gone to a meeting at the university. And in the hubbub of all the crowds at the university, this soldier was standing guard for the party that was meeting. The soldier was vulnerable because of the crowds. And our soldiers are vulnerable between that position and that position—being the upper part of the body armor, the Kevlar, and the helmet. And, in this particular case, in the hubbub of that crowd, someone tapped that soldier on the shoulder. He turned around, and he was shot in the face. That is one method of assassination.

Another method is to use a landmine with a remote control device, and usually a landmine placed on a part of a road where the road narrows, so when the convoy comes along that area, the landmine can be detonated. And it is usually targeted at a lightly armored vehicle such as a humvee. We have had that happen a number of times.

And then a third method, which has been used more frequently recently, is the use of the rocket-propelled grenades. In the case of the soldiers last night who were assassinated, it was being fired from a position behind bushes, near a roadside.

But another method is where a convoy is moving out, and they are moving rapidly, and someone on a downtown street tries to insert into that convoy and then shoots an RPG either at the vehicle in front of them or to the rear of them.

So, clearly, there is a lot of trauma and mischief that is going on in that part of the world. But it is a foretelling of what people want to do to the United States. It is not just the Fedayeen and it is not just the Baathists and it is not just the Saddam loyalists. Iraq is now attracting outsiders who want to do damage to the United States.

So if they target there, clearly they are going to be targeting here as well. This, by the way, is another reason, when we try to protect ourselves against terrorists, our protection is only so good as the timeliness of our intelligence and the accuracy of our intelligence. Does that ring a bell? And I hope we get through all of that and get it straightened out as well.

But the issue before us is the protection of the homeland. You cannot protect the homeland on the cheap. If the question is how we allocate the moneys—if it should go to tax cuts or protecting the homeland—then that gets to be a pretty simple answer. The people want the homeland protected.

Although there is some measure of protection that is offered, now Senator BYRD has offered additional protection. The debate has already been held, and I will not repeat, except to emphasize one thought: Florida, my State, has 15 deepwater ports. It is a place of great vulnerability because of all the containers that come into this country, only 2 to 3 percent of them are checked.

If we are looking for weapons as easily concealed, for example, as a shoulder-mounted heat-seeking missile that can bring down a commercial airliner, how easy that is to slip into the country in a container in port. Senator BYRD is offering a total of $610 million, $460 million over the existing $150 million in the bill, for expenses for port security. I can tell you every one of those port managers in my State—and I think I can speak also for the other ports of the other States—are strapped with so many expenses. They desperately need additional help for security at their ports.

I rest my case. It is a matter of common sense in the protection of the homeland. I have only spoken about one part of the appropriations in this amendment. I encourage our colleagues to support Senator BYRD's amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the hour has gotten late and the vote is nearly upon us, but I did not want this opportunity to pass by without commending my colleague from West Virginia on his amendment. When we talk about the need for homeland security and the efforts to safeguard the American people, Senator BYRD has been leading the charge here in the Senate, and here in Washington, every step of the way for the past 22 months. Tonight he again reminds us about putting the Nation's priorities in order. As he rightly argues, an additional $1.8 billion for increased port security, enhanced chemical and electrical security, and additional aid to our first responders struggling out there to protect Americans is no burden, it is an imperative.

In the past several days, as I have prepared for this debate, I have had the opportunity to follow up with mayors across Massachusetts to see how they are coming along in their efforts to protect their citizens. They are working hard, and they are doing their best, but they are not getting the help they need. Mayor Ed Lambert in Fall River, MA, has, to date, only gotten $150,000 to protect his city of 95,000. One-hundred and fifty thousand dollars for a city that has had to reduce its police force by more than 30 police officers. He has the responsibility to protect an extremely important reservoir that serves 200,000 citizens of Southeastern Massachusetts and $150,000 doesn't get him very far.

The Mayor of Holyoke, MA, Mike Sullivan, didn't even fare that well. His city is home to one of the nerve centers of the Northeast's electricity grid. And yet he has gotten no homeland security assistance to date to help defray the costs of protecting this piece of critical infrastructure which his police force constantly monitors. He has also gotten no instruction from the federal government regarding what he should be doing to keep it safe and secure.

So if any of our colleagues wonder what is happening in the homeland or questioning whether first responders in their cities and towns need help, I recommend that they simply pick up the phone and call their mayors. The mayors and local officials will tell them what an extraordinary need there is. They will also tell them of the great pressure and anxiety they feel to try to do more to protect the public's safety at a time when most of them are wrestling with crushing and unprecedented budget shortfalls.

This amendment makes an important downpayment, and sends a strong signal to mayors and first responders across the country. It says that the U.S. Senate knows that more needs to be done, that not enough is being done, and that we are prepared to begin helping you meet the awesome challenges you face. I thank the Senator from West Virginia for standing firm on this amendment, and for all he has done to force our government to recognize and address the extraordinary homeland security needs confronting this nation. I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Florida, Mr. NELSON, and I thank the distinguished Senator from Massachusetts, Mr. KENNEDY, for their excellent statements. I thank them for supporting the amendment. I hope the

Senate will vote to waive the point of order.

The PRESIDING OFFICER. Is there further debate on the motion to waive?

If not, the question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

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

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

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

The yeas and nays resulted—yeas 43, nays 50, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—43

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

NAYS—50

Alexander	Dole	Miller
Allard	Ensign	Murkowski
Allen	Enzi	Nickles
Bennett	Fitzgerald	Roberts
Bond	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
DeWine	McConnell	

NOT VOTING—7

Crapo	Graham (FL)	Lieberman
Domenici	Kerry	
Edwards	Leahy	

The PRESIDING OFFICER. On this question, the yeas are 43 and the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

NATIONAL HAZARDOUS MATERIALS TRANSPORTATION MONITORING AND RESPONSE CENTER

Mr. REID. Mr. President, I thank the Senator from West Virginia, Mr. BYRD, for his work on this important Homeland Security appropriations bill. As the Senator knows, I am pleased that the bill we are discussing today includes within the Transportation Security Administration ''$13 million for the hazardous materials permit program and truck tracking system to provide for nationwide coverage.'' As you are aware, the Federal Government has issued warnings that terrorists may exploit the 800,000 daily hazardous waste and dangerous goods shipments in new attacks on the U.S.—either as weapons of mass destruction or in the manufacture of such weapons. So the funding you and Chairman COCHRAN have included in this bill is very timely and important.

Mr. BYRD. I agree this is important and timely funding for one of the many needs facing our Nation as we deal with terrorist threats.

Mr. REID. I want to ask the Senator if he is aware that the University of Nevada Las Vegas is working to initiate development of a National Hazardous Materials Transportation Monitoring and Response Center that would build upon existing commercially available satellite based nationwide truck monitoring and communications technology. The center would ensure a secure location for nationwide hazardous material truck monitoring. It would also link, for the first time, the ability to remotely identify an incident anywhere in the country with the ability to immediately alert the appropriate emergency responders and law enforcement officials.

Mr. BYRD. Yes, I understand this project is in development in Nevada. I encourage the Department to consider using a portion of the $13 million appropriated for hazardous materials tracking to help initiate the development of this project.

Mr. REID. I thank my colleague from West Virginia and the Chairman COCHRAN for their support of those efforts and look forward to working with the committee on this important issue.

Mr. NICKLES. Mr. President, I rise in support of H.R. 2555, the Homeland Security Appropriations bill for fiscal year 2004, as reported by the Senate Committee on Appropriations.

I want to commend the distinguished chairman and the ranking member for bringing the Senate a spending bill within the Subcommittees' 302(b) allocation. Moreover, they and their staffs need to be congratulated on reporting the very first Homeland Security Appropriations bill.

The pending bill provides $29.4 billion in total budget authority and $30.6 billion in total outlays for fiscal year 2004. For discretionary spending the Senate bill is at the subcommittee's 302(b) allocation for budget authority and outlays. The Senate bill is $1.4 billion in BA and outlays above the President's budget request.

The pending bill funds the programs of the Department of Homeland Security, including the Bureau of Customs and Border Protection, the Bureau of Immigration and Customs Enforcement, the U.S. Coast Guard, the Transportation Security Administration, the U.S. Secret Service, the Office for Domestic Preparedness, and several other offices and activities.

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

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

H.R. 2555, DEPT. OF HOMELAND SECURITY APPROPRIATIONS, 2004; SPENDING COMPARISONS—SENATE-REPORTED BILL

(Fiscal year 2004, in millions of dollars)

	General purpose	Mandatory	Total
Senate-Reported Bill:			
Budget authority	28,521	831	29,352
Outlays	29,737	847	30,584
Senate Committee allocation:			
Budget authority	28,521	831	29,352
Outlays	29,737	847	30,584
2003 level:			
Budget authority	28,269	889	29,158
Outlays	27,558	818	28,376
President's request:			
Budget authority	27,114	831	27,945
Outlays	28,323	847	29,170
House-passed bill:			
Budget authority	29,411	831	30,242
Outlays	30,500	847	31,347
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget authority	.....	.....	.....
Outlays	.....	.....	.....
2003 level:			
Budget authority	252	(58)	194
Outlays	2,179	29	2,208
President's request:			
Budget authority	1,407	.....	1,407
Outlays	1,414	.....	1,414
House-passed bill:			
Budget authority	(890)	.....	(890)
Outlays	(763)	.....	(763)

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

MORNING BUSINESS

Mr. CORNYN. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business.

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

THE JUSTIFICATION FOR WAR

Mr. CORNYN. Mr. President, I rise to say a few words about the war in Iraq.

My recent visit to the Middle East confirmed that the largest obstacle to a free and prosperous Iraq is the significant number of people who still live in fear of Saddam Hussein and his sons. That is an understandable fear, considering the years of torture so many endured under the iron fist of the Hussein regime.

With today's news from Central Command of the deaths of Uday and Qusay Hussein, we are two steps closer to removing that fear, two steps closer to rebuilding a once-great nation, and two steps closer to ensuring lasting security and freedom for the Iraqi people. I thank all the dedicated men and women in our Armed Forces who helped make these two steps possible.

Throughout the past few weeks, we have heard some on this floor raise questions about the justification for the war in Iraq.

Last week on this floor, the senior Senator from North Dakota had this to say, and I quote:

This administration told the world Iraq had weapons of mass destruction, that they are trying to develop nuclear capability, there is a connection to al-Qaida, and each and every one of those claims is now in question, every one of them. It is not just 16 words in the State of the Union. It is far more serious than that.

I find this charge to be simply indefensible. It is an accusation that flies in the face of everything that we have seen about Saddam Hussein's regime. It offends the reasoning mind. It maligns all good Members of this body who weighed the intelligence about Iraq in the balance and decided that this war was just and right—and voted for it. I might add, months before the President's State of the Union speech.

We have heard similar statements echoed from others on this floor and in the press in recent weeks. I have the utmost respect for my fellow Senators. Yet I must confess I am dumbfounded at how soon they forget the truth about the vile regime of Saddam Hussein.

I believe their line of reasoning goes something like this: They charge that the President was looking for excuses to go to war with Iraq, and that his claims concerning weapons-of-mass-destruction were just a pretense for this war.

I find this line of reasoning nonsensical at best—and downright offensive at worst.

First, if one buys the idea that Saddam Hussein did not possess the weapons or the capabilities the administration assigned to him, the dictator did not fool us alone as to his guilt. Every significant intelligence service in the world, including the vast majority of those in nations who opposed this war, were convinced that Iraq possessed these weapons. That is why the U.N. Security Council unanimously passed Resolution 1441, which declared Iraq in material breach of its obligations under numerous previous resolutions, including failing to account for weapons of mass destruction that Iraq had previously admitted to building and stockpiling.

As Richard Butler, the former head of the U.N. arms inspection team in Iraq, wrote in 2001:

It would be foolish in the extreme not to assume that [Saddam] is developing long-range missile capabilities; at work again on building nuclear weapons; and adding to the chemical and biological warfare weapons he concealed during the UNSCOM inspection period.

Yet it is that same logical position that some in this body are arguing against today. Those who make accusations based on their political desires, not the facts, lump the international political community, the media, the intelligence community, and the President of the United States into some fantastic form of shadowy conspiracy. This is hardly responsible, and I believe it does a great disservice to the American people.

Second, if one honestly argues that because of one offending sentence every other claim made by the administration concerning Iraq is now under question, you run into a very hard brick wall of solid fact. Perhaps my colleagues will explain what form of gas Saddam used to kill more than 100,000 Kurds, including 5,000 in just one day. Perhaps they will explain why, prior to kicking out the U.N. inspection team in 1998, Iraqi officials admitted that they had produced biological weapons agents—including 4 tons of VX, 8,500 liters of anthrax and 19,000 liters of botulinum toxin—and biological weapons delivery munitions, including aerial bombs, aerial dispensers, and Scud missile warheads. Perhaps they will explain why, for more than a decade, Saddam Hussein stymied inspectors, buried research facilities, built mobile biological weapons labs, intimidated scientists, and even removed the tongues of those who questioned his regime.

I would ask my colleagues who have made these arguments to answer a question for me, then. Under their line of reasoning, why did our President seek the authority to pursue this war? If, as they claim, there was no overarching consensus that Saddam Hussein represented a danger to American security and peace in the Middle East and around the world, why did the President undertake this war? Why did so many vote to support the President, here in the Senate and in the United Nations?

War is a serious enterprise, one that is not undertaken without risk. The fact that Baghdad fell in 3 weeks, with so few casualties among coalition forces, fulfilled our greatest hopes for this conflict. I know I am thankful for that fact, and I know the President is as well. I also know that the case for this war remains solid.

This was a case built not on one piece of evidence provided by British intelligence, but on a much deeper long-term purpose. It was built on the noble goal of ending the decades of brutal and violent works by Saddam Hussein, and on our clear duty to ensure America's security in the post-9/11 world by removing state-sponsors of terrorism and opposing regimes that threaten other nations with weapons of mass destruction.

Three-hundred thousand people, maybe more, are buried in mass graves spread throughout Iraq, in nearly a hundred reported sites. They stretch from Basrah to Baghdad, from Najaf to Kirkuk. They are silent monuments to Saddam's legacy of ruthlessness and evil.

The suggestion in the face of these silent witnesses that Iraq, the Middle East, and America are not better off today than we were before this war is simply ludicrous.

We have finished the fighting. Now we must finish the job. We seek to make Iraq secure, to make it a place where the rule of law can be established, so that civilian leaders and the Iraqi Governing Council can establish a new government for a new nation.

This is not an easy task—and it is not without cost. But it must be done, so that Iraq can flourish as a free nation, and so that the victories won, the lives risked and lost, will not be in vain.

Those we spend their time playing political games with our mission in Iraq, even while our brave men and women labor to secure and stabilize this fledging nation, dishonor our soldiers in the field and the memories of all of those who sacrificed their lives opposing the bloodthirsty regime of Saddam Hussein.

President Clinton argued in 1998 that if America did not act, Saddam Hussein would:

. . . go right on and do more to rebuild an arsenal of devastating destruction. And some day, some way, I guarantee you, he's use the arsenal.

President Bush agreed with that argument, and he dediced to do something about it. Many of us agreed with that argument, and we voted to support the President. And I am confident history will record it as the right decision—a decision based strongly on the principles of human freedom that inspired America's foundation.

Last week, Prime Minister Blair reminded us that we have a duty as a powerful nation to take great care regarding what kind of world we leave for our children. I believe that the task that falls to us at this moment in history is spreading the blessings of liberty, bringin the light of freedom to a nation imprisoned in the darkness.

Let those who are more comfortable playing political games—play on. Those of us who wish to accomplish something greater will labor on, undeterred, always confident in our ultimate goal: We seek a just, free, and peaceful world—for ourselves, for the Iraqi people, and for future generations.

IN REMEMBRANCE OF STROM THURMOND

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD my remarks of December 9, 2002, before the U.S. Capitol Historical Society.

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

''Who well lives, long lives; for this age of ours should not be numbered by years, days and hours.''

We are gathered here today to salute a friend and colleague who has lived long and spent his days well.

Strom Thurmond has been a teacher, an athletic coach, an educational administrator, a lawyer, a State legislator, a circuit court judge, a county superintendent, a soldier, a Presidential nominee, and a Governor—and all of that was packed into just his first 52 years.

In 1954, Strom won his first election to the Senate as a write-in candidate—beginning

his Senate sojourn with the singular achievement of being the only person in history to be elected to the Senate in that fashion.

As he began his Senate service with a ''first'' he also leaves it by setting two more records—that of being the longest serving Senator in U.S. history and also being the oldest person to serve in the U.S. Senate. May I note here that he is also the only person in the Senate who is old enough to be my big brother. But, Strom, like Casey Stengel, I'll never make the mistake of being 70 again.

Strom Thurmond's life is not just about length and achievement, it is about personal service and commitment.

Now, I am not speaking here about Strom's well-known appreciation for the gentler sex. I am speaking about his love of his country and his commitment to serve it.

Consider the fact that Strom Thurmond volunteered for service in World War II. He did that when he could have stayed safely at home. Strom was beyond draft age in 1942. Additionally, as a judge, he held draft-exempted status. Yet he went. And in 1944, Strom Thurmond was part of D-Day—the invasion of the beaches of Normandy that signaled the defeat of worldwide fascism. He risked his life to serve the nation he loved.

After the war, Strom Thurmond served the State that he loved by becoming its Governor.

In 1948, Governor Strom Thurmond tried again to serve the country that he loved by running for President as a States rights Democrat. He carried four States and won 39 electoral votes. Undaunted, in 1954 Strom found another way to serve his beloved State and country by being elected to the U.S. Senate. It is in this role, that of U.S. Senator, that we have come to understand the extraordinary service of this man from South Carolina.

Strom Thurmond is a man who, because of the quantity of his years, has seen enormous change—the rise and fall of Nazi Germany; the Russian Revolution; the rise and fall of the Soviet empire; two world wars; space exploration; civil rights upheaval; and incredible advances in technology and medicine. Indeed, the world is very different from the one that Strom Thurmond knew as a young man. He has been witness to the ''vicissitudes of fortune, which spares neither man nor the proudest of his works, which buries empires and cities in a common grave.''

And yet Strom has never lost his desire to serve, to make his contribution, to add his voice and his views to the rich conglomeration of beliefs and viewpoints which, when mixed together, yield an idea called America.

Strom is never one to become discouraged, disheartened or disenchanted. He loves his country, and he has been a faithful and devoted defender of the Nation's need for a strong defense. No summer soldier, no sunshine patriot, he.

Youth is not a time of life—it is a state of mind. It is not a matter of red cheeks, red lips and supple knees. It is a temper of the will; a quality of the imagination. Youth means a temperamental predominance of courage over timidity, of the appetite for a adventure over a life of ease. This often exists in a man of 50, more than in a boy of 20. Nobody grows old by merely living a number of years; people grow old by deserting their dreams.

Years may wrinkle the skin, but to give up enthusiasm wrinkles the soul.

Whether 70 or 16, there is in every being's heart a love of wonder; the sweet amazement at the stars and starlike things and thoughts.

You are as young as your faith, as old as your doubt; as young as your self-confidence, as old as your fear; as young as your hope, as old as your despair.

In the central place of your heart, there is a wireless station. So long as it receives messages of beauty, hope, cheer, grandeur, courage, and power form the Earth, from men and from the Infinite—so long are you young. When the wires are all down and the central places of your heart are covered with the snows of pessimism and the ice of cynicism, then are you grown old, indeed!

In the words of Pericles: ''It is only the love of honor that never grows old.''

Today, it is not the length but the quality of Strom Thurmond's life which we celebrate. For that marvelous life of character and courage I salute him. It is a privilege to know him, an honor to serve with him, and an education to ponder his remarkable life.

MULTIPLICATION TABLE OF HAPPINESS

Count your garden by the flowers
Never by the leaves that fall;
Count your days by the sunny hours,
Not remembering clouds at all;
Count your nights by stars, not shadows,
Count your life by smiles, not tears,
And on this beautiful December afternoon,
Count your age by friends, not years.

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to an American political icon, patriot, war hero, and lifelong South Carolinian, Senator Strom Thurmond. While many will recall Senator Thurmond's half-century career on the political stage, I shall fondly remember the many kindnesses he extended to my family and me. He was a warm-hearted, gentle man, and I will count it as one of my life's honors to have served with him in the U.S. Senate.

I join my colleagues in extending my heartfelt condolences to his family who have lost a beloved husband, father, and grandfather. Strom was a legend in the Senate and touched many of us during his long career. In fact, I will always remember Senator Thurmond's 90th birthday party when he turned to the audience and said, ''If you all eat right, exercise, and don't drink whiskey, you'll be here for the 100th birthday party.'' Strom Thurmond was a remarkable American; I don't think we'll see another one like him for a long time, if ever.

Mr. KYL. Mr. President, we mourn the loss of Strom Thurmond, the legendary Senator who held his first public office in the late 1920s and who died on June 27 in his hometown of Edgefield, SC. The State of South Carolina lost a beloved native son and the Senate lost a cheerful, robust, honorable, and dedicated colleague. He was someone who was always eager to help me and to accommodate my concerns. It was an honor to work with him on issues of national defense, foreign policy, and many other matters important to the people of the United States.

South Carolinians' outpouring of respect when he died was massive. Senator Thurmond had been a judge, a soldier who landed in Normandy as a member of the 82nd Airborne Division in 1942, a Governor of South Carolina, and chairman of the Judiciary and Armed Services committees in this body. He was also someone who changed his mind on an issue of great import—race in America—and he was a fine example to his fellow citizens on that score.

Strom Thurmond was an indomitable spirit. He represented continuity in the U.S. Senate, becoming, in 1996, its oldest serving Member and, in 1997, its longest serving Member. Those are for the record books. But on a personal level, I can say I admired tremendously his buoyant spirit. I appreciated him for assisting me in so many ways, and for his stalwart service to our country.

THAILAND'S BUSINESS AS USUAL

Mr. MCCONNELL. Mr. President, in the struggle for freedom in Burma, I am becoming increasingly convinced that Thailand is on the side of the representative junta in Rangoon.

To with, the Foreign Minister of Thailand was recently quoted: ''We are trying to find an exit for the Myanmar Government, the also reduce pressure from the international community.''

Instead of trying to find an ''exit'' for the repressive State Peace and Development Council, SPDC, Thailand should be trying to secure the release of democracy leader Daw Aung San Suu Kyi and other democrats jailed in the wake of the brutal May 30 attack on the National League for Democracy, NLD.

Thailand's ''business-as-usual'' approach places that country at odds with other Associated of Southeast Asian Nation, ASEAN, members—including Malaysia. Given the SPDC's refusal to release Suu Kyi and other Burmese democrats, Malaysian Prime Minister Mahathir rightly commented that Burma could be expelled from ASEAN ''as a last result.''

Thai Prime Minister Thaksin Shinawatra must defend democracy in Burma and should join with Malaysia and other ASEAN members in holding the SPDC accountable for their actions.

Thailand should take note that I included a provision in S. 1426, the fiscal year 2004 Foreign Operations appropriations bill, that conditions United States assistance to that country on a determination by the Secretary of State that Thailand: one, supports the advancement of democracy in Burma and is taking action to sanction the military junta in Rangoon; two, is not hampering the delivery of humanitarian assistance to people in Thailand who have fled Burma; and three is not forcibly repatriating Burmese to Burma.

It is past time for Thailand to prove its commitment to the cause of freedom and the rule of law in Burma. The Thai Foreign Minister has an opportunity to set the record straight in Bali this week. He should not miss it.

TRIBUTE TO LINDA FLATT

Mr. REID. Mr. President, I rise to pay tribute to my fellow Nevadan, Linda Flatt, from Henderson, NV.

Linda is a living example of how a person can turn her grief into action and help others.

On June 29, 1993, Linda's son Paul took his own life. He was 25 years old. In addition to having to accept the loss of her son, Linda had to accept the way she lost him.

First, Linda attended suicide survivors meetings. She transformed herself from being a victim to a survivor. She could have stopped there but she did not.

Even when she was able to accept her son's suicide, Linda realized it affected other people. All she had to do was look at her own family. Paul had left behind many relatives and friends. Unfortunately, for every family like Linda's, there are many more in Nevada and nationwide.

Linda educated herself about the problem of suicide. Eventually she linked up with the Suicide Prevention Action Network and came to Washington for a National Awareness Event. This marked the beginning of Linda Flatt's transformation from suicide survivor to community activist.

Since 1998, Linda Flatt has made it her business, as a private citizen, to educate people in Nevada about suicide. She has not just told them it is a problem; she has told them there is a solution. Prevention is the solution.

On the national front, we have developed a strategy for suicide prevention. But Nevada, which had the highest rate of suicide in the country until this year, did not. Linda Flatt did not think that was right.

Linda took the national model, and started presenting it to the Nevada Legislature. She learned about State government and the legislative process. She contacted the press and the media. She lined up witnesses for hearings. She proposed resolutions and budgets. And finally, this year, the Nevada Legislature passed SB 49, which creates a State Office of Suicide Prevention in Nevada.

On behalf of the citizens of the State of Nevada, I wish to thank Linda Flatt for her tireless efforts and unwavering faith. To say that Linda Flatt is a model citizen does not really do her justice. She has already made a difference in the lives of countless people and will, no doubt, continue to do so. I feel great pride in knowing and recognizing the accomplishments of Linda Flatt.

PROTECT ACT OF 2003 TECHNICAL AMENDMENT

Mr. HATCH. Mr. President, I rise to commend my colleagues in the House of Representatives for passing S. 1280, the PROTECT Act of 2003 Technical Amendment. This bill is directed to that portion of the PROTECT Act authorizing a pilot program to study the feasibility of instituting a national background check for volunteers who work with children. The National Center for Missing and Exploited Children will provide their expertise by evaluating criminal records of volunteers provided by the Federal Bureau of Investigation to determine if the volunteers are fit to interact and work with children.

When authorizing the pilot program, Congress immunized the National Center for its operation of the child abuse cyber-tip line but neglected to extend it to their activities connected to their operation of the background check pilot program. In order for the Center to fully implement the pilot program, this bill immunizes the Center for decisions it makes based on the criminal records provided to them in any one of the following instances: 1. a decision that the records indicate that a volunteer is not fit to work with children; 2. a decision that an individual is fit to serve as a volunteer based on the government providing incomplete or inaccurate criminal history records; or, 3. a decision that an individual is fit to serve as a volunteer where the Center is provided no criminal history records.

Chairman SENSENBRENNER, Senator BIDEN, and I have been the principal authors of this bill. We all agree that this is the proper interpretation of this technical amendment. I commend Chairman SENSENBRENNER in the House of Representatives for moving this time-sensitive bill through the House of Representatives so quickly.

Mr. BIDEN. Mr. President, I rise to commend the other body for its prompt action on S. 1280, legislation introduced by Chairman HATCH and myself and passed unanimously by the Senate on July 14. Enactment of S. 1280 will clear the way for the commencement of the Child Safety Pilot Program created by the Protect Act, a program designed to keep our kids safe from pedophiles and other criminals.

S. 1280 builds upon language included in the Protect Act at section 108 which authorized a pilot program to study the feasibility of national criminal history background checks for volunteers with organizations that work with children. In section 108, the National Center for Missing and Exploited Children is authorized to assist child-serving organizations in evaluating criminal history records to determine whether potential volunteers are fit to work with children.

We need to do all that we can to keep pedophiles and other convicted felons away from our kids. That was the intent of the background check provisions Senator HATCH, Chairman SENSENBRENNER, and I worked to include in the Protect Act. Instead of giving volunteer organizations raw criminal history data, the National Center for Missing and Exploited Children, ''NCMEC'', agreed to review the FBI's data to determine whether it reveals a criminal history rendering someone unfit to work with children.

Under section 108 of the Protect Act, NCMEC will evaluate FBI-provided criminal history records, make a determination whether these records render a potential volunteer unfit to work with children, and pass this resulting fitness determination on to the requesting volunteer organization. Unfortunately, the Protect Act did not limit NCMEC's civil liability in this area. NCMEC volunteered to take on this task, but they indicated they would be unable to make fitness determinations if they are subject to civil suits by aggrieved volunteers. And while the Protect Act provided NCMEC with a shield from civil liability for operating its cyber tip line, so long as NCMEC does so consistent with the purpose of the tip line, no similar protection was provided with respect to NCMEC's activities under the pilot background check program.

S. 1280 extends NCMEC's immunity from civil liability to actions they take pursuant to the pilot program. NCMEC will still be subject to suit for any criminal actions they take, and liable civilly if a plaintiff can show actual malice or intentional misconduct on NCMEC's part. Specifically, S. 1280 immunizes NCMEC for decisions it makes based on the criminal records provided to them by the FBI in any of the following instances: 1. When NCMEC provides a volunteer organization with a fitness determination indicating that a volunteer is not fit to work with children; 2. When NCMEC provides a volunteer organization with a fitness determination that an individual is fit to serve as a volunteer based on incomplete or inaccurate criminal history records provided by the FBI; or 3. When NCMEC provides a volunteer organization with a fitness determination that an individual is fit to serve as a volunteer based on a lack of criminal history records from the FBI. As an author of S. 1280, I understand my interpretation of the legislation is consistent with that of Chairmen HATCH and SENSENBRENNER.

Enactment of S. 1280 will permit the pilot programs authorized in the Protect Act to begin on the date called for in the legislation, July 29, 2003. I thank my colleagues in the other body for taking prompt action on S. 1280. I thank Chairman HATCH for his continued devotion to child safety issues, and I look forward to the commencement of the Child Safety Pilot Program next week.

CANADIAN HARP SEAL HUNT

Mr. LEVIN. Mr. President, the Humane Society of the United States, HSUS, has recently brought to my attention a matter that I want to share with my colleagues. According to this prestigious organization, the Canadian government provides millions of dollars of subsidies to the sealing industry every year. These subsidies facilitate the slaughter of innocent animals and artificially extend the life of an industry which has ceased to exist in most developed countries.

In 2001, a group of independent veterinarians traveled to observe the seal

hunt. What they witnessed was shocking to all who are concerned about the humane treatment of animals. The images are difficult to envision but harder to believe: skinning of live animals and the dragging of live seals across the ice using steel hooks.

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

There is little about the Canadian sealing industry that is self-sustaining. The operating budget of the Canadian Sealers Association continues to be paid by the Canadian government; their rent each month is paid by the provincial government of Newfoundland and Labrador; seal processing companies continue to receive subsidies through the Atlantic Canada Opportunities Agency; Human Resources Development Canada, and other federal funding programs for staffing and capital costs. The sealing industry, through the Sealing Industry Development Council and other bodies, receives assistance for product research and development, and for product marketing initiatives, both overseas and domestically. All the costs of the seal hunt for ice breaking services and for search and rescue, provided by the Canadian Coast Guard, are underwritten by Canadian taxpayers.

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

The clubbing of baby seals can't be defended or justified, and Canada should end it just as we ended the Alaska baby seal massacre 20 years ago.

FBI CHALLENGES

Mr. GRASSLEY. Mr. President, the Federal Bureau of Investigation faces tremendous challenges in the war on terrorism, particularly with its internal operations, where a culture of fear, retaliation, and coverup demoralize agents and weaken the organizations.

Director Mueller has taken at least two important steps to address this culture. First, he has recognized it, making him one of the first Directors in recent memory to acknowledge the problem. His appointment of Judge Griffin Bell and Dr. Lee Colwell to study the Office of Professional Responsibility, OPR, is an excellent example of his recognizing the seriousness of the problem.

Second, Director Mueller has translated this attitude into action. For example, earlier this year, he justly and fairly punished a senior manager, which was especially noteworthy because he had been handpicked by the Director for the job. Just a few years ago, I could not have imagined an FBI Director taking action against a top official the way he did with Robert Jordan, the Assistant Director of OPR. By implementing the recommended punishment of the Justice Department Inspector General (DOJ OIG), Director Mueller fairly applied high standards to a senior-level FBI official.

I commend the Director for these positive developments, and that is why I feel the following issues are important.

Specifically, I am concerned about the FBI recently awarding contracts to several former senior officials involved in wrongdoing during their careers. The former top officials are Charles Mathews III, who recently retired from the position of Special Agent in Charge of the Portland, OR, Division; Thomas Coyle, who held the position of Assistant Director, Personnel Division; and Special Agent in Charge of the Buffalo, NY, Division; and Joseph Wolfinger, who retired in the late 1990s from the position of Assistant Director of the Training Division in Quantico, VA.

First, it is my understanding that Mr. Mathews recently was selected to accompany several current FBI officials on a trip to Jakarta, Indonesia, to conduct training for law enforcement and security officials.

Second, it is my understanding that MPRI, an Alexandria VA, defense and security contracting company, was awarded a contract worth between $500,000 and $1.5 million to conduct counter-intelligence training for FBI agents. Mr. Wolfinger, who holds the title of Senior Vice President and General Manager, heads MPRI's ''Alexandria Group,'' which ''will provide the highest quality education, training, and organizational expertise, to law enforcement and corporations around the world,'' according to the company's Web site. Mr. Coyle is listed as ''Senior Law Enforcement Affiliate'' for the company.

One reason I have questions about these former officials and/or their companies obtaining contracts is that they were involved in the Ruby Ridge scandal (Mathews) and the ''Pottsgate'' scandal (Wolfinger). Mr. Coyle was involved with both Ruby Ridge and Pottsgate.

Ruby Ridge refers not only the deadly 1992 standoff at the Idaho home of Randall Weaver, but also the ensuring coverups of misconduct and lying by senior FBI officials. The Pottsgate scandal refers to the sham conference held in 1997 so friends and co-workers of then-Deputy Director Larry Potts could fly to Washington for his retirement party on the taxpayers' dime, rather than their own personal money.

It is not worth repeating the long and sorry history of the misconduct of all the senior-level officials involved in the Ruby Ridge standoff; Pottsgate; the ensuing investigations, re-investigations, and reviews of investigations; and the failure to take appropriate disciplinary action in both matters. A full recounting covering more than a dozen officials who were involved in wrongdoing would take hundreds of pages.

The most comprehensive, public details of these two scandals are outlined in the DOJ OIG's report, entitled ''A Review of Allegations of a Double Standard of Discipline at the FBI,'' issued in November 2002.

The FBI's reputation and integrity suffered enough when these men escaped any appropriate discipline for wrongdoing during their careers. Not only did they avoid accountability, but recent developments indicate that their former colleagues and friends are rewarding them with lucrative contracts. I am sure this is not the lesson Director Mueller wants agents and the public to learn about the FBI and the way it handles misconduct in its top ranks.

Before I explain my other concerns about Mr. Mathews, Mr. Wolfinger/MPRI, and Mr. Coyle/MPRI profiting—either directly of indirectly—from these contracts, a brief explanation of their involvement in misconduct is necessary. The following is based on the DOJ OIG's report on the double standard in discipline.

Mr. Mathews, in June 1994, led an internal inquiry into the findings of a previous criminal investigation regarding allegations of FBI misconduct during the Ruby Ridge standoff. Danny Coulson, for whom Mr. Mathews worked from 1988 to 1990 in Portand, OR, was one subject of the criminal probes and Mr. Mathews' inquiry.

Mr. Mathews' probe led to discipline for several agents and officials at the scene of the standoff, but not for any headquarters officials—including Mr. Coulson and his boss, Mr. Potts. Later, the Justice Department, DOJ, conducted criminal and administrative investigations into new allegations, including that Mr. Mathews and his investigation covered up misconduct. While under investigation for those issues, Mr. Mathews was promoted twice, and shortly after that DOJ investigation ended in 2001, he was promoted a third time to head the Portland, OR, Division. After contradictory conclusions at the senior levels of the DOJ under former Attorney General Janet Reno, Mr. Mathews, like other senior officials, escaped any discipline.

However, the November 2002 DOJ OIG report later determined that:

> Mathews should have been disciplined for failure to carry out [his] assigned duties—completing thorough and impartial inquiries—regardless of whether there was evidence of improper motivation. Moreover,

like DOJ OPR, we believe that there was sufficient evidence in the record to sustain a finding that [Mathews] acted with an improper purpose. (Page 64)

The DOJ OIG report also stated:

We also believe that Mathews' failure to rescue himself despite his relationship with Coulson, taken together with his statements and the unsubstantiated findings in his report regarding approval of the rules of engagement, established by a preponderance of the evidence that Mathews conducted an inadequate investigation. (Page 64)

The Pottsgate scandal refers to the allegation, among others, that Mr. Wolfinger, in October of 1997, arranged a conference to justify official business travel to Washington, DC, of senior officials so they could attend the retirement party of Mr. Potts, who was Deputy Director of the FBI at the time. The investigation focused on whether: the ''conference'' was a sham; it was used to justify the personal travel of officials to Washington for the party; those officials misrepresented their actions on travel forms and other government documents; and the officials were less than honest to investigators about their actions.

Mr. Wolfinger, the Assistant Director of the Training Division in Quantico, VA, was the organizer of the Thursday, October 9, 1997, retirement party for Mr. Potts. Just 7 days before the party, Mr. Wolfinger ordered a subordinate to send out a communication to the field announcing a conference for Special agents in charge, SACs, on Friday, October 10, 1997, the day after the party.

This ''conference'' was unusual in several ways, as the DOJ OIG November 2002 report points out. The conference—

announcement did not contain a conference schedule, a starting or concluding time, a training identification number, or travel instructions. The conference was scheduled for a Friday, normally a travel day for FBI employees following the conclusion of conferences. (Page 17)

The DOJ OIG report identifies other unusual characteristics of the ''conference.'' Only five people attended: Mr. Wolfinger, the subordinate he ordered to organize it, two SACs, and another individual. The agent who was ordered to give a presentation was told of the conference only 3 days before, on October 7, 1997. The conference had no formal agenda, and it lasted between 45 minutes and 90 minutes, rather than all day.

Despite the damning evidence, a disciplinary board of Senior Executive Service, SES, officials decided the ''conference'' was not a sham, though the board did conclude ''the planners exercised poor judgment in not properly preparing for it.'' (Page 26)

The DOJ OIG report notes that it is unclear exactly what action, if any, the board during two meetings decided to take against Mr. Wolfinger, who retired shortly after the board's meetings. Ultimately, however, it appears that Mr. Wolfinger was not punished. Michael Defeo, the Assistant Director of FBI OPR at the time, told the DOJ OIG that ''no recommendation as to Wolfinger was ultimately made . . .'' (Page 28)

Mr. Coyle, a coworker of Mr. Wolfinger at MPRI, was one member of the disciplinary board in the Pottsgate matter. The DOJ OIG concluded:

Coyle should not have participated because, at a minimum, an appearance of a conflict of interest existed, if not an actual conflict of interest. (Page 30)

As the DOJ OIG report notes, at the time of the board's decisions, Mr. Coyle and Mr. Potts were subjects of the Ruby Ridge investigation. The DOJ OIG wrote:

It was well known that many people wanted to attend the Potts retirement party to show support for him because of the Ruby Ridge investigation. That attitude was likely to be especially strong for someone like Coyle who also was a Ruby Ridge subject. We believe that Coyle should have recused himself or been removed from these Board proceedings. (Page 30)

The actions of these officials during their careers at the FBI are troubling. That is why I sent Director Mueller a letter today asking questions about the contracts these men were awarded. I asked for a response by Wednesday, August 27, 2003.

Mr. Chairman, I also ask that the letter, dated today, July 22, be printed in the RECORD.

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

JULY 22, 2003.

Hon. ROBERT MUELLER,
Federal Bureau of Investigation,
Washington, DC.

DEAR DIRECTOR MUELLER: The purpose of this letter is to inquire about the FBI recently awarding contracts to several former senior officials. The former top officials are Charles Mathews III, who recently retired from the position of Special Agent in Charge of the Portland, Oregon Division; Thomas Coyle, who held the position of Assistant Director, Personnel Division, and Special Agent in Charge of the Buffalo, New York Division; and Joseph Wolfinger, who retired in the later 1990s from the position of Assistant Director of the Training Division in Quanticao, Virginia.

First, it is my understanding that Mr. Methews recently was selected to accompany several current FBI officials on a trip to Jakarta, Indonesia, to conduct training for law enforcement and security officials.

Second, it is my understanding that MPRI, an Alexandria, Virginia defense and security contracting company, was awarded a contract worth between $500,000 and $1.5 million to conduct counter-intelligence training for FBI agents. Mr. Wolfinger, who holds the title of Senior Vice President and General Manager, heads MPRI's ''Alexandria Group,'' which ''will provide the highest quality education, training and organizational expertise, to law enforcement and corporations around the world,'' according to the company's Web site. Mr. Coyle is listed as ''Senior Law Enforcement Affiliate'' for the company.

(1) Mr. Wolfinger and Mr. Coyle.

(A) Please provide a list of Mr. Wolfinger's involvement in counterintelligence cases during his career in the FBI, including the John Walker spy case. This list should include the name of the counterintelligence investigation, a brief description of the case, his role in the case, his title and place of work at the time. Also, please provide detailed information on any counterintelligence training Mr. Wolfinger participated in or led during his career at the FBI.

(B) What role did Mr. Wolfinger, David Szady, Assistant Director of the Counterintelligence Division, and Beverly Andrews, a Deputy Assistant Director in the Counterintelligence Division, play in the John Walker spy case? This reply should include their titles and place of work at the time, their duties and responsibilities, and the time period each person worked on the case.

(C) Did their relationship play any role in the awarding of the contract to Mr. Wolfinger and MPRI?

(D) Did any FBI official, in the course of awarding the contract, consider the potential appearance of favoritism if the contract was awarded to Mr. Wolfinger and MPRI?

(E) Please describe in detail the role that Mr. Wolfinger and Mr. Coyle play in supervising MPRI contract personnel conducting the counterintelligence training, and their role in fulfilling the contract in general.

(F) What objective performance measurements does the DBI employ to check whether MPRI personnel on this contract are tardy or absent from some training sessions, or lack the appropriate security clearances?

(G) Please provide all documents and materials relating to performance evaluations of MPRI contract personnel, including for Mr. Wolfinger and Mr. Coyle.

(H) Who was/were the deciding official(s) at the FBI who selected Mr. Wolfinger/MPRI for this contract? In addition, please identify all the persons involved in the contract process, including those persons dealing with the Request For Proposal, evaluating bids and making the decision to award the contract.

(I) Please provide all records generated in the course of selecting a company for this contract, including information submitted by MPRI, Mr. Wolfinger, and other bidders on the contract, as well as FBI records. This reply should include the FBI's Request For Proposal, detailed criteria used to evaluate the bidders and select MPRI.

(J) Please provide any records of contacts between the deciding official(s) for this contract and Mr. Szady or Ms. Andrews. This list of contacts should include copies of, among other things, all (1) e-mail; (2) facsimiles; (3) facsimile logs; (4) correspondence; (5) memoranda; (6) telephone bills and logs; (7) notes; (8) working papers; (9) reports; (10) minutes of meetings, transcripts or electronic recording that the FBI or its employees, contractors or counsel have in their control or possession regarding the contract.

(K) Please provide a copy of the contract. In addition, provide in summary form the compensation and general conditions and terms, as well as any modifications, deletions and changes.

(2) Mr. Mathews

(A) By what criteria and on what basis was Mr. Mathews selected for the trip of FBI officials to Jakarta, Indonesia for a training seminar? This reply should include details of Mr. Mathews qualifications for the specific purpose of the trip. This reply should also include, if relevant, the FBI's Request for Proposal, Mr. Mathews bid, and other bids. If this was not a competitively bid contract, please explain the selection process in detail.

(B) Who was/were the deciding official(s) at the FBI who selected Mr. Mathews for this trip? Please identify all persons—including title and place of work—involved in selecting Mr. Mathews for the trip.

(C) Was Mr. Mathews compensation approximately $7,000 for this 10-day trip, plus expenses? If not, please explain what his compensation was, including expenses billed to the FBI.

(D) Please provide the names, affiliation and titles of all other persons who went on the trip, whether they are or were employed by the U.S. government or not.

(E) Please provide detailed information on the nature and purpose of the trip, including the names and a brief synopsis of lectures or seminars provided by Mr. Mathews and others on the trip.

(F) What official government-issued identification or identity documents did Mr. Mathews use for his travel?

(G) Please provide a copy of Mr. Mathews' contract for this trip. In addition, please provide copies of, among other things, all (1) e-mail; (2) facsimiles; (3) facsimile logs; (4) correspondence; (5) memoranda; (6) telephone bills and logs; (7) notes; (8) working papers; (9) reports; (10) minutes of meetings, transcripts or electronic recordings that the FBI or its employees, contractors or counsel have in their control or possession regarding the contract.

(I) Will Mr. Mathews be considered for future contracts with the FBI?

I ask that these questions be answered, and requested documents provided, by Wednesday, August 27, 2003. Once the answers and documents are provided, I ask that the appropriate FBI officials brief interested committee staff on this matter.

Sincerely,

CHARLES E. GRASSLEY.

PRISON RAPE ELIMINATION ACT OF 2003

Mr. KENNEDY. Mr. President, I commend the Senate for the bipartisan cooperation in approving the Prison Rape Elimination Act.

I especially commend my lead Republican co-sponsor, Senator SESSIONS and his dedicated staff, Andrea Sander, William Smith, and Ed Haden. It has been a privilege to work with Senator SESSIONS and the two lead sponsors of this legislation in the House, Congressmen FRANK WOLF and BOBBY SCOTT.

I commend as well the extraordinary coalition of churches, civil rights groups, and concerned citizens who made this achievement possible. The coalition includes Amnesty International, Human Rights Watch, the Justice Policy Institute, the NAACP, the National Association of Evangelicals, the National Council for La Raza, Prison Fellowship, Salvation Army, the Sentencing Project, the Southern Baptist Convention, and the Youth Law Center.

The coalition has been ably led by Michael Horowitz, a senior fellow at the Hudson Institute. I also commend Mariam Bell from Prison Fellowship and the Wilberforce Forum, Vincent Schiraldi from the Justice Policy Institute, Lara Stemple from Stop Prison Rape, and John Kaneb, the courageous citizen of Massachusetts whose unyielding effort and commitment to human rights has been invaluable to this legislation.

It has taken us nearly a century to get here. It was Winston Churchill who said in 1910 that the ''mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilization of any country.''

Today, in 2003, we know that hundreds of thousands of inmates in our Nation—hundreds of thousands, not only convicted prisoners but pretrial detainees and immigration detainees as well—are victims of sexual assault each year. Of the 2 million prisoners in the United States, it is conservatively estimated that 1 in every 10 has been raped. According to a 1996 study, 22 percent of prisoners in Nebraska had been pressured or forced to have sex against their will. Human Rights Watch has reported ''shockingly high rates of sexual abuse'' in U.S. prisons.

Prison rape has devastating physical and psychological effects on its victims. It also has serious consequences for communities. Six hundred thousand inmates are released from prison or detention each year, and their brutalization clearly increases the likelihood that they will commit new crimes after they are released.

Infection rates for HIV, other sexually transmitted diseases, tuberculosis, and hepatitis are far greater for prisoners than for the population as a whole. Prison rape undermines the public health by contributing to the spread of these diseases, and often giving potential death sentences to its victims because of AIDS.

In 1994, the Supreme Court ruled that ''being violently assaulted in prison is simply not part of the penalty that criminal offenders pay for their offenses against society.'' Federal, State, and local government officials have a duty under the Constitution to prevent prison violence. Too often, however, officials fail to take obvious steps to protect vulnerable inmates.

The Prison Rape Elimination Act has been carefully drafted to address the crisis of prison rape, while still respecting the primary role of States and local governments in administering their prisons and jails. The act directs the Department of Justice to conduct an annual statistical analysis of the frequency and effects of prison rape. It establishes a special panel to conduct hearings on prison systems, specific prisons, and specific jails where the incidence of rape is extraordinarily high. It also directs the Attorney General to provide information, assistance, and training for Federal, State, and local authorities on the prevention, investigation, and punishment of prison rape. It authorizes $40 million in grants to strengthen the ability of State and local officials to prevent these abuses.

Finally, the act establishes a commission that will conduct hearings in the next 2 years and recommend national correctional standards on issues such as staff training, inmate classification, investigation of rape complaints, trauma care for rape victims, and disease prevention.

These standards should apply as soon as possible to the Federal Bureau of Prisons. Prison accreditation organizations that receive Federal funding will be required to adopt the standards. Each State must certify either that it has adopted and is in full compliance with the national standards, or that the State will use 5 percent of prison-related Federal grants to come into compliance with the standards. States that fail to make a certification will have their grants reduced by 5 percent.

The Prison Rape Elimination Act is an important first step. We know that prison education programs reduce recidivism and facilitate the reentry of prisoners into society. Pell grant eligibility should be restored to prisoners who are scheduled for release. Because the high incidence of HIV and hepatitis B and C in prisoners threatens the health of many others, medical testing and treatment for infected prisoners should be expanded and improved. Congress should also repeal the provisions of the Prison Litigation Reform Act that prevent inmates who have been abused from raising their claims in court.

I commend our Senate and House colleagues for their strong support of the Prison Rape Elimination Act, and I look forward to its enactment.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement 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 on September 17, 2001. In Wilmington, DE, a 25-year-old man was charged with a hate crime after he and a 22-year-old friend fled a liquor store with several bottles of alcohol. When the Middle Eastern manager of the store attempted to stop the pair, the thief yelled, ''Bin Laden, you're going to pay for it,'' before striking him.

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.

HONORING OUR ARMED FORCES

Mrs. FEINSTEIN. Mr. President, during the height of the war in Iraq, I came to the floor to honor those from California who had made the ultimate sacrifice. And I paid tribute to these service members who embody the very best of the American spirit, those willing to give their own lives so we and others around the world can enjoy the blessings of freedom.

At least eight men with California connections have died in Iraq since May 1 due either to accident or hostile enemy fire. I strongly believe that they

and the others from across our country must be awarded the same respect and admiration as any American, in any war, at any time in our history.

SGT Atanasio Haro Marin Jr., 27, known as ''Nacho'' to his family, was born in Momax, Mexico, and lived there with his mother while his father worked in California to support seven children. The family was reunited in Los Angeles when he was 2 years old, moving to suburban Baldwin Park. He competed on the Sierra Vista High School track team and also ran in a Los Angeles marathon. Upon graduation, he joined the National Guard. When his tour of duty ended, he transferred to the Army.

Sergeant Marin was assigned to Battery C, 3rd Battalion, 16th Field Artillery Regiment, and died on June 3, when his checkpoint south of Balad, Iraq, was attacked with gunfire and rocket-propelled grenades. He was 27 years old.

He last saw his family during a January leave, 2 months before he left for the Middle East. He called home twice in April and sent a Mother's Day card that read: ''Don't worry, be happy.''

A native of Eureka, CA, CPT Andrew David La Mont was the youngest of nine children and came from a family with strong ties to the military. His father and grandfather were career military men.

''He was a tremendous son and a fantastic marine,'' said his mother, Vivian La Mont. He was single and had served with the Marines since graduating from San Diego State University in 1994. La Mont had previously served in Kosovo and Afghanistan.

Twenty-one-year-old LCPL Jason Moore was described as a rather wild young man with a boundless spirit, whose enthusiasm led him to the Marine Corps.

Moore died on May 19 in Iraq when the CH–46 Sea Knight helicopter he helped crew crashed into a canal. Four other Camp Pendleton marines were killed in the same incident.

His parents, Bill and Gale Moore, buried their only son at Fort Rosecrans National Cemetery.

He graduated from San Marcos High School in 2000. His neighbor Deane Terry said Moore was clearly bound for Marine aviation from a young age, after his interest in the Civil Air Patrol and radio-controlled planes.

''He was going to continue to aim high one way or another,'' said Terry, whose son was Moore's playmate. Terry described the day Moore returned from Marine boot camp and stood straight and proud in his uniform in the Terry living room.

''He was so excited to be a Marine,'' said Terry, who added that Moore joined the high school swim team just to prepare himself physically for the service. ''He went at the Corps at full speed, not hesitating, not looking back.''

PVT Jose Gonzalez spoke very little English when he arrived as a freshman at John Glenn High School in Norwalk, CA. By the time he graduated in 2001, he had earned high honors in college preparatory classes.

The Mexican native also played varsity baseball, becoming a player who coach Bill Seals could count on at nearly any position: pitching or playing in the outfield or infield. He always wore his team hat to school, every day, year-round. The coach said it was about pride.

With his diploma in hand, Gonzalez embraced another part of American life: the military. He entered the Marine Corps 2 months after graduation and became a supply clerk.

Gonzalez deployed to Iraq with Camp Pendleton's 1st Force Service Support Group and survived the war. On May 12, he was killed when ordnance he was handling detonated. He was just 19 years old.

In Norwalk, Gonzalez is survived by parents and two teenage sisters. Gonzalez was not forgotten at his old high school. John Glenn students have created a memorial on the auditorium stage—they leave flowers, candles, and signs offering tribute to the soft-spoken man who died for his adopted country.

The last time Paul Tokuzo Nakamura, of Santa Fe Springs, called home from Iraq was on Father's Day, when he told his family that all was well.

''The first thing he told me was that he had showered and had steak for dinner,'' his father, Paul Nakamura, said Wednesday. ''We know he was lying. He didn't want us to worry.''

The 21-year-old Nakamura joined the Army Reserves out of patriotism despite his father's protests.

''One day he said, 'Mom, Dad, I'm so proud I was born in the United States,''' his mother, Yoko, 55, told those gathered at a memorial service.

Nakamura was stationed with the 437th Medical Company, based in Colorado Springs, CO. He was sent to the Middle East in February and was killed on June 19, when the ambulance he was in was struck by a rocket-propelled grenade in Al Iskandariyah, south of Baghdad.

''He was a rascal—you would tell him not to do something, and he would do it anyway,'' said his sister, Pearl. He was a lifeguard who taught swimming at the Santa Fe Springs Aquatic Center since he was 17 and was on his high school's water polo team.

Twenty-five-year-old Army Ranger Andrew Chris followed in the footsteps of his relatives when he joined the military in 2001. Both of his grandfathers served in World War II, his father served in the Army, his uncle in Special Forces and his brother Derek in the Navy. It was a way to connect with the generations of his family.

Chris was killed in combat operations on June 25, just a few days after arriving in Iraq. Ordnance exploded near the vehicle Chris was riding in, and the Army Ranger died immediately.

Before Chris joined the Army, he lived for 5 years in California, most of them in San Diego. After he graduated from high school in Florence, AL, he moved to Lemoore, south of Fresno, to live with his brother.

He spent many weekends exploring and camping in the mountains of California and Arizona. He was also well read, with a special interest in World War II and planned to teach high school history when he completed his military career.

Andrew Chris was quiet and reserved, and extremely loyal to family and friends. He had visited his brother Derek's family just before he was sent to Iraq.

Josh Chris said knowing that his brother died doing what he loved has made it easier to accept. ''He was spiritually and emotionally ready.''

From the outset of the conflict in Iraq, I have learned a great deal about those who have died from the local newspapers. Yet there have been a few individuals whose stories remain largely untold to the public.

One of those is Marine CPL Douglas Jose Marencoreyes, a 28-year-old from Chino, who was assigned to the Light Armored Vehicle-Air Defense Battery, 4th Light Armored Reconnaissance Battalion. He was killed when the transport truck he was riding in rolled over.

I also learned relatively little about 19-year-old Ryan Cox, from Derby, KS, who was stationed at 29 Palms, CA, and died due to a noncombat weapons discharge on June 15.

Still, we know that he loved to surf and skydive and that, according to his mother, Robin Hamilton, he was doing what he wanted to do. ''He was serving his country. I couldn't have asked for a better son.''

Nor, for that matter, could the United States. We must never forget to remind those left behind—mothers and fathers, wives and children—of how proud we are of America's brave sons and daughters.

We must never lose sight of their achievement or their sacrifice, not to mention the enormous sacrifices made by their families, the ones left behind.

AMERICAN POLITICAL SCIENCE ASSOCIATION CONGRESSIONAL FELLOWSHIP PROGRAM

Mr. KENNEDY. Mr. President, I welcome the opportunity to commend the American Political Science Association on the 50th anniversary of its Congressional Fellowship Program.

Since 1953, the association's fellowships have brought talented journalists, scientists, scholars, sociologists, and domestic and foreign policy specialists to spend a few months as staff members in our offices in Congress.

I have consistently been impressed with the skill of these fellows in my Senate office over the years, and their expertise has been an important asset.

Their detailed knowledge of their professions is outstanding, and contributes significantly to our work on the issues before us.

The association's Congressional Fellowship Program has been a valuable addition to the Senate over the past five decades, and their work is more important now than ever. The American Political Science Association deserves great credit for sponsoring these fellowships.

BUILDING ON WELFARE REFORM ACT

Mr. NELSON of Nebraska. Mr. President, it has become clear that welfare programs created in the 1960s to be safety nets became spider webs by the 1990s. The old welfare system provided monetary assistance but did not do enough to provide job training, education, and other paths towards self-sufficiency. The welfare reforms of 1996 changed the old system and gave States more freedom to attempt new and innovative approaches to move people from welfare to work.

This legislation expired last year, and Congress must look to enhance the successes of the 1996 law. I am pleased today to join Senator CARPER in cosponsoring the Building on Welfare Reform Act—a bill that will continue to help people move from welfare to work.

During my time as Governor, Nebraska began programs like Employment First and Families First that provided much-needed assistance to low-income families and helped them find a way to leave the cycle of welfare dependency. The average time a family spent on assistance fell nearly two-thirds and Nebraska taxpayers saved $14 million.

The best path to self-sufficiency is work. This bill increases the percentage of welfare recipients who must work from 50 to 70 over the next 5 years. The bill also requires a 32-hour workweek from able welfare recipients. States will receive credit for moving people from welfare to work, not just off welfare. This will encourage States to solve problems that present an obstacle to meaningful work and lasting independence from public assistance programs.

Since 1996, welfare reform has been successful, not just because it requires work but also because it provides the resources to families to meet the work requirements. Our welfare reform proposal provides funding for childcare, transitional jobs, and public-private educational partnerships that will allow welfare recipients to gain the skills they need to advance in the workplace and become independent.

Because a strong family is essential to breaking the cycle of poverty, our welfare reform proposal encourages families to stay together and provides assistance to families who do. Another provision provides additional funds to prevent teen pregnancy with a bonus to States that meet this goal.

Given flexibility and resources, States have worked their own magic since the welfare program was revamped, and I will continue to support this approach as we embark on the next generation of welfare reform.

TRIBUTE TO INTERNS

Mr. HARKIN. Mr. President, today I extend my appreciation to my summer 2003 class of interns: Anne Wilzbacher, Joanna Busch, Angela Wilson, Cliff Sullivan, Nick Herbold, Alex Nelson, Omar Ul Haq, Theresa Reilly, Derek Wulf, Kalsoom Lakhani, Dave Townsend, Haley Wallace, Josh Craft, Ermira Babamusta, Becca North, Abby Smith, Michael Kuehner, Charles Monterio and Carolyn Timberlake. Each of them has been a tremendous assistance to me and to the people of Iowa over the past several months, and their efforts have not gone unnoticed.

Since I was first elected into the Senate in 1984, my office has offered internships to young Iowans and other interested students. Through their work in the Senate, our interns have not only seen the legislative process, but also personally contributed to our Nation's democracy.

It is with much appreciation that I recognize Anne, Joanna, Angela, Cliff, Nick, Alex, Omar, Theresa Derek, Kalsoom, Dave, Haley, Josh, Ermira, Becca, Abby, Michael, Charles and Carolyn for their hard work this summer. It has been a delight to watch them take on their assignments with enthusiasm and hard work. I am very proud to have worked with each of them. I hope they take from their summer a sense of pride in what they've been able to accomplish and an increased interest in public service and our democratic system and process.

ADDITIONAL STATEMENTS

HONORING ANGELA CONNOLLY

● Mr. HARKIN. Mr. President, I rise today to recognize the government leadership exemplified by Angela Connolly, the Chairwoman of the Polk County Board of Supervisors, in Des Moines, IA, who has been selected the National County Leader of the Year. American City and County, a national magazine about local government, honored Angela at the 2003 Annual Conference of the National Association of Counties that took place earlier this month. I have known Angela many years, and can testify to her commitment to the use of government in making people's lives better.

Angela has exercised her leadership on a number of issues that have greatly impacted Iowa's capital city in a positive way. Her advocacy and tireless work on the Iowa Events Center will bring a premiere entertainment and athletics venue to central Iowa, and she was key in securing Vision Iowa funding for the Capital City Vision Projects, which include a new science center, a higher education learning center, a riverwalk, and a home for the World Food Prize. Angela also led the board of supervisors through a reorganization that significantly reduced a budget deficit and brought about efficiencies in the delivery of county services.

Angela Connolly was elected to the Polk County Board of Supervisors in 1998, and is currently serving her second term and is the 2003 chairperson. Prior to her election, Angela served more than 20 years as a Polk County employee. Angela is active in many civic and community activities, serving on a dozen boards and commissions and nearly 20 additional committees and community organizations. A champion of health and human services, she serves on boards advocating for services for children, persons with disabilities, and mental health treatment. Among the boards she serves are: the Metro Mayors Group, Greater Des Moines Partnership, Greater Des Moines Convention and Visitors Bureau, Polk County Housing Trust Fund, Metropolitan Advisory Council, Polk County Health Services, Polk County Correctional Services, and the Des Moines Arts Festival.

Angela Connolly is an exemplary leader in county government, who serves her constituents with honor and integrity. I look forward to continuing to work with her to make Iowa a great place to call home.●

TRIBUTE TO THE CLARK COUNTY FIRE DEPARTMENT

● Mr. BUNNING. Mr. President, I pay tribute to the Clark County Fire Department and its personnel for their progress in improving fire protection for the citizens of Clark County. Their recent accomplishments have not gone unnoticed.

Through hard work and increased investment in manpower, equipment, training, and facilities, the firefighters of Clark County have made great strides to serve their fellow Kentuckians. They finished construction of the Rogers-Parrish Fire Station No. 3 in Trapp which compliments the fire protection provided by the main station on Barnes Drive and Station No. 2 on Fulton Road. Cooperation by the City of Winchester was instrumental to increasing fire protection by investing in better fire hydrants, better water distribution systems, and more advanced fire training facilities.

While funding is a significant component to improving fire protection, no dollar sign can be placed on the bravery, courage, and commitment inherent in those who put themselves into harm's way to protect those in danger. The firefighters of the Clark County Fire Department are heroes to so many and deserve our gratitude. At a moment's notice, they can be relied upon to respond to any emergency regardless of the circumstances to assure the safety of those in need.

As our Nation takes measures to strengthen our homeland security, it

will be imperative that fire departments throughout Kentucky and across America follow the example of the Clark County Fire Department and work with local municipalities to improve fire protection services. I am proud of their efforts and am grateful for how well they have represented the Commonwealth. I thank the Senate for allowing me to recognize the Clark County Fire Department and its personnel for their service to their community and to our Nation. They are Kentucky at its finest.●

TRIBUTE TO THOMAS D. CLARK

● Mr. BUNNING. Mr. President, I pay tribute to Thomas D. Clark, Kentucky's most prominent historian. On Monday, July 14, 2003, Mr. Clark celebrated his 100th birthday, Remarkably, Mr. Clark's life has spanned nearly half of Kentucky's history.

Thomas Clark is an esteemed southern historian and writer, agrarian and preservationist. Having grown up on a cotton farm in Mississippi, Mr. Clark came to the State as a graduate student enrolled in the University of Kentucky in 1928. Less than 3 years later he decided to settle in Kentucky and delve into its history.

In 1937, Mr. Clark's ''A History in Kentucky'' was published, and it is still considered the definitive work on Kentucky history by the State Department for Libraries and Archives. Mr. Clark was declared Kentucky's historian laureate for life in 1990, and to this day, maintains his enthusiasm and passion for Kentucky history. That he lived and experienced much of the history he wrote is testament to this man's inimitable and authoritative qualities.

In addition to being Kentucky's premier historian, Mr. Clark paid the State a great service by saving part of its history. In 1936 he stopped the State librarian, who had run out of storage space, from selling truckloads of records as scrap. He then encouraged the Governor to create a State archive and established a special documents collection at the University of Kentucky's library.

Mr. Clark's ardor for Kentucky and its history and his tenacity for historical preservation makes this man one of Kentucky's greatest heroes. For generations to come, Kentucky will be indebted to this man. I thank the Senate for allowing me to recognize Mr. Clark and voice his praises. He is Kentucky at its finest.●

HINSDALE CELEBRATES ITS 250TH BIRTHDAY

● Mr. GREGG. Mr. President, today in honor of Hinsdale, NH. This great American community is celebrating the 250th anniversary of its founding, and I am proud to recognize this historic event.

Over 4,000 people call themselves citizens of Hinsdale. From the town's incorporation in 1753 through today, they have made enormous contributions to not only New Hampshire's economic and cultural heritage but to our country's as well. Colonel Ebenezer Hinsdale, who many consider to be the founder of the town, was described as a ''man for all seasons.'' He was a missionary, a farmer, a soldier and a conservationist long before that term became commonplace. He built Fort Hinsdale and served in the French and Indian Wars. He truly was a man of action. It is therefore appropriate that this community bears his surname because successive generations of residents have continued to build upon the example he set. For example, Charles A. Dana, a Hinsdale native, served as the Assistant Secretary of War during the Civil War and later was the editor of the old New York Sun, one of the most prominent daily newspapers in its day. Another native, Jacob Estey, founded and manufactured the Estey Organ which was a must-have musical instrument in the late 1800's. William Haile became the first Republican Governor of New Hampshire in 1857 when the Republicans were still a fledgling party. Clearly, he must have possessed strong leadership qualities.

In addition, Hinsdale can rightly claim to be the birthplace of the automobile. In 1875, George A. Long, then an apprentice in the Holman & Merriman machine shop, built and successfully demonstrated a steam car right in Hinsdale. The first test of his invention, which was described as a boiler set upon a carriage with regular wooden wheels, was scheduled to take place late one night that year to avoid embarrassment. Of course, news of the test leaked out and a curious crowd gathered to watch George Long's car run a few yards then stop. He made improvements in it and he, and his invention, soon became known for running horses and buggies right off the road. He later built a second steam auto with an advanced two-cylinder engine. This auto included adjustable seats for two, rubber tires, two speeds and front wheel brakes. Truly, George Long was a man ahead of his time.

All of these people and their stories illustrate the rich heritage for which Hinsdale can rightly be proud. It is my honor to salute the citizens of this great community as they celebrate Hinsdale's 250th birthday.●

COMMEMORATING THE 50TH ANNIVERSARY OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION CONGRESSIONAL FELLOWSHIP PROGRAM

● Mr. WYDEN. Mr. President, I would like to congratulate the American Political Science Association on five decades of tremendous success in its Congressional Fellowship Program. Since 1953, the A.P.S.A. has trained and supported over 1800 Fellows, bringing top academic scholars, political journalists, experienced public servants, and others to the Hill. For 9 months, they learn from and contribute to the political process. These Fellows include political scientists, sociologists, journalists, domestic and foreign policy specialists, physicians, Native American Hatfield Fellows, staff from other legislative bodies, and international scholars. All of them have benefited greatly from the opportunity to take part in the legislative process, and Congress as an institution has been improved by their participation.

Throughout my careers in both the House and in the Senate, I have had the pleasure of hosting A.P.S.A. Congressional Fellows in my office. Beginning in 1985, I have hosted eight Fellows, two of whom are with my office now. Joe Bowersox, an associate professor of political science at Willamette University in Salem, OR, works on forestry issues, wildfire prevention, and a host of other environmental issues. Thad Kousser, an assistant professor of political science at the University of California, San Diego has assisted with the budget, health care, and preventing government waste. Like all of the Fellows I host, they are treated as professional staff. They have prepared me for hearings, met with constituents and policy experts, drafted statements, worked out of my State offices in Oregon, and helped me to craft legislation.

I am able to give so much responsibility to A.P.S.A. Fellows because they have gone through such extensive training in their program. In the fall before they begin work, the Fellows attend 3 weeks of intensive instruction in a broad range of domestic and foreign policy issues as well as practical politics. The training is hosted by the Johns Hopkins School of Advanced International Studies and taught by a collection of Washington's top experts. After this orientation, the Fellows attend a 4-day Advanced Legislative Institute Seminar run by the Congressional Research Service. Even after they have joined an office, the Fellows continue their education by attending the Wilson Seminar Series on Friday afternoons. This comprehensive preparation is a large part of what has made the program so successful.

The program has also benefited from the enduring commitment of the American Political Science Association to keep the connections between academia and Congress strong. It is administered out of the Association's national headquarters and has in recent years been expertly led by Jeff Biggs, a former A.P.S.A. Fellow himself. Other distinguished alumni of the program include Thomas Mann, Norman Ornstein, Rep. BOB FILNER, former Rep. Steve Horn, and Vice President DICK CHENEY. I hope that the next 50 years of the Fellowship will be as successful as its first five decades.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT DETAILING THE PROGRESS OF SPENDING BY THE EXECUTIVE BRANCH DURING THE FIRST TWO QUARTERS OF FISCAL YEAR 2003 IN SUPPORT OF PLAN COLOMBIA—PM 46

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Appropriations:

To The Congress of The United States:

Consistent with section 3204(e), Public Law 106–246, I am providing a report prepared by my Administration detailing the progress of spending by the executive branch during the first two quarters of Fiscal Year 2003 in support of Plan Colombia.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 22, 2003*.

MESSAGE FROM THE HOUSE

At 5:55 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, without amendment:

S. 1280. An act to amend the PROTECT Act to clarify certain volunteer liability.

S. 1399. An act to redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the ''William J. Scherle Post Office Building''.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate.

H.R. 23. An act to amend the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks.

H.R. 1437. An act to improve the United States Code.

H.R. 1516. An act to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery system.

H.R. 2249. An act to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters' organizations in the process for the development and planning of certain personnel policies, schedules, and programs of the United States Postal Service, and for other purposes.

H.R. 2328. An act to designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the ''Robert A. Borski Post Office Building''.

H.R. 2357. An act to amend title 38, United States Code, to provide for the appointment of chiropractors in the Veterans Health Administration of the Department of Veterans Affairs and to provide eligibility for Department of Veterans Affairs health care for certain Filipino World War II veterans residing in the United States.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 212. Concurrent resolution recognizing and supporting the goals and ideals of the Year of the Korean War Veteran, and for other purposes.

H. Con. Res. 230. Concurrent resolution honoring the 10 communities selected to receive the 2003 All-America City Award.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on today, July 22, 2003, by the President pro tempore (Mr. STEVENS):

S. 246. An act to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.

H.R. 733. An act to authorize the Secretary of the Interior to acquire the McLoughlin House in Oregon City, Oregon, for inclusion in Fort Vancouver Historic Site, and for other purposes.

H.R. 2330. An act to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

MEASURES REFERRED

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

H.R. 23. An act to amend the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1437. An act to improve the United States Code; to the Committee on the Judiciary.

H.R. 1516. An act to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery system; to the Committee on Veterans' Affairs.

H.R. 2249. An act to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters' organizations in the process for the development and planning of certain personnel policies, schedules, and programs of the United States Postal Service, and for other purposes; to the Committee on Governmental Affairs.

H.R. 2328. An act to designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the ''Robert A. Borski Post Office Building''; to the Committee on Governmental Affairs.

H.R. 2357. An act to amend title 38, United States Code, to provide for the appointment of chiropractors in the Veterans Health Administration of the Department of Veterans Affairs and to provide eligibility for Department of Veterans Affairs health care for certain Filipino World War II veterans residing in the United States; to the Committee on Veterans' Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 212. Concurrent resolution recognizing and supporting the goals and ideals of the Year of the Korean War Veteran, and for other purposes; to the Committee on Veterans' Affairs.

H. Con. Res. 230. Concurrent resolution honoring the 10 communities selected to receive the 2003 All-America City Award; to the Committee on the Judiciary.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported than on today, July 22, 2003, she had presented to the President of the United States the following enrolled bill:

S. 246. An act to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–234. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to tax issues related to the phase out of the Oldsmobile; to the Committee on Finance.

HOUSE RESOLUTION NO. 192

Whereas, The phase out of the Oldsmobile line of General Motors is bringing to a close an historic chapter in American automotive history. The end of this component of one of the world's largest corporations also has significant administrative and tax considerations that need to be addressed quickly to provide for a fair and smooth transition for those whose livelihoods are jeopardized; and

Whereas, As compensation for the loss of years of goodwill and the erosion of the value of large financial investments, Oldsmobile dealerships will be paid a one-time settlement. As federal tax laws now stand, this payment would be subject to personal and business federal taxes as income. In reality, however, the settlement money clearly should be categorized as involuntary converted property. Under this determination, the manufacturer's settlement would be treated like other property that can be converted to similar purposes over a specific period of time; and

Whereas, Every effort should be made to encourage the reinvestment of settlement resources to mitigate job loss, lessen the economic stress to local communities, and protect families from more serious financial difficulties. In addition, it would be poor public policy for the federal government to reap a tax revenue windfall as a result of this rare and unique situation; and

Whereas, As the home of the Olds automotive legacy and 20 of the top 50 Oldsmobile dealerships, Michigan has a major stake in the fair treatment of these businesses and individuals. It would be wrong for the tax code to act as a disincentive to the reinvestment of the settlement dollars in job-creating enterprises; Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact H.R. 2374 to amend the Internal Revenue Code to consider certain transitional dealer assistance related to

the phase out of Oldsmobile as an involuntary conversion; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States House, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES— Monday, July 21, 2003

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs, without amendment:

S. 481. A bill to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes (Rept. No. 108–108).

S. 926. A bill to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies (Rept. No. 108–109).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs, with amendments:

S. 908. A bill to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, and for other purposes (Rept. No. 108–110).

By Mr. GRASSLEY, from the Committee on the Judiciary and the Committee on Finance, jointly, without amendment:

S. 1416. A bill to implement the United States-Chile Free Trade Agreement.

S. 1417. A bill to implement the United States-Singapore Free Trade Agreement.

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. CHAFEE:

S. 1437. A bill to expand the Federal tax refund intercept program to cover children who are not minors; to the Committee on Finance.

By Ms. CANTWELL (for herself, Mr. INOUYE, and Mrs. MURRAY):

S. 1438. A bill to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Indian Affairs.

By Mr. BUNNING:

S. 1439. A bill to amend part E of title IV of the Social Security Act to reauthorize adoption incentives payments under section 473A of that Act and to provide incentives for the adoption of older children; to the Committee on Finance.

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

S. 1440. A bill to reform the Federal Bureau of Investigation; to the Committee on the Judiciary.

By Mr. BIDEN:

S. 1441. A bill to amend title 18, United States Code, with respect to false information regarding certain criminal violations concerning hoax reports of biological, chemical, and nuclear weapons; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 1442. A bill to preserve the political independence of the National Women's Business Council; to the Committee on Small Business and Entrepreneurship.

By Mr. CARPER (for himself, Mr. NELSON of Nebraska, and Ms. COLLINS):

S. 1443. A bill to amend part A of title IV of the Social Security Act to reauthorize the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

By Mr. HARKIN:

S. 1444. A bill to amend the Head Start Act to increase the reservation of funds for programs for low-income families with very young children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BROWNBACK (for himself, Mr. BIDEN, and Mr. INHOFE):

S. Res. 198. A resolution expressing sympathy for the victims of the devastating earthquake that struck Algeria on May 21, 2003; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 59

At the request of Mr. INOUYE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S . 59, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 229

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S . 229, a bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes.

S. 249

At the request of Mrs. CLINTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 249, a bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a deceased veteran after age 55 shall not result in termination of dependency and indemnity compensation otherwise payable to that surviving spouse.

S. 269

At the request of Mr. JEFFORDS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 269, a bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

S. 337

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 337, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Solid Waste Disposal Act to prohibit the use of arsenic-treated lumber as mulch, compost, or a soil amendment, and to prohibit the manufacture of arsenic-treated wood for use as playground equipment for children, fences, walkways, or decks or for other residential or occupational purposes, and for other purposes.

S. 346

At the request of Mr. LEVIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 346, a bill to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements.

S. 373

At the request of Mr. KENNEDY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 373, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the medicare program.

S. 478

At the request of Mr. SARBANES, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 478, a bill to grant a Federal charter Korean War Veterans Association, Incorporated, and for other purposes.

S. 518

At the request of Ms. COLLINS, the names of the Senator from Missouri (Mr. TALENT), the Senator from Michigan (Ms. STABENOW) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors 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. 640

At the request of Mr. LEAHY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 640, a bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes.

S. 720

At the request of Mr. JEFFORDS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 720, a bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety.

S. 736

At the request of Mr. ENSIGN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 775

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 775, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to make private, nonprofit medical facilities that serve industry-specific clients eligible for hazard mitigation and disaster assistance.

S. 894

At the request of Mr. WARNER, the names of the Senator from Maine (Ms. COLLINS), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 973

At the request of Mr. NICKLES, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S . 973, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings.

S. 976

At the request of Mr. WARNER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 977

At the request of Mr. FITZGERALD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 977, a bill to amend the Public Health Service Act , the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage from treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 985

At the request of Mr. DODD, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 1153

At the request of Mr. SPECTER, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1153, a bill to amend title 38, United States Code, to permit medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, and for other purposes.

S. 1190

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1190, a bill to expand and enhance postbaccalaureate opportunities at Hispanic-serving institutions, and for other purposes.

S. 1245

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1245, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1265

At the request of Mr. CORZINE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1265, a bill to limit the applicability of the annual updates to the allowance for State and other taxes in the tables used in the Federal Needs Analysis Methodology for the award year 2004-2005, published in the Federal Register on May 30, 2003.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S . 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1301

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1301 , a bill to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes.

S. 1335

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1335 , a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 1353

At the request of Mr. BROWNBACK, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1353, a bill to establish new special immigrant categories.

S. 1363

At the request of Mr. REID, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1363, a bill to prohibit the study or implementation of any plan to privatize, divest, or transfer any part of the mission, function, or responsibility of the National Park Service.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1397

At the request of Mr. GREGG, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1397, a bill to prohibit certain abortion-related discrimination in governmental activities.

S. 1423

At the request of Mr. ALLEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1423, a bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe.

S. 1429

At the request of Mr. CHAFEE, the names of the Senator from Maine (Ms. SNOWE) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1429, a bill to amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to individuals eligible for medical assistance under the medicaid program.

S. CON. RES. 40

At the request of Mrs. CLINTON, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Minnesota (Mr. COLEMAN), the Senator from Ohio (Mr. DEWINE), the Senator from Ohio (Mr. VOINOVICH), the Senator from Maine (Ms. SNOWE), the Senator from Montana (Mr. BURNS) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. Con. Res. 40, a concurrent resolution designating August 7, 2003, as ''National Purple Heart Recognition Day''.

S. RES. 167

At the request of Mr. CAMPBELL, the names of the Senator from Maine (Ms. SNOWE), the Senator from Michigan (Ms. STABENOW), the Senator from Montana (Mr. BAUCUS), the Senator from Texas (Mr. CORNYN) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. Res. 167, a resolution recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a leading force for product and manufacturing innovation throughout the 20th century.

AMENDMENT NO. 1317

At the request of Mr. BYRD, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Washington (Ms. CANTWELL) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of amendment No. 1317 proposed to H.R. 2555, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

AMENDMENT NO. 1317

At the request of Mrs. MURRAY, her name was added as a cosponsor of amendment No. 1317 proposed to H.R. 2555, supra.

AMENDMENT NO. 1317

At the request of Mrs. CLINTON, her name was added as a cosponsor of amendment No. 1317 proposed to H.R. 2555, supra.

AMENDMENT NO. 1317

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of amendment No. 1317 proposed to H.R. 2555, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAFEE:

S. 1437. A bill to expand the Federal tax refund intercept program to cover children who are not minors; to the Committee on Finance.

Mr. CHAFEE. Mr. President, I am pleased to be introducing the Child Support Fairness and Tax Refund Interception Act of 2003 today.

The Child Support Fairness and Tax Refund Interception Act of 2003 closes a loophole in current Federal statute by expanding the eligibility of one of the most effective means of enforcing child support orders—that of intercepting the Federal tax refunds of parents who are delinquent in paying their court-ordered financial support for their children.

Under current law, eligibility for the Federal tax refund offset program is limited to cases involving minors, parents on public assistance, or adult children who are disabled. Custodial parents of adult, non-disabled children are not assisted under the IRS tax refund intercept program, and in many cases, they must work multiple jobs in order to make ends meet. Some of these parents have gone into debt to put their college-age children through school.

The legislation I am introducing today will address this inequity by expanding the eligibility of the Federal tax refund offset program to cover parents of all children, regardless of whether the child is disabled or a minor. This legislation will not create a cause of action for a custodial parent to seek additional child support. It will merely assist the custodial parent in recovering debt that is owed for a level of child support that was determined by a court.

Improving our child support enforcement programs is an issue that should be of concern to us all as it remains a serious problem in the United States. According to the most recent government statistics, there are approximately seventeen million active cases in which a child support order requires a noncustodial parent to contribute to the support of his or her child. Of the almost $25 billion owed in 2001, only $14 billion has been collected. In 1998, only 23 percent of children entitled to child support through our public system received some form of payment, despite Federal and State efforts. Similar shortfalls in previous years bring the combined delinquency total to approximately $88 billion. We can fix this injustice in our federal tax refund offset program by helping some of our most needy constituents receive the financial assistance they are owed.

While previous Administrations have been somewhat successful in using tax refunds as a tool to collect child support payments, more needs to be done. The IRS tax refund interception program has only collected one-third of tardy child support payments. The Child Support Fairness and Tax Refund Interception Act of 2003 will remove the current barrier to fulfilling an individual's obligation to pay child support, while helping to provide for the future of our nation's children.

I urge my colleagues to join me in supporting this important legislation, and ask unanimous consent that the text of legislation be printed in the RECORD.

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

S. 1437

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 ''Child Support Fairness and Tax Refund Interception Act of 2003''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Enforcing child support orders remains a serious problem in the United States. There are approximately 17,100,000 active cases in which a child support order requires a noncustodial parent to contribute to the support of his or her child. Of the $24,700,000,000 owed in 2001 pursuant to such orders, $14,200,000,000, or 57 percent, has been collected.

(2) It is an injustice for the Federal Government to issue tax refunds to a deadbeat spouse while a custodial parent has to work 2 or 3 jobs to compensate for the shortfall in providing for his or her children.

(3) The Internal Revenue Service (IRS) program to intercept the tax refunds of parents who owe child support arrears has been successful in collecting a tenth of such arrears.

(4) Congress has periodically expanded eligibility for the IRS tax refund intercept program. Initially, the program was limited to intercepting Federal tax refunds owed to parents on public assistance. In 1984, Congress expanded the program to cover parents not on public assistance. Finally, the Omnibus Budget Reconciliation Act of 1990 made the program permanent and expanded the program to cover parents of adult children who are disabled.

(5) The injustice to the custodial parent is the same regardless of whether the child is disabled, non-disabled, a minor, or an adult, so long as the child support obligation is provided for by a court or administrative order. It is common for parents to help their adult children finance a college education, a wedding, or a first home. Some parents cannot afford to provide such help because they are recovering from debt incurred to cover expenses that would have been covered if the parent had been paid the child support owed in a timely manner.

(6) This Act addresses such injustices by expanding the IRS tax refund intercept program to cover parents of all adult children, regardless of whether the child is disabled.

(7) This Act does not create a cause of action for a custodial parent to seek additional child support. This Act merely helps the custodial parent recover debt owed for a level of child support that was set by a court after both sides had the opportunity to present arguments about the proper amount of child support.

SEC. 3. USE OF TAX REFUND INTERCEPT PROGRAM TO COLLECT PAST-DUE CHILD SUPPORT ON BEHALF OF CHILDREN WHO ARE NOT MINORS.

Section 464 of the Social Security Act (42 U.S.C. 664) is amended—

(1) in subsection (a)(2)(A), by striking ''(as that term is defined for purposes of this paragraph under subsection (c))''; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''(1) Except as provided in paragraph (2), as used in'' and inserting ''In''; and

(ii) by inserting ''(whether or not a minor)'' after ''a child'' each place it appears; and

(B) by striking paragraphs (2) and (3).

By Ms. CANTWELL (for herself, Mr. INOUYE, and Mrs. MURRAY):

S. 1438. A bill to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Indian Affairs.

Ms. CANTWELL. Mr. President, I rise today to introduce legislation with my friend and colleague Senator MURRAY, as well as the vice chairman of the Indian Affairs Committee Senator INOUYE, that provides an equitable settlement to the Spokane Tribe of Indians. This bill addresses the decision of the Federal Government to take lands belonging to the tribe in order to construct the Grand Coulee Dam on the Columbia River.

For more than half a century, the Grand Coulee Project has made an extraordinary contribution to this Nation. It helped pull the economy out of the Great Depression. It provided the electricity that produced aluminum required for airplanes and weapons that ensured our national security. The project continues to produce enormous revenues for the United States, it is a key component of the agricultural economy in eastern Washington, and plays a pivotal role in the electric systems serving the entire western United States.

However, these benefits have come at a direct cost to tribal property that became inundated when the U.S. Government built the Grand Coulee Dam. Before dam construction, the free flowing Columbia River supported robust and plentiful salmon runs and provided for virtually all of the subsistence needs of the Spokane Tribe. After construction, the Columbia and its Spokane river tributary flooded tribal communities, schools, and roads, and the remaining stagnant water continues to erode reservation lands today.

The legislation Senators INOUYE, MURRAY, and I are introducing today is similar to P.L. 103–436, which was enacted in 1994 to provide the neighboring Confederated Colville Tribes. This bill would provide the Spokane Tribe of Indians' with compensation that is directly proportional to the settlement afforded the Colville Tribes. Specifically, the Spokane Tribe would receive 39.4 percent of the past and future compensation awarded the Colville Tribes pursuant to the 1994 legislation. This percentage is based on the proportion of tribal lands impacted after the Federal Government built the Grand Coulee Project.

The United States has a trust responsibility to maintain and protect the integrity of all tribal lands within its borders. When Federal actions physically or economically impact harm, our Nation has a legal responsibility to address and compensate the damaged parties. Unfortunately, despite countless efforts, half a century has passed without justice to the Spokane people.

The time has come for the Federal Government to finally meet is fiduciary responsibility for converting the Spokane tribe's resources to its own benefit. Senators INOUYE, MURRAY, and I believe that the legislation we are proposing today will finally bring a fair and honorable closure to these matters. We are pleased to see similar bipartisan legislation was introduced earlier this year in the U.S. House of Representatives.

I look forward to working with the Indian Affairs Committee and my Senate colleagues as this legislation proceeds through the Congress.

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

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

S. 1438

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 'Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act.'

SEC. 2. FINDINGS.

Congress finds the following:

(1) From 1927 to 1931, at the direction of Congress, the Corps of Engineers investigated the Columbia River and its tributaries to determine sites at which power could be produced at low cost.

(2) The Corps of Engineers—

(A) identified a number of sites, including the site at which the Grand Coulee Dam is located; and

(B) recommended that power development at those sites be performed by local governmental authorities or private utilities under the Federal Power Act (16 U.S.C. 791 et seq.).

(3) Under section 10(e) of that Act (16 U.S.C. 803(e)), a licensee is required to compensate an Indian tribe for the use of land under the jurisdiction of the Indian tribe.

(4) In August 1933, the Columbia Basin Commission, an agency of the State of Washington, received a preliminary permit from the Federal Power Commission for water power development at the Grand Coulee site.

(5) In the mid-1930's, the Federal Government, which is not subject to the Federal Power Act (16 U.S.C. 791a et seq.)—

(A) federalized the Grand Coulee Dam project; and

(B) began construction of the Grand Coulee Dam.

(6) At the time at which the Grand Coulee Dam project was federalized, the Federal Government recognized that the Spokane Tribe and the Confederated Tribes of the Colville Reservation had compensable interests in the Grand Coulee Dam project, including compensation for—

(A) the development of hydropower;

(B) the extinguishment of a salmon fishery on which the Spokane Tribe was almost completely financially dependent; and

(C) the inundation of land with loss of potential power sites previously identified by the Spokane Tribe.

(7) In the Act of June 29, 1940, Congress—

(A) in the first section (16 U.S.C. 835d) granted to the United States—

(i) all rights of Indian tribes in land of the Spokane Tribe and Colville Indian Reservations that were required for the Grand Coulee Dam project; and

(ii) various rights-of-way over other land under the jurisdiction of Indian tribes that were required in connection with the project; and

(B) in section 2 (16 U.S.C. 835e) provided that compensation for the land and rights-of-way was to be determined by the Secretary of the Interior in such amounts as the Secretary determined to be just and equitable.

(8) In furtherance of that Act, the Secretary of the Interior paid—

(A) to the Spokane Tribe, $4,700; and

(B) to the Confederated Tribes of the Colville Reservation, $63,000.

(9) In 1994, following 43 years of litigation before the Indian Claims Commission, the United States Court of Federal Claims, and the United States Court of Appeals for the Federal Circuit, Congress ratified an agreement between the Confederated Tribes of the Colville Reservation and the United States that provided for damages and annual payments of $15,250,000 in perpetuity, adjusted annually, based on revenues from the sale of electric power from the Grand Coulee Dam project and transmission of that power by the Bonneville Power Administration.

(10) In legal opinions issued by the Office of the Solicitor of the Department of the Interior, a Task Force Study conducted from 1976 to 1980 ordered by the Committee on Appropriations of the Senate, and hearings before Congress at the time at which the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (Public Law 103–436; 108 Stat. 4577) was enacted, it has repeatedly been recognized that—

(A) the Spokane Tribe suffered damages similar to those suffered by, and had a case legally comparable to that of, the Confederated Tribes of the Colville Reservation; but

(B) the 5-year statute of limitations under the Act of August 13, 1946 (25 U.S.C. 70 et seq.) precluded the Spokane Tribe from bringing a civil action for damages under that Act.

(11) The inability of the Spokane Tribe to bring a civil action before the Indian Claims Commission can be attributed to a combination of factors, including—

(A) the failure of the Bureau of Indian Affairs to carry out its advisory responsibilities in accordance with that Act; and

(B) an attempt by the Commissioner of Indian Affairs to impose improper requirements on claims attorneys retained by Indian tribes, which caused delays in retention of counsel and full investigation of the potential claims of the Spokane Tribe.

(12) As a consequence of construction of the Grand Coulee Dam project, the Spokane Tribe—

(A) has suffered the loss of—

(i) the salmon fishery on which the Spokane Tribe was dependent;

(ii) identified hydropower sites that the Spokane Tribe could have developed; and

(ii) hydropower revenues that the Spokane Tribe would have received under the Federal Power Act (16 U.S.C. 791a et seq.) had the project not been federalized; and

(B) continues to lose hydropower revenues that the Federal Government recognized were owed to the Spokane Tribe at the time at which the project was constructed.

(13) More than 39 percent of the land owned by Indian tribes or members of Indian tribes that was used for the Grand Coulee Dam project was land of the Spokane Tribe.

SEC. 3. STATEMENT OF PURPOSE.

The purpose of this Act is to provide fair and equitable compensation to the Spokane Tribe, using the same proportional basis as was used in providing compensation to the Confederated Tribes of the Colville Reservation, for the losses suffered as a result of the construction and operation of the Grand Coulee Dam project.

SEC. 4. DEFINITIONS.

In this Act:

(1) Secretary.—The term ''Secretary'' means the Secretary of the Treasury.

(2) Confederated Tribes Act.—The term ''Confederated Tribes Act'' means the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (Public Law 103–436; 108 Stat. 4577).

(3) Fund Account.—The term ''Fund Account means the Spokane Tribe of Indians Settlement Fund Account established under section 5(a).

(4) SPOKANE TRIBE.—The term ''Spokane Tribe'' means the Spokane Tribe of Indians of the Spokane Reservation, Washington.

SEC. 5. SETTLEMENT FUND ACCOUNT.

(a) ESTABLISHMENT OF ACCOUNT.—There is established in the Treasury an interest bearing account to be known as the ''Spokane Tribe of Indians Settlement Fund Account''.

(b) DEPOSIT OF AMOUNTS.—

(1) INITIAL DEPOSIT.—On the date on which funds are made available to carry out this Act, the Secretary shall deposit in the Fund Account, as payment and satisfaction of the claim of the Spokane Tribe for use of land of the Spokane Tribe for generation of hydropower for the period beginning on June 29, 1940, and ending on November 2, 1994, an amount that is equal to 39.4 percent of the amount paid to the Confederated Tribes of the Colville Reservation under section 5(a) of the Confederated Tribes Act, adjusted to reflect the change, during the period beginning on the date on which the payment described in subparagraph (A) was made to the Confederated Tribes of the Colville Reservation and ending on the date of enactment of this Act, in Consumer Price Index for all urban consumers published by the Department of Labor.

(2) SUBSEQUENT DEPOSITS.—On September 30 of the first fiscal year that begins after the date of enactment of this Act, and on September 30 of each of the 5 fiscal years thereafter, the Secretary shall deposit in the Fund Account an amount that is equal to 7.88 percent of the amount authorized to be paid to the Confederated Tribes of the Colville Reservation under section 5(b) of the Confederated Tribes Act through the end of the fiscal year during which this Act is enacted, adjusted to reflect the change, during the period beginning on the date on which the payment to the Confederated Tribes of the Colville Reservation was first made and ending on the date of enactment of this Act, in the Consumer Price Index for all urban consumers published by the Department of Labor.

(c) ANNUAL PAYMENTS.—On September 1 of the first fiscal year after the date of enactment of this Act, and annually thereafter, the Secretary shall pay to the Spokane Tribe an amount that is equal to 39.4 percent of the annual payment authorized to be paid to the Confederated Tribes of the Colville Reservation under section 5(b) of the Confederated Tribes Act for the fiscal year.

SEC. 6. USE AND TREATMENT OF SETTLEMENT FUNDS.

(a) TRANSFER OF FUNDS TO SPOKANE TRIBE.—

(1) INITIAL TRANSFER.—Not later than 60 days after the date on which the Secretary receives from the Spokane Business Council written notice of the adoption of the Spokane Business Council of a resolution requesting that the Secretary execute the transfer of settlement funds described in section 5(a), the Secretary shall transfer all or a portion of the settlement funds, as appropriate, to the Spokane Business Council.

(2) SUBSEQUENT TRANSFERS.—If not all funds described in section 5(a) are transferred to the Spokane Business Council under an initial transfer request described in paragraph (1), the Spokane Business Council may make subsequent requests for, and the Secretary of the Treasury may execute subsequent transfers of, those funds.

(b) USE OF INITIAL PAYMENT FUNDS.—Of the settlement funds described in subsections (a) and (b) of section 5—

(1) 25 percent shall be—

(A) reserved by the Spokane Business Council; and

(B) used for discretionary purposes of general benefit to all members of the Spokane Tribe; and

(2) 75 percent shall be used by the Spokane Business Council to carry out—

(A) a resource development program;

(B) a credit program;

(C) a scholarship program; or

(D) a reserve, investment, and economic development program.

(c) USE OF ANNUAL PAYMENT FUNDS.—Annual payments made to the Spokane Tribe under section 5(c) may be used or invested by the Spokane Tribe in the same manner and for the same purposes as other tribal government funds.

(d) APPROVAL BY SECRETARY.—Notwithstanding any other provision of law—

(1) the approval of the Secretary of the Treasury or the Secretary of the Interior for any payment, distribution, or use of the principal, interest, or income generated by any settlement funds transferred or paid to the Spokane Tribe under this Act shall not be required; and

(2) the Secretary of the Treasury and the Secretary of the Interior shall have no trust responsibility for the investment, supervision, administration, or expenditure of those funds after the date on which the funds are transferred to or paid to the Spokane Tribe.

(e) TREATMENT OF FUNDS FOR CERTAIN PURPOSES.—The payments and distributions of any portion of the principal, interest, and income generated by the settlement funds described in section 5 shall be treated in the same manner as payments or distributions under section 6 of the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act (Public Law 99–346; 100 Stat. 677).

(f) TRIBAL AUDIT.—After the date on which the settlement funds described in section 5 are transferred or paid to the Spokane Tribe, the funds—

(1) shall be considered to be Spokane Tribe governmental funds; and

(2) shall be subject to an annual tribal governmental audit.

SEC. 7. SATISFACTION OF CLAIMS.

Payment by the Secretary under section 5 constitutes full satisfaction of the claim of Spokane Tribe to a fair share of the annual hydropower revenues generated by the Grand Coulee Dam project from June 29, 1940, through the fiscal year preceding the fiscal year in which this Act is enacted.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. BUNNING:

S. 1439. A bill to amend part E of title IV of the Social Security Act to reauthorize adoption incentives payments under section 473A of that Act and to provide incentives for the adoption of older children; to the Committee on Finance.

Mr. BUNNING. Mr. President, the Adoption Incentive Program has been a successful program, which provides States with real incentives to find permanent homes for foster children. However, AIP's authorization expires on September 30, 2003, and the program needs to be reauthorized this year.

Under current law, States receive incentive payments for increasing the number of adoptions from the public foster care system. The amount of payments is based on the number of adoptions above a State's baseline, which is the highest number of adoptions in a State since 1997.

Currently, States receive $4,000 for each foster child adopted above the baseline number. The State can also receive $6,000 for each adoption above a baseline for children with special needs. While each State relies on individual criteria, ''special needs'' can include a child's age, ethnicity, disability or having siblings.

AIP's success cannot be questioned. In fact, according to the Congressional Research Service, there was a 61 percent increase in adoptions of children from the public foster care system from 1997 to 2001.

At the same time, states have earned about $144 million in adoption incentives for adoptions from 1998, to 2001. In my State, Kentucky has received about $1.6 million in adoption incentives during this time period.

However, it is now time to reauthorize and strengthen the program.

One of the biggest challenges in the foster care system today is finding adoptive homes for older children. In fact, according to the Adoption and Foster Care Analysis and Reporting System, AFCARS, which is part of the Department of Health and Human Services, once children reach the age of 9, their chances of adoption diminish.

As of 2001, there were over 100,000 American children waiting to be adopted. Quit frankly, this is too many children waiting for loving homes, regardless of their age. The bill I am introducing continues to give States incentives to find homes for these kids, particularly older children.

My bill, the Adoption Incentive Program Reauthorization Act of 2003, reauthorizes the program from 2004 to 2008, at $43 million a year.

The bill continues to give States a payment of $4,000 for every child adopted above the State's baseline. Also, the bill requires States to establish a separate baseline for adoptions of children over the age of 9, and will provide a payment of $6,000 for all older children adopted above the baseline.

Children deserve the stability and support of a permanent home and a permanent family. The Adoption Incentive Program has already proven successful in encouraging states to act aggressively on a foster child's behalf. It is now time to strengthen the program for the years to come.

I look forward to working on this issue with the other Members of Congress who are interested in adoption and hope we can get the program reauthorized soon.

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

S. 1440. A bill to reform the Federal Bureau of Investigation; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I am proud to be reintroducing the FBI Reform Act of 2003 with Senator PATRICK LEAHY. This reform bill is designed to address the accountability problems that have plagued the FBI for years. For almost a decade, I have been engaged in FBI oversight, and during that time, I have seen numerous scandals and coverups. I am pleased to see that Director Mueller is committed to changing the culture of the FBI. He is making good strides toward overcoming past bad policies and procedures at the Bureau. However, Congress also has a role to play in this overhaul of the FBI.

A little over a year ago, a bill similar to this one was approved unanimously by the Judiciary Committee. Since then, a number of the provisions of that bill were enacted in separate legislation. However, some of the most important provisions of that bill—provisions protecting whistleblowers, creating a Security Career Program and Counterintelligence Polygraph Program, and ending the double standard for discipline of senior FBI executives—have yet to be taken up by the full Senate. These provisions are needed to maintain America's confidence in the FBI.

When I was growing up, I was surrounded by a generation that believed the FBI could do no wrong. Yet today at a time when we rely on the FBI to protect us from acts of catastrophic terrorism that endanger the lives of the American people, a time when the need for confidence in the FBI is at its greatest, Americans' trust and confidence in the FBI has been shaken. Do not get me wrong, the majority of FBI agents and especially those who are posted all over the heartland of this country, are honorable, hard working Federal servants who are doing a great job of protecting us from harm. However, there are a few bad apples that must be dealt with because their actions give the Bureau a black eye. The spy cases of Robert Hanssen and Chinese espionage in Los Angeles have highlighted internal security problems. Retaliation against agents like John Roberts, Frank Perry, and Patrick Kiernan, who did their duty investigating internal wrongdoing and spoke the truth to Congress, highlight continuing cultural hostility to criticism. This bill goes a long way to address these systemic problems and shore up trust and confidence in the FBI in the wake of these concerns.

While Congress sometimes follows a hands-off approach to the FBI, the Judiciary Committees hearings and other oversight activities over the last 2 or 3 years have highlighted the actions that Congress needs to take to do its part in reforming the Bureau. The hearings that spurred this legislation demonstrated the need to extend adequate whistleblower protections to the FBI, enhance the Bureau's internal security program, end the double-standard for discipline, and modernize the FBI's information technology systems. These and additional management issues the committee has explored are reflected in this bill. As the Patriot Act has increased the FBI's powers, as the American people have increased their reliance on the FBI to stop terrorism, and as we continue to increase the FBI's funding, it is time for Congress to take action with a more hands-on approach. Let me provide some more detail about the most important provisions of the FBI reform bill.

First, title I of the bill contains much needed protections for FBI whistleblowers. As my colleagues know, I have long held that good government requires that the brave men and women who blow the whistle on wrongdoing be protected. It is my strong belief that disclosures of wrongdoing by whistleblowers are an integral part of our system of checks and balances. However, although whistleblowers play a critical role in ensuring that waste, fraud, and abuse are brought to light and that public health and safety problems are exposed, the same whistleblower protection laws that apply to almost all other Federal employees do not currently apply to the FBI. In fact, it is a violation for FBI agents to report problems to Congress. That restriction leaves patriotic, loyal FBI employees with little recourse. This bill will fix that problem.

I truly believe that reform at the FBI will only occur when FBI employees feel free to blow the whistle on wrongdoing. Without adequate whistleblower protections, I am concerned that agents, such as Coleen Rowley and others, who speak out about abuses and problems at the FBI will be subject to retaliation. Thus, this bill finally gives FBI whistleblowers the same rights and protections that other Federal employees currently possess. When this bill is passed, FBI employees who are retaliated against for blowing the whistle will be able to avail themselves of all the protections afforded by the Whistleblower Protection Act.

In order to enhance internal security at the FBI, title II of the bill requires the FBI to establish a career security program and ensure that appropriate management tools and resources are devoted to that task. Modeled after the Department of Defense Acquisition Career Program, security professional career development requirements would bring the FBI into line with the other Federal agencies that handle top secret intelligence. This bill establishes and defines the Career Security Program and sets out the framework for career development and training in internal security. With the development of a Career Security Program, the FBI can meet the challenges of espionage, information technology vulnerability, and the threat of direct terrorist attack.

This bill requires the Attorney General to establish policies and procedures for career management of FBI security personnel. It directs the Director of the FBI to appoint a Director of Security who would chair a security career program board that would advise in the management of hiring, training, education, and career development. The bill also requires the FBI Director to designate certain positions as security positions. The bill requires that career paths to senior positions be published, and it ensures that all FBI personnel would have the opportunity to acquire the education, training and experience needed for senior security positions. Moreover, in order to ensure that security professionals gain the stature that special agents enjoy, the bill provides that special agents would not have preference for security positions and security positions could not be restricted to special agents unless the Attorney General makes a special determination.

Furthermore, the bill would direct that education, training, and experience requirements be established for each position and that before assignment as a manager or a deputy manager of a significant security program, a person would have to complete an accredited security program management course and have at least 6 years security experience, including 2 years in a similar program.

In addition to the Security Career Program, the bill will also enhance security through the creation of an FBI counterintelligence polygraph program. The program would consist of the periodic screening of employees and contractors who have access to sensitive information or restricted data. While the program recognizes the value of polygraph screening, it also provides safeguards for those subject to polygraph examination. The bill directs that the program have procedures to address false positives, ensure quality control, requires that no adverse personnel action could be taken solely by reason of physiological reaction on an exam without further investigation, and provides that employees would have prompt access to unclassified reports of their exams that relate to adverse personnel action. Thus, title III provides increased security while at the same time protecting employee rights.

Title IV requires the Attorney General to report on the legal authority for the FBI's programs and activities. This report will help the FBI focus on its most important duty—preventing terrorism—by cutting back on the FBI's jurisdiction, which has become cumbersome and unwieldy. Currently, the FBI investigates over 300 different Federal offenses, which are divided between violent crime, white collar crime, organized crime, drugs, national security, and civil rights. In many of these areas, there are instances of concurrent or overlapping jurisdiction with other Federal law enforcement agencies who specialize in investigating these crimes.

The FBI needs to scale back on the broad range of investigations which are duplicated by other Federal and State agencies. The Bureau needs to completely jettison some of these areas and in other areas, the Bureau could simply take a secondary role, allowing another agency to take the lead. In order to assist the FBI in scaling back its jurisdiction, this bill directs the Attorney General to report to Congress on the legal authority for FBI programs and activities, identifying those that have express statutory authority and those that do not. The bill also requires the Attorney General to recommend what criminal statutes for which he believes the FBI should have investigative responsibility.

Additionally, there exists a gross inequality in the way Senior Executive Service, SES, employees of the FBI and rank and file agents are disciplined. SES employees are often given a slap on the wrist for an infraction, whereas the rank and file agents are often punished to the letter of the law. Title V of the bill attempts to address this double standard. The bill attempts to address the double standard by providing some flexibility in how SES employees can be punished. The Senate Judiciary Committee has heard repeatedly that this inflexibility is one of the main causes for the inequality in punishment at the FBI. Under the current

system, the minimum suspension that an SES employee can receive is 14 days. This means that the FBI's management is often left with the choice of either an overly harsh penalty or no penalty at all. Often they decide not to impose any meaningful disciplinary action.

In order to attempt to remedy this problem our bill lifts the 14-day minimum suspension for SES disciplinary cases to provide for additional options in disciplining senior executive employees. Hopefully, this change will help to remedy this double standard. In addition, our bill would require the Office of Inspector General to submit to the Judiciary Committees of both houses, for 5 years, annual reports by the FBI Office of Professional Responsibility on its investigations, recommendations, and their disposition including an analysis of whether any double standard is being employed.

Finally, title VI of the bill attempts to provide further enhancement to security at the Department of Justice as a whole. This title would implement recommendations of the Webster Commission for enhancing security at the DOJ. It requires the Attorney General to submit a report to Congress on the manner by which the Department plans to improve protection of security information at the DOJ. Moreover, this title authorizes funds to meet the demands for increased security at the DOJ. Also, the bill would authorize funds for the DOJ Office of Intelligence Policy and Review to help meet the increased demands to combat terrorism, process applications to the Foreign Intelligence Surveillance Court, participate effectively in counterespionage investigations, provide policy analysis and oversight on national security matters, and enhance computer and telecommunications security.

Mr. President, I say to my fellow colleagues, it is time we acted on the reforms in this bill. It has been almost a year since this bill passed unanimously out of committee. Let's act to reform the FBI and help maintain America's trust and confidence in the Bureau.

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. 1440

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 ''Federal Bureau of Investigation Reform Act of 2003''.

TITLE I—WHISTLEBLOWER PROTECTION

SEC. 101. INCREASING PROTECTIONS FOR FBI WHISTLEBLOWERS.

Section 2303 of title 5, United States Code, is amended to read as follows:

''§ 2303. Prohibited personnel practices in the Federal Bureau of Investigation

''(a) DEFINITION.—In this section, the term 'personnel action' means any action described in clauses (i) through (x) of section 2302(a)(2)(A).

''(b) PROHIBITED PRACTICES.—Any employee of the Federal Bureau of Investigation who has the authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to any employee of the Bureau or because of—

''(1) any disclosure of information by the employee to the Attorney General (or an employee designated by the Attorney General for such purpose), a supervisor of the employee, the Inspector General for the Department of Justice, or a Member of Congress that the employee reasonably believes evidences—

''(A) a violation of any law, rule, or regulation; or

''(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

''(2) any disclosure of information by the employee to the Special Counsel of information that the employee reasonably believes evidences—

''(A) a violation of any law, rule, or regulation; or

''(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety,

if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

''(c) INDIVIDUAL RIGHT OF ACTION.—Chapter 12 of this title shall apply to an employee of the Federal Bureau of Investigation who claims that a personnel action has been taken under this section against the employee as a reprisal for any disclosure of information described in subsection (b)(2).

''(d) REGULATIONS.—The Attorney General shall prescribe regulations to ensure that a personnel action under this section shall not be taken against an employee of the Federal Bureau of Investigation as a reprisal for any disclosure of information described in subsection (b)(1), and shall provide for the enforcement of such regulations in a manner consistent with applicable provisions of sections 1214 and 1221, and in accordance with the procedures set forth in sections 554 through 557 and 701 through 706.''.

TITLE II—FBI SECURITY CAREER PROGRAM

SEC. 201. SECURITY MANAGEMENT POLICIES.

The Attorney General shall establish policies and procedures for the effective management (including accession, education, training, and career development) of persons serving in security positions in the Federal Bureau of Investigation.

SEC. 202. DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—Subject to the authority, direction, and control of the Attorney General, the Director of the Federal Bureau of Investigation (referred to in this title as the ''Director'') shall carry out all powers, functions, and duties of the Attorney General with respect to the security workforce in the Federal Bureau of Investigation.

(b) POLICY IMPLEMENTATION.—The Director shall ensure that the policies of the Attorney General established in accordance with this Act are implemented throughout the Federal Bureau of Investigation at both the headquarters and field office levels.

SEC. 203. DIRECTOR OF SECURITY.

The Director shall appoint a Director of Security, or such other title as the Director may determine, to assist the Director in the performance of the duties of the Director under this Act.

SEC. 204. SECURITY CAREER PROGRAM BOARDS.

(a) ESTABLISHMENT.—The Director acting through the Director of Security shall establish a security career program board to advise the Director in managing the hiring, training, education, and career development of personnel in the security workforce of the Federal Bureau of Investigation.

(b) COMPOSITION OF BOARD.—The security career program board shall include—

(1) the Director of Security (or a representative of the Director of Security);

(2) the senior officials, as designated by the Director, with responsibility for personnel management;

(3) the senior officials, as designated by the Director, with responsibility for information management;

(4) the senior officials, as designated by the Director, with responsibility for training and career development in the various security disciplines; and

(5) such other senior officials for the intelligence community as the Director may designate.

(c) CHAIRPERSON.—The Director of Security (or a representative of the Director of Security) shall be the chairperson of the board.

(d) SUBORDINATE BOARDS.—The Director of Security may establish a subordinate board structure to which functions of the security career program board may be delegated.

SEC. 205. DESIGNATION OF SECURITY POSITIONS.

(a) DESIGNATION.—The Director shall designate, by regulation, those positions in the Federal Bureau of Investigation that are security positions for purposes of this Act.

(b) REQUIRED POSITIONS.—In designating security positions under subsection (a), the Director shall include, at a minimum, all security-related positions in the areas of—

(1) personnel security and access control;

(2) information systems security and information assurance;

(3) physical security and technical surveillance countermeasures;

(4) operational, program, and industrial security; and

(5) information security and classification management.

SEC. 206. CAREER DEVELOPMENT.

(a) CAREER PATHS.—The Director shall ensure that appropriate career paths for personnel who wish to pursue careers in security are identified in terms of the education, training, experience, and assignments necessary for career progression to the most senior security positions and shall make available published information on those career paths.

(b) LIMITATION ON PREFERENCE FOR SPECIAL AGENTS.—

(1) IN GENERAL.—Except as provided in the policy established under paragraph (2), the Attorney General shall ensure that no requirement or preference for a Special Agent of the Federal Bureau of Investigation (referred to in this title as a ''Special Agent'') is used in the consideration of persons for security positions.

(2) POLICY.—The Attorney General shall establish a policy that permits a particular security position to be specified as available only to Special Agents, if a determination is made, under criteria specified in the policy, that a Special Agent—

(A) is required for that position by law;

(B) is essential for performance of the duties of the position; or

(C) is necessary for another compelling reason.

(3) REPORT.—Not later than December 15 of each year, the Director shall submit to the Attorney General a report that lists—

(A) each security position that is restricted to Special Agents under the policy established under paragraph (2); and

(B) the recommendation of the Director as to whether each restricted security position should remain restricted.

(c) OPPORTUNITIES TO QUALIFY.—The Attorney General shall ensure that all personnel, including Special Agents, are provided the opportunity to acquire the education, training, and experience necessary to qualify for senior security positions.

(d) BEST QUALIFIED.—The Attorney General shall ensure that the policies established under this Act are designed to provide for the selection of the best qualified individual for a position, consistent with other applicable law.

(e) ASSIGNMENTS POLICY.—The Attorney General shall establish a policy for assigning Special Agents to security positions that provides for a balance between—

(1) the need for personnel to serve in career enhancing positions; and

(2) the need for requiring service in each such position for sufficient time to provide the stability necessary to carry out effectively the duties of the position and to allow for the establishment of responsibility and accountability for actions taken in the position.

(f) LENGTH OF ASSIGNMENT.—In implementing the policy established under subsection (b)(2), the Director shall provide, as appropriate, for longer lengths of assignments to security positions than assignments to other positions.

(g) PERFORMANCE APPRAISALS.—The Director shall provide an opportunity for review and inclusion of any comments on any appraisal of the performance of a person serving in a security position by a person serving in a security position in the same security career field.

(h) BALANCED WORKFORCE POLICY.—In the development of security workforce policies under this Act with respect to any employees or applicants for employment, the Attorney General shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5, United States Code, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

SEC. 207. GENERAL EDUCATION, TRAINING, AND EXPERIENCE REQUIREMENTS.

(a) IN GENERAL.—The Director shall establish education, training, and experience requirements for each security position, based on the level of complexity of duties carried out in the position.

(b) QUALIFICATION REQUIREMENTS.—Before being assigned to a position as a program manager or deputy program manager of a significant security program, a person—

(1) must have completed a security program management course that is accredited by the Intelligence Community-Department of Defense Joint Security Training Consortium or is determined to be comparable by the Director; and

(2) must have not less than 6 years experience in security, of which not less than 2 years were performed in a similar program office or organization.

SEC. 208. EDUCATION AND TRAINING PROGRAMS.

(a) IN GENERAL.—The Director, in consultation with the Director of Central Intelligence and the Secretary of Defense, shall establish and implement education and training programs for persons serving in security positions in the Federal Bureau of Investigation.

(b) OTHER PROGRAMS.—The Director shall ensure that programs established under subsection (a) are established and implemented, to the maximum extent practicable, uniformly with the programs of the Intelligence Community and the Department of Defense.

SEC. 209. OFFICE OF PERSONNEL MANAGEMENT APPROVAL.

(a) IN GENERAL.—The Attorney General shall submit any requirement that is established under section 207 to the Director of the Office of Personnel Management for approval.

(b) FINAL APPROVAL.—If the Director does not disapprove the requirements established under section 207 within 30 days after the date on which the Director receives the requirement, the requirement is deemed to be approved by the Director of the Office of Personnel Management.

TITLE III—FBI COUNTERINTELLIGENCE POLYGRAPH PROGRAM

SEC. 301. DEFINITIONS.

In this title:

(1) POLYGRAPH PROGRAM.—The term ''polygraph program'' means the counterintelligence screening polygraph program established under section 302.

(2) POLYGRAPH REVIEW.—The term ''Polygraph Review'' means the review of the scientific validity of the polygraph for counterintelligence screening purposes conducted by the Committee to Review the Scientific Evidence on the Polygraph of the National Academy of Sciences.

SEC. 302. ESTABLISHMENT OF PROGRAM.

Not later than 6 months after the date of enactment of this Act, the Attorney General, in consultation with the Director of the Federal Bureau of Investigation and the Director of Security of the Federal Bureau of Investigation, shall establish a counterintelligence screening polygraph program for the Federal Bureau of Investigation that consists of periodic polygraph examinations of employees, or contractor employees of the Federal Bureau of Investigation who are in positions specified by the Director of the Federal Bureau of Investigation as exceptionally sensitive in order to minimize the potential for unauthorized release or disclosure of exceptionally sensitive information.

SEC. 303. REGULATIONS.

(a) IN GENERAL.—The Attorney General shall prescribe regulations for the polygraph program in accordance with subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedures Act).

(b) CONSIDERATIONS.—In prescribing regulations under subsection (a), the Attorney General shall—

(1) take into account the results of the Polygraph Review; and

(2) include procedures for—

(A) identifying and addressing false positive results of polygraph examinations;

(B) ensuring that adverse personnel actions are not taken against an individual solely by reason of the physiological reaction of the individual to a question in a polygraph examination, unless—

(i) reasonable efforts are first made independently to determine through alternative means, the veracity of the response of the individual to the question; and

(ii) the Director of the Federal Bureau of Investigation determines personally that the personnel action is justified;

(C) ensuring quality assurance and quality control in accordance with any guidance provided by the Department of Defense Polygraph Institute and the Director of Central Intelligence; and

(D) allowing any employee or contractor who is the subject of a counterintelligence screening polygraph examination under the polygraph program, upon written request, to have prompt access to any unclassified reports regarding an examination that relates to any adverse personnel action taken with respect to the individual.

SEC. 304. REPORT ON FURTHER ENHANCEMENT OF FBI PERSONNEL SECURITY PROGRAM.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to Congress a report setting forth recommendations for any legislative action that the Director considers appropriate in order to enhance the personnel security program of the Federal Bureau of Investigation.

(b) POLYGRAPH REVIEW RESULTS.—Any recommendation under subsection (a) regarding the use of polygraphs shall take into account the results of the Polygraph Review.

TITLE IV—REPORTS

SEC. 401. REPORT ON LEGAL AUTHORITY FOR FBI PROGRAMS AND ACTIVITIES.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Attorney General shall submit to Congress a report describing the statutory and other legal authority for all programs and activities of the Federal Bureau of Investigation.

(b) CONTENTS.—The report submitted under subsection (a) shall describe—

(1) the titles within the United States Code and the statutes for which the Federal Bureau of Investigation exercises investigative responsibility;

(2) each program or activity of the Federal Bureau of Investigation that has express statutory authority and the statute which provides that authority; and

(3) each program or activity of the Federal Bureau of Investigation that does not have express statutory authority, and the source of the legal authority for that program or activity.

(c) RECOMMENDATIONS.—The report submitted under subsection (a) shall recommend whether—

(1) the Federal Bureau of Investigation should continue to have investigative responsibility for each statute for which the Federal Bureau of Investigation currently has investigative responsibility;

(2) the legal authority for any program or activity of the Federal Bureau of Investigation should be modified or repealed;

(3) the Federal Bureau of Investigation should have express statutory authority for any program or activity of the Federal Bureau of Investigation for which the Federal Bureau of Investigation does not currently have express statutory authority; and

(4) the Federal Bureau of Investigation should—

(A) have authority for any new program or activity; and

(B) express statutory authority with respect to any new programs or activities.

TITLE V—ENDING THE DOUBLE STANDARD

SEC. 501. ALLOWING DISCIPLINARY SUSPENSIONS OF MEMBERS OF THE SENIOR EXECUTIVE SERVICE FOR 14 DAYS OR LESS.

Section 7542 of title 5, United States Code, is amended by striking ''for more than 14 days''.

SEC. 502. SUBMITTING OFFICE OF PROFESSIONAL RESPONSIBILITY REPORTS TO CONGRESSIONAL COMMITTEES.

(a) IN GENERAL.—For each of the 5 years following the date of enactment of this Act, the Office of the Inspector General shall submit to the chairperson and ranking member of the Committees on the Judiciary of the Senate and the House of Representatives an annual report to be completed by the Federal Bureau of Investigation, Office of Professional Responsibility and provided to the Inspector General, which sets forth—

(1) basic information on each investigation completed by that Office;

(2) the findings and recommendations of that Office for disciplinary action; and

(3) what, if any, action was taken by the Director of the Federal Bureau of Investigation or the designee of the Director based on any such recommendation.

(b) CONTENTS.—In addition to all matters already included in the annual report described in subsection (a), the report shall also include an analysis of—

(1) whether senior Federal Bureau of Investigation employees and lower level Federal Bureau of Investigation personnel are being disciplined and investigated similarly; and

(2) whether any double standard is being employed to more senior employees with respect to allegations of misconduct.

TITLE VI—ENHANCING SECURITY AT THE DEPARTMENT OF JUSTICE

SEC. 601. REPORT ON THE PROTECTION OF SECURITY AND INFORMATION AT THE DEPARTMENT OF JUSTICE.

Not later than 9 months after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the manner in which the Security and Emergency Planning Staff, the Office of Intelligence Policy and Review, and the Chief Information Officer of the Department of Justice plan to improve the protection of security and information at the Department of Justice, including a plan to establish secure electronic communications between the Federal Bureau of Investigation and the Office of Intelligence Policy and Review for processing information related to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

SEC. 602. AUTHORIZATION FOR INCREASED RESOURCES TO PROTECT SECURITY AND INFORMATION.

There are authorized to be appropriated to the Department of Justice for the activities of the Security and Emergency Planning Staff to meet the increased demands to provide personnel, physical, information, technical, and litigation security for the Department of Justice, to prepare for terrorist threats and other emergencies, and to review security compliance by components of the Department of Justice—

(1) $13,000,000 for fiscal years 2004 and 2005;

(2) $17,000,000 for fiscal year 2006; and

(3) $22,000,000 for fiscal year 2007.

SEC. 603. AUTHORIZATION FOR INCREASED RESOURCES TO FULFILL NATIONAL SECURITY MISSION OF THE DEPARTMENT OF JUSTICE.

There are authorized to be appropriated to the Department of Justice for the activities of the Office of Intelligence Policy and Review to help meet the increased personnel demands to combat terrorism, process applications to the Foreign Intelligence Surveillance Court, participate effectively in counterespionage investigations, provide policy analysis and oversight on national security matters, and enhance secure computer and telecommunications facilities—

(1) $7,000,000 for fiscal years 2004 and 2005;

(2) $7,500,000 for fiscal year 2006; and

(3) $8,000,000 for fiscal year 2007.

Mr. LEAHY. Mr. President, I am pleased to introduce today, with my friend the senior Senator from Iowa, the FBI Reform Act of 2003.

This legislation stems from the lessons learned during a series of Judiciary Committee hearings on oversight of the FBI that I chaired beginning in June 2001. The important changes which are being made under the FBI's leadership after the September 11 attacks and the new powers granted the FBI by the USA PATRIOT Act have resulted in FBI reform becoming a pressing matter of national importance.

Since 9/11 and the anthrax attacks later that fall, we have relied on the FBI to detect and prevent acts of catastrophic terrorism that endanger the lives of the American people and the institutions of our country. The men and women of the FBI are performing this task with great professionalism at home and abroad. We have all felt safer as a result of the full mobilization of the FBI's dedicated Special Agents, its expert support personnel, and its exceptional technical capabilities. We owe the men and women of the FBI our thanks.

For decades the FBI has been an outstanding law enforcement agency and a vital member of the United States intelligence community. As our hearings and recent events have shown, however, there is room for improvement at the FBI. To fully rise to its current challenges, the FBI must face and understand the mistakes of the past and make the changes needed to ensure that they are not repeated. In meeting the international terrorist challenge, the Congress has an opportunity and obligation to strengthen the institutional fiber of the FBI based on lessons learned from recent problems the Bureau has experienced.

This view is not mine alone. When FBI Director Mueller testified at his confirmation hearings in July 2001, he forthrightly acknowledged ''that the Bureau's remarkable legacy of service and accomplishment has been tarnished by some serious and highly publicized problems in recent years. Waco, Ruby Ridge, the FBI lab, Wen Ho Lee, Robert Hanssen and the McVeigh documents—these familiar names and events remind us all that the FBI is far from perfect and that the next director faces significant management and administrative challenges.'' Since then, the Judiciary Committee has forged a constructive partnership with Director Mueller to get the FBI back on track.

Congress sometimes has followed a hands-off approach about the FBI. But with the FBI's new increased powers, with our increased reliance on the Bureau to prevent terrorism, and with the increased funding provided by the Congress should come increased scrutiny and accountability. Until the Bureau's problems are resolved and new challenges overcome, we should be taking a hands-on approach.

Indeed our hearings and other oversight activities have highlighted tangible steps the Congress should take in an FBI Reform bill as part of this hands-on approach. Among other things, these hearings demonstrated the need to extend whistleblower protection, end the double standard for discipline of senior FBI executives, and enhance the FBI's internal security program to protect against espionage as occurred in the Hanssen case.

Director Mueller once said it is ''critically important'' that he ''hears criticisms of the organization . . . in order to improve the organization.'' I could not agree more. More than ever, the FBI must be open to new ideas, to criticism from within and without, and to facing up to and learning from past mistakes.

During the last Congress, the Judiciary Committee unanimously approved the Leahy-Grassley FBI Reform Act of 2001. Unfortunately, our bipartisan efforts were stymied by an anonymous Republican hold, which prevented the bill from being considered on the floor. While we did eventually succeed in passing three of the bill's important reform provisions as part of the Department of Justice authorization act, other needed reforms were senselessly blocked. These reforms, which remain as important and urgent as ever, are included in the bill we introduce today.

There are five key elements of our bill.

First, it strengthens whistleblower protection for FBI employees and protects them from retaliation for reporting wrongdoing.

Second, it addresses the issue of a double standard for discipline of senior executives by eliminating the disparity in authorized punishments between Senior Executive Service members and other Federal employees.

Third, it establishes an FBI Counterintelligence Polygraph Program for screening personnel in exceptionally sensitive positions with specific safeguards.

Fourth, it establishes an FBI Career Security Program, which would bring the FBI into line with other U.S. intelligence agencies that have strong career security professional cadres whose skills and leadership are dedicated to the protection of agency information, personnel, and facilities.

And fifth, it requires a set of reports that would enable Congress to engage the Executive branch in a constructive dialogue building a more effective FBI for the future.

The FBI Reform Act is designed to strengthen the FBI as an institution that has a unique role as both a law enforcement agency and a member of the intelligence community. As the Judiciary Committee continues its oversight work and more is learned about recent FBI performance, additional reforms may prove necessary. Especially important will be the lessons learned from the attacks of September 11, the anthrax attacks, and implementation of the USA PATRIOT Act and other counterterrorism measures.

We need to help the FBI become as effective, as accountable and as agile as the American people need it to be to counter the threat of terrorism on our shores.

Strengthening the FBI cannot be accomplished overnight, but with this legislation, we take an important step into the FBI's future.

By Mr. BIDEN:

S. 1441. A bill to amend title 18, United States Code, with respect to false information regarding certain

criminal violations concerning hoax reports of biological, chemical, and nuclear weapons; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce ''The Protection Against Terrorist Hoaxes Act of 2003.'' This bill would amend Title 18 of the United States Code to, make it a Federal crime to knowingly make a hoax report, involving a biological, chemical, nuclear weapon, or other weapon of mass destruction. Likewise, this bill would make it a criminal offense to knowingly send such a hoax weapon to another.

Since the terrorist attacks of September 11, our Nation has witnessed a number of terror hoax reports. This in turn has triggered an equally large number of reports of suspected biological agents. No part of the Nation has been spared, and my home State of Delaware has had several hundred reports of possible biological agents. The FBI has reported to Congress the staggering statistics involving these bioterrorism hoaxes and other reports of suspected biological agents. Prior to September 11, the FBI had responded to about 100 cases involving potential use of ''weapons of mass destruction,'' 67 of which involved alleged biological weapons. Since mid-September 2001, however, that number has increased by 3,000 percent.

The good news is that most of these reports were either hoaxes or reports made by well-meaning people whose suspicions were raised. The bad news is that any hoax reports were made in the first place, triggering panic on the part of the public, and often forcing the Federal, State, and local governments to waste valuable time and resources responding to them. In one particularly egregious case, it has been reported that an employee of the Connecticut Department of Environmental Protection falsely reported to security that he had found a yellowish-white powder on his desk with the misspelled label ''ANTHAX.'' The employee, a 48-year-old solid waste management analyst, knew the material was not toxic, it was determined to be coffee creamer, but persisted in the false account. Eight hundred State employees were evacuated from the building for 2 days while law enforcement officials tested the building, at a cost of $1.5 million in lost worker's time, another $40,000 in decontamination costs, and an undisclosed amount of money spent on rescue and law enforcement. The employee is being charged in Federal court—not for the hoax report, but for lying to Federal officials after the fact.

Indeed, the Justice Department reported to Congress that there is a gap in the existing Federal law regarding the prosecution of bioterrorism hoaxes. That is, while it is a crime to threaten to use, for example, anthrax as a weapon against another person, it is not a crime to make a hoax anthrax report. Accordingly, the Justice Department has repeatedly asked Congress to enact legislation which specifically addresses hoaxes which involve purported biological substances, as well as chemical, nuclear and other weapons of mass destruction. Just this month, the Justice Department stated in testimony, ''changes in title 18 to expand the reach of the law to prohibit conduct resulting in such hoaxes would provide prosecutors with an appropriate tool to respond to these situations.''

We should answer the call and act now to give law enforcement the tools they need to combat these despicable crimes. The Federal interest is indisputable, as States and localities are simply not equipped with the expertise or resources to evaluate and respond to these hoaxes. A comprehensive prohibition on such false reports is necessary to preserve scarce and vital Federal resources.

Accordingly, as Ranking Member of the Judiciary Subcommittee on Crime, Corrections and Victims' Rights, I introduce a bill today which contains both criminal provisions and civil penalties for the hoax reporting of bioterrorism incidents. My bill simply says that if you knowingly engage in conduct—such as deliberately sending baking powder through the mail to your congressman or calling 911 to falsely report the presence of anthrax in a public building—that is likely to create the false impression concerning the presence of anthrax, or other similar things, that you have committed A Federal offense, punishable by up to 5 years in jail. Moreover, such a person may be fined the greater of either $10,000 or the amount of money expended by the government to respond to the false information. Finally, such a person may also be ordered to reimburse the government if costs were incurred in responding to the false hoax. Let me be clear—this bill will not target innocent mistakes or people who make a report concerning a suspected substance; it is aimed, rather, at deliberate hoax reports by those who know they are spreading false information.

I have said many times on the floor of this body that the terrorist win if they succeed in sowing seeds of panic into our daily lives. We cannot and will not let that happen. Similarly, we will not let these hoaxers get away with words and deeds which have the same effect. I urge my colleagues to support the Protection Against Terrorist Hoaxes Act of 2003.

By Ms. LANDRIEU:

S. 1442. A bill to preserve the political independence of the National Women's Business Council; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, the National Women's Business Council provides Congress, the Small Business Administration, and the Interagency Committee on Women's Business Enterprise with independent advice and policy recommendations to foster women's business ownership. Now many of my colleagues may not know a great deal about the Council, its members, and what they do. But I can tell you that as a member of the Senate Committee on Small Business and Entrepreneurship, the Council's advice is very helpful as we develop legislation that affects small businesses throughout the country.

The Council has broad latitude to address nearly any issue that it considers to be important for women in business. Whether it relates to health insurance, the economy, or fiscal policies, the Council brings a unique and valuable perspective. Women make up 46 percent of the Nation's executive, administrative and managerial occupations and head up 7.1 million sole proprietorships. The National Women's Business Council is their voice.

The Council's independent voice is the key to its success and influence. The structure of the Council helps to maintain that independence. The Council has 15 members. The Chair is appointed by the President and must be a prominent businesswoman. Six members come from women's business organizations, including representatives of women's business center sites. The remaining eight members are political appointees, split evenly between Democrats and Republicans. These political slots are appointed by the SBA Administrator based upon the recommendations of the Chair and Ranking Members of the Senate Business and Entrepreneurship Committee and the House Small Business Committee. All of these ''party-affiliated'' members must be small business owners.

This bipartisan balance in the Council's membership helps to ensure that any policy recommendations or positions the Council takes will reflect the needs of women in business and not the political agenda of one political party over another. Certainly, the political balance is not completely even because the Chair is appointed by the President, but the Democrats have a strong voice with four members on the Council. That will only be true, however, as long as the Democratic seats are filled.

Unfortunately, this has not always been the case. Vacancies on the Council are supposed to be filled no later than 30 days after a seat becomes open. However, over the past two years, the SBA has routinely failed to meet this 30-day statutory deadline. The Council Chair was vacant from May 29, 2001 to May 21, 2002, a period of 11 months and 22 days. As a result, the Council could not even meet.

Vacancies in the party-affiliated seats hurt the Council's independence. Of the party-affiliated seats reserved for the President's party, one seat was vacant for three months; two were vacant for a period of seven months; and another went vacant for 21 months. Two of the seats reserved for Democrats remained vacant for nearly two years, another seat was vacant for seven months, and the fourth seat remains vacant today. In the past, these

vacancies have not been filled in a manner consistent with maintaining a bipartisan balance and the independence of the Council. Let me give you an example.

In February of this year the Council announced its support for Association Health Plans. This is an important issue for many small businesses and for the economy on the whole. At the time, the Council had three Republican members and no Democrats. Regardless of what opinion you may have of the Association Health Plans issue, the Council's position can be dismissed by some as being political because of the partisan imbalance on the Council at the time it made its endorsement. Instead of being an unquestioned resource for Congress and policy makers to rely on, the Council faces potential criticism that it is nothing more than a mouthpiece for one party over another.

Today, I am introducing legislation to protect the independence of the Council. The National Women's Business Council Independence Preservation Act of 2003 will ensure that the Council maintains its value as an advisor to Congress and the Administration. This measure simply requires that vacancies in the party-affiliated seats be filled evenly so that the Council maintains a bipartisan balance. This will help to ensure that the Council's policy advice is free from any partisan taint.

My legislation also ensures accountability by requiring the SBA Administrator to report to Congress on vacancies that remain unfilled for more than 30 days. The report must cite the reasons for the vacancies, what is causing any delays in filling the positions, whether nominees were available for consideration, at what stage in the vetting process nominees are, whether there are any objections to the nominees and what those objections are, an estimate for when the vacancies will be filled, and any other relevant information relating to the vacancies.

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. 1442

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Women's Business Council Independence Preservation Act of 2003''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The National Women's Business Council provides an independent source of advice and policy recommendations regarding women's business development and the needs of women entrepreneurs in the United States to—

(A) the President;

(B) Congress;

(C) the Interagency Committee on Women's Business Enterprise; and

(D) the Administrator of the Small Business Administration.

(2) The members of the National Women's Business Council are small business owners, representatives of business organizations, and representatives of women's business centers.

(3) The chair and ranking member of the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives make recommendations to the Administrator to fill 8 of the positions on the National Women's Business Council. Four of the positions are reserved for small business owners who are affiliated with the political party of the President and four of the positions are reserved for small business owners who are not affiliated with the political party of the President. This method of appointment ensures that the National Women's Business Council will provide Congress with non-partisan, balanced, and independent advice.

(4) In order to maintain the independence of the National Women's Business Council and to ensure that the Council continues to provide Congress with advice on a non-partisan basis, it is essential that the Council maintain the bipartisan balance established under section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107).

SEC. 3. MAINTAINING THE POLITICAL INDEPENDENCE OF THE NATIONAL WOMEN'S BUSINESS COUNCIL.

Section 407(f) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107(f)) is amended—

(1) by striking ''A vacancy'' and inserting the following:

''(1) IN GENERAL.—A vacancy''; and

(2) by adding at the end the following:

''(2) PARTISAN BALANCE.—When filling vacancies under paragraph (1), the Administrator shall, to the extent practicable, ensure that there are an equal number of members on the Council from each of the 2 major political parties.''

''(3) ACCOUNTABILITY.—If a vacancy is not filled within the 30-day period required under paragraph (1) or if there exists an imbalance of party-affiliated members on the Council for a period exceeding 30 days, the Administrator shall submit a report, not later than 10 days after the respective 30-day deadline, to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, that explains why the respective deadline was not met and provides an estimated date on which any vacancies will be filled.''.

By Mr. CARPER (for himself, Mr. NELSON of Nebraska, and Ms. COLLINS):

S. 1443. A bill to amend part A of title IV of the Social Security Act to reauthorize the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

Mr. CARPER. Mr. President, I come to the floor to take this time to talk about the reauthorization of welfare reform, the reform launched a half dozen years ago. The authorization for those reforms has expired once, has been renewed for a year, and will expire again at the end of this year.

When Bill Clinton ran for President in 1992, he said a number of things for which he is remembered. He said: It is the economy, stupid. And it is always the economy, stupid, as far as I am concerned. But he also said we ought to change welfare as we know it. And we have.

Welfare reform was very much needed in the mid-1990s. A lot of people who ended up on welfare stayed there for long periods of time. And one of the reasons why they stayed there for so long was because they and their families were better off being on welfare than not. If people on welfare went to work, they lost some things. They lost maybe health care for their kids, eligibility for food stamps, nutritional support for their families, affordable housing. They certainly had to pay more for affordable housing.

And what would they gain by going to work and getting off welfare? The right to pay taxes: State income taxes, Federal income taxes, Social Security taxes, Medicare taxes, and others. After losing those certain things and gaining the right to pay those taxes, they would have to deal with the costs included in childcare. Who is going to take care of my kids? How will I pay for it? How will I get to work? Is there transportation? Is there transit? Do I have a car? Is it a working car? If I don't, how do I get one or pay for it or maintain it?

The reforms adopted in 1996 were actually endorsed by the National Governors Association which served as a catalyst for the adoption of Federal law. There were a number of principles that underscored or underwrote that welfare reform initiative of the mid-1990s. The first was work first. We should not place emphasis on finding people for jobs that may not exist. We ought to help people to go to work first.

The second principle was, work ought to pay more than welfare. People actually ought to be better off because somebody in that family is going to work every day.

The third principle was really a tough love principle. There ought to be limits on the amount of time that people could be on welfare. States could make it more stringent but a 5-year cap on the amount of time people spent on welfare should be the law of the land. We should have a tough love approach. There ought to be a certain toughness in what we are doing.

People should show up for job interviews. They should take the jobs offered. They should not be able to walk away from the jobs. If they do those kinds of things, they would face, in a number of States, the likelihood of being sanctioned for their refusal or inability to go to work and continue to work.

We also said that we realize there are some people on welfare who will never come off. For reasons physiological, they are going to be dependent forever. We allowed the States to recognize some percentage—I think 20 percent—of the caseload of people who will not go to work.

We said that it might be a smart idea to have a rainy day fund, in case the economy falls off a cliff or we have a lot more people who show up and need a welfare payment. So we provided for a rainy day fund.

Finally, we said there are really four critical elements that need to be addressed in order for people to get off welfare and stay off welfare for an extended period of time. No. 1, there had to be a job to go to. No. 2, they have to have a way to get to the job. No. 3, there has to be health care for the kids. If the kids get sick, parents are not going to go to work. There has to be minimal health care for the family. People will not go to work if there is nobody to take care of their kids. So there needs to be some assistance given for childcare.

By most standards, the welfare reforms we began a half dozen years ago are regarded as a success. The rolls are down by roughly half across the country, including Delaware. Many families who used to be on welfare are now working and those families are, for the most part, better off. In those families where somebody is going to work every day, that parent sets an example for their children that there is an expectation to go to work, that there is dignity with work, and we are expected to be self-aligned and self-sufficient, if we are psychologically able to do that.

I have heard the old adage, ''If it ain't broke, don't fix it.'' Some people said that about the welfare reforms to be adopted in 1996—that they were not broke and we ought not to fix them. Other people said we ought to change it substantially, which is what we did in 1996. Some would like to go back to a situation that existed prior to that time. Others would like to go to an even tougher love arrangement, with the emphasis on toughness and not a whole lot of love involved.

Rather than saying if it ain't broke, don't fix it, I think the better approach is to say this: If it is not perfect, make it better. The reforms we adopted 6 years ago can be improved upon and we can make it better.

I want to talk about a proposal Senator NELSON and I will be offering. As former Governors of our States, we believe it will build on the changes adopted in 1996. It would make the system better and make it one that is more likely to help people get off welfare and stay off for an extended period of time, and hopefully forever.

When we adopted the welfare reforms of 1996, we decided to take welfare, which had been an entitlement program, and make it a block grant program. I believe it provided that $16.5 million would be distributed to States in block grants and States could apportion that money out, to be used for a variety of things, including cash welfare payments, childcare assistance, health care, and other things. They could also use the money for transportation assistance. We put a 5-year limit on the amount of time people, under Federal law, could be eligible for welfare benefits. We also said in that law that we want States to eventually increase their work participation rates.

If you look at the welfare caseload, the percentage of people doing work or work-like activities, we wanted that to increase so by 2002 the work participation would have gone up 50 percent from wherever it started. That is where it is today; the work participation rate is 50 percent.

We give a credit to States that moved people off of welfare since the mid to late 1990s. So if they have moved people off welfare, States can get a credit toward the work participation rate, with the 50-percent mandate.

As it turned out, when they moved half of the people off of the welfare rolls and the work participation rate is 50 percent effectively by moving people off welfare to work, in most of the States we have eliminated de facto the work participation rate. Most States have a zero work participation rate as a result.

Our bill changes that in a couple of ways. It gradually raises from 50 percent to 70 percent, in 5-percent increments each year, the work participation rate, so that by 2008, today's rate would go up to 70 percent.

We provide for something called an employment credit. The employment credit provides a credit to States against its work participation rate for doing a couple of things. One, for moving people to work. Two, they get bonus credit for moving people to work at better paying jobs. Also, States can earn partial credit against the work participation rate if people are doing at least 16 hours of core work activities.

Under the current Federal law, a workweek for people who have kids over the age of 6 is 30 hours in order to count toward the work participation rate. Under current law, if a person has a child under 6, they need to be working 20 hours in order to count toward the States' work participation requirement.

Senator NELSON and I would change that a little bit. We say that—there is one thing we don't change. If you have a child under the age of 6, it is still 20 hours. If they are over the age of 6, we expect them to be working 32 hours, 8 of which can be activities other than core work activities. An example would be assistance for substance abuse, or anything that is deemed to be eliminating the barrier toward employment. If a person doesn't have a high school degree, they can be working toward their GED, and that counts as part of that 8 hours. But 24 hours of the 32 would have to be a core work activity. I will give you some examples: private sector work, public sector work, community service, and vocational education.

Senator NELSON and I also made a modification with respect to education and training. Under current law, vocational education counts up to—I believe you count it toward your work participation rate for 12 months. We make that 24 months. We put in a cap. If you had 100 people on your caseload, no more than 30 percent of that 100 people who are involved in vocational education training or postsecondary can be counted toward a State's work participation rate. We extend from 12 months to 24 months those who are participating in vocational credit.

If you want people to go to work, you have to make sure there is help on the childcare side. If we are going to raise the hours, we expect the people to do work or work-like activities. If we are going to raise the work participation rate, we have to provide additional assistance. There is an extra $6 billion that we provide for childcare over the 5-year period.

In addition, we raise the social service block grant to a fully authorized level over a 5-year period of time. On the transportation side, as I mentioned earlier, unless people can get to work—we can have all the caps and participation rates we want but unless people can get to work, they are not going to be able to get off welfare and stay off of welfare.

In our legislation, we provide under current law where States can use the TANF block grant for transportation assistance. We provide authorizing language for another $15 million in authorization for transportation. If you live in a rural area and there is no transportation, States can help people buy cheaper but working cars to get where they need to go.

We make a change with respect to transitional health care. Under current law, if I am on welfare and then I go to work, I lose my health care. I can get 12 months of transitional assistance from Medicaid. We raise that. We give States the discretion to raise that to 24 months.

I see Senator GRASSLEY has risen to speak. I will finish my remarks. I say this to him. I appreciate very much his effort in leading the Finance Committee. Senator NELSON and I have actually been privileged to be Governors of our States—8 years apiece—at the time we launched welfare reform. We learned a lot from those experiences. We think it is germane to the debate that is coming soon in the next steps in welfare reform. We hope to be part of the debate—maybe not in your committee but certainly when we get the bill to the floor. As much as I understand what is taking shape here, I think there are common elements in what Senator GRASSLEY is seeking to do and what Senator NELSON and I propose to do. We look very much forward to engaging with the chairman in the work he is doing now and with that which is going to be brought to the floor later this year.

Mr. President, I ask unanimous consent that the text of this bill that Senator NELSON and I are introducing be printed in the RECORD.

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

S. 1443

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 ''Building on Welfare Success Act of 2003''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

SEC. 3. 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.

SEC. 4. FINDINGS.

Congress makes the following findings:

(1) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105) was a fundamental change to reform the Federal welfare system to shift it from an entitlement program into a transition program to help families move from welfare to work and personal responsibility.

(2) Since enactment of the 1996 welfare reform law, welfare cash assistance caseloads have dropped dramatically, by approximately 50 percent, and approximately ⅔ of welfare recipients who have left the cash assistance rolls have left for work.

(3) Another sign of reform and progress is that funding has shifted from providing monthly cash assistance for parents to stay at home to over ½ of the funding targeted to pay for work supports, such as child care, transportation, job placement, limited job training, or other priorities.

(4) Investments in child care and transportation, and health care access will help continue this success and move more people from welfare to work.

(5) While many families have moved from welfare to work, many families struggle in low-wage jobs and have trouble getting promised supports such as medicaid, child care, food stamps, and other supports available under programs intended to help families.

(6) Child poverty rates in the United States have improved but they could be lower and they remain high when compared to the rates of other developed countries. More must be done to reduce child poverty in our Nation.

(7) State flexibility has been critical to the success of the 1996 welfare reform law and will be important for States to provide a broad range of services to address parents on welfare with barriers to employment. State flexibility also is important for States to continue successful welfare programs that have cut the caseload in half since 1996.

(8) Children deserve to be raised in supportive homes, preferably with 2 loving parents. It is crucial to end policies that discriminate against serving 2-parent families within the welfare system. It is also important to support innovative programs to encourage full participation in child support and child rearing by noncustodial parents.

(9) Despite declining national and State rates, 35 percent of 10 girls in the United States get pregnant at least once by age 20, nearly 900,000 girls get pregnant each year, and there are nearly 500,000 teen births each year. The national teen birth rate for Hispanic teen girls - the fastest growing group - is declining the slowest.

(10) If teen birth rates had stayed at the 1991 peak level, there would have been at least 800,000 additional babies born to teenagers.

TITLE I—WORK

SEC. 101. INCREASE IN MINIMUM PARTICIPATION RATES.

The table set forth in section 407(a)(1) (42 U.S.C. 607(a)(1)) is amended—

(1) in the item relating to fiscal year 2002—

(A) by striking ''or thereafter'' and inserting ''2003, or 2004''; and

(B) by striking the period; and

(2) by adding at the end the following:

''2005	55
2006	60
2007	65
2008 or thereafter	70.''.

SEC. 102. INCREASE IN NUMBER OF HOURS REQUIRED FOR WORK AND WORK-RELATED ACTIVITIES.

Section 407(c)(1) (42 U.S.C. 607(c)(1)), as amended by section 107(3), is amended—

(1) in the matter preceding the table set forth in that paragraph, by striking ''20 hours'' and inserting ''24 hours''; and

(2) in the table—

(A) in the item relating to fiscal year 2000, by striking ''or thereafter'' and inserting '', 2001, 2002, or 2003'';

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

(C) by adding at the end the following:

2004 or thereafter	32.''.

SEC. 103. TREATMENT OF REHABILITATIVE SERVICES AS AN ADDITIONAL WORK ACTIVITY.

(a) IN GENERAL.—Section 407(d) (42 U.S.C. 607(d)) is amended—

(1) in paragraph (11), by striking ''and'' at the end;

(2) in paragraph (12), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(13)(A) rehabilitative services, such as adult basic education, participation in a program designed to increase proficiency in the English language, or, in the case of an individual determined by a qualified medical, mental health, or social services professional as having a physical or mental disability, substance abuse problem, or other problem that requires rehabilitative services, substance abuse treatment, mental health treatment, or other rehabilitative services, provided that the provision of such services is a requirement of the individual's individual responsibility plan under section 408(b) (not to exceed 3 months out of any 24-month period, or, if such services for a longer period of time is a requirement of the individual's plan under section 408(b), up to 6 months, but only if, during the last 3 months of such 6 months, such services are combined with work or job-readiness activities); and

''(B) for purposes of counting toward the minimum average number of hours per week specified in subsection (c)(1), services described in subparagraph (A), the provision of which is a requirement of the individual's individual responsibility plan under section 408(b), until an individual successfully completes such services (and without regard to the time limits for the receipt of such services for purposes of subparagraph (A).''.

(b) CONFORMING AMENDMENTS.—Section 407(c)(1) (42 U.S.C. 607(c)(1)), as amended by sections 102 and 107(3), is amended by striking ''or (12)'' and inserting ''(12), or (13)(A)''.

SEC. 104. EDUCATION AND TRAINING.

(a) INCREASE IN MONTHS FOR VOCATIONAL EDUCATIONAL TRAINING TO COUNT AS A WORK ACTIVITY.—Section 407(d)(8) is amended to read as follows:

''(8) vocational educational training (not to exceed 24 months with respect to any individual);''.

(b) STATE OPTION TO TREAT PARTICIPANTS IN POSTSECONDARY EDUCATION PROGRAM ESTABLISHED BY THE STATE AS ENGAGED IN WORK.—Section 407(c)(2) (42 U.S.C. 607(c)(2)) is amended by adding at the end the following:

''(E) STATE OPTION TO TREAT PARTICIPANTS IN POSTSECONDARY EDUCATION PROGRAM ESTABLISHED BY THE STATE AS ENGAGED IN WORK.—In the case of a State that elects to establish a postsecondary education program under section 404(l), the State may include, for purposes of determining monthly participation rates under subsection (b)(1)(B)(i), all families that include an individual participating in such program during the month as being engaged in work for the month, so long as each such individual is in compliance with the requirements of that program.''.

(c) ELIMINATION OF RECIPIENTS COMPLETING SECONDARY SCHOOL FROM LIMIT ON NUMBER OF TANF RECIPIENTS PARTICIPATING IN VOCATIONAL EDUCATIONAL TRAINING.—

(1) IN GENERAL.—Section 407(c)(2)(D) (42 U.S.C. 607(c)(2)(D)) is amended to read as follows:

''(D) LIMITATION ON NUMBER OF PERSONS WHO MAY BE TREATED AS ENGAGED IN WORK BY REASON OF PARTICIPATION IN VOCATIONAL EDUCATIONAL TRAINING.—For purposes of determining monthly participation rates under subsection (b)(1)(B)(i), not more than 30 percent of the number of individuals in all families in a State who are treated as engaged in work for a month may consist of individuals who are determined to be engaged in work for the month by reason of participation in vocational educational training (determined without regard to individuals described in subparagraph (C) or participating in a program referred to in subparagraph (E)).''.

(2) CONFORMING AMENDMENT.—Section 407(c)(2)(C)(ii) (42 U.S.C. 607(c)(2)(C)(ii) is amended by inserting ''including vocational educational training'' after ''employment''.

SEC. 105. AUTHORITY TO ESTABLISH PARENTS AS SCHOLARS PROGRAMS.

Section 404 (42 U.S.C. 604) is amended by adding at the end the following:

''(l) AUTHORITY TO ESTABLISH PARENTS AS SCHOLARS PROGRAMS.—

''(1) IN GENERAL.—A State to which a grant is made under section 403 may use the grant to establish a parents as scholars program under which an eligible participant may be provided support services described in paragraph (4) based on the participant's need in order to complete the program.

''(2) DEFINITION OF ELIGIBLE PARTICIPANT.—

''(A) IN GENERAL.—In this subsection, the term 'eligible participant' means an individual who receives assistance under the State program funded under this part and satisfies the following requirements:

''(i) The individual is enrolled as a full-time student in a postsecondary 2- or 4-year degree program.

''(ii) The individual does not have a marketable bachelor's degree.

''(iii) The individual does not have the skills necessary to earn at least 85 percent of the median wage for the State or locality in which the individual resides.

''(iv) The individual is—

''(I) pursuing a degree that will improve the individual's ability to support the individual's family, considering the local labor market and employment opportunities; and

''(II) demonstrating an ability to succeed in the educational program that has been chosen.

''(v) The individual participates in a combination of education, training, study or worksite experience for an average of not less than 20 hours per week (including time spent studying at 150 percent of time spent in class).

''(vi) After the first 24 months of participation in the program, the individual—

''(I) works not less than 15 hours per week (in addition to school and study time); or

''(II) engages in a combination of class hours, study hours (including time spent studying at 150 percent of time spent in class) and work for a total of not less than 32 hours per week.

''(vii) During the period the individual participates in the program, the individual—

''(I) maintains not less than a 2.0 grade point average;

''(II) attends classes as scheduled;

''(III) reports to the individual's caseworker for the program any changes that might affect the individual's participation;

''(IV) provides the individual's caseworker with a copy of any financial aid award letters; and

''(V) provides the individual's caseworker with the individual's semester grades as requested.

''(B) DEFINITION OF FULL-TIME STUDENT.—

''(i) IN GENERAL.—For purposes of subparagraph (A)(i), an individual shall be considered a full-time student if such individual is taking courses having the number of hours needed under the requirements of the educational institution in which the individual is enrolled, to complete the requirements of a degree within the usual timeframe of 2 or 4 years, as applicable.

''(ii) EXCEPTION.—The State may, for good cause, modify the number of hours required under clause (i) to allow additional time, not to exceed 150 percent of the usual timeframe required for completion of a 2- or 4-year degree, for an individual to complete a degree and be considered a full-time student under a program established under this subsection.

''(3) MODIFICATION OF ELIGIBLE PARTICIPANT REQUIREMENTS.—A State may, for good cause, modify the requirements for an eligible participant set forth in paragraph (2)(A).

''(4) SUPPORT SERVICES DESCRIBED.—For purposes of paragraph (1), the support services described in this paragraph include 1 or more of the following during the period the eligible participant is in the program established under this subsection:

''(A) Child care for children under age 13 or for children who are physically or mentally incapable of caring for themselves.

''(B) Transportation services, including—

''(i) mileage at a set rate per mile or reimbursement for public or private transportation;

''(ii) payment for automotive repairs, not to exceed $500 per academic year on a vehicle registered to the eligible participant; and

''(iii) reimbursement for vehicle liability insurance, not to exceed $300, for the eligible participant's vehicle.

''(C) Payment for books and supplies to the extent that such items are not covered by grants and loans, not to exceed $750 per academic year.

''(D) Such other expenses, not to exceed $500, that the State determines are necessary for the eligible participant to complete the program established under this subsection and that are not covered by any other available support services program.''.

SEC. 106. REPLACEMENT OF CASELOAD REDUCTION CREDIT WITH EMPLOYMENT CREDIT.

(a) EMPLOYMENT CREDIT TO REWARD STATES IN WHICH FAMILIES LEAVE WELFARE FOR WORK; ADDITIONAL CREDIT FOR FAMILIES WITH HIGHER EARNINGS.—

(1) IN GENERAL.—Section 407(b) (42 U.S.C. 607(b)), as amended by section 107(2)(A), is amended by inserting after paragraph (1) the following:

''(2) EMPLOYMENT CREDIT.—

''(A) IN GENERAL.—The participation rate determined under paragraph (1) of a State for a fiscal year shall be increased by the lesser of—

''(i) the number of percentage points (if any) of the employment credit for the State for the fiscal year; or

''(ii) the number of percentage points (if any) by which the participation rate, so determined, is less than 100 percent.

''(B) CALCULATION OF CREDIT.—

''(i) IN GENERAL.—The employment credit for a State for a fiscal year is an amount equal to—

''(I) twice the average quarterly number of families with an adult that ceased to receive assistance under the State program funded under this part during the preceding fiscal year (but only if the adult did not receive such assistance for at least 2 months after the cessation) and that was employed during the calendar quarter immediately succeeding the quarter in which the payments ceased; divided by

''(II) the average monthly number of families that include an adult who received cash payments under the State program funded under this part during the preceding fiscal year.

''(ii) SPECIAL RULE FOR FORMER RECIPIENTS WITH HIGHER EARNINGS.—In calculating the employment credit for a State for a fiscal year, a family that,in the quarter in which the wage was examined, earned at least 50 percent of the average quarterly wage in the State (determined on the basis of State unemployment data) shall be considered to be 1.5 families.

''(C) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to carry out this paragraph.

''(D) REPORTS ON AMOUNT OF CREDIT.—Not later than 6 months after the end of each calendar quarter, the Secretary shall report to Congress and each State the amount of the employment credit for the State for the quarter. The Secretary may carry out this

subparagraph using funds made available under this part for research.''.

(2) AUTHORITY OF SECRETARY TO USE INFORMATION IN NATIONAL DIRECTORY OF NEW HIRES.—Section 453(i) (42 U.S.C. 653(i)) is amended by adding at the end the following:

''(5) CALCULATION OF EMPLOYMENT CREDIT FOR PURPOSES OF DETERMINING STATE WORK PARTICIPATION RATES UNDER TANF.—The Secretary may use the information in the National Directory of New Hires for purposes of calculating State employment credits pursuant to section 407(b)(2).''.

(3) ELIMINATION OF CASELOAD REDUCTION CREDIT.—Section 407(b), as amended by paragraph (1) and section 107(2)(A), is amended by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(b) STATES TO RECEIVE PARTIAL CREDIT TOWARD WORK PARTICIPATION RATE FOR RECIPIENTS ENGAGED IN PART-TIME WORK.—Section 407(c)(1) (42 U.S.C. 607(c)(1)), as amended by section 107(3), is amended by adding at the end the following flush sentence: ''For purposes of subsection (b)(1)(B)(i), a family that does not include a recipient who is participating in work activities for an average of 32 hours per week during a month but includes a recipient who is participating in such activities during the month for an average of at least 50 percent of the minimum average number of hours per week specified for the month in the table set forth in this subparagraph shall be counted as a percentage of a family that includes an adult or minor child head of household who is engaged in work for the month, which percentage shall be the number of hours for which the recipient participated in such activities during the month divided by the number of hours of such participation required of the recipient under this section for the month.''.

(c) TANF RECIPIENTS WHO QUALIFY FOR SUPPLEMENTAL SECURITY INCOME BENEFITS REMOVED FROM WORK PARTICIPATION RATE CALCULATION FOR ENTIRE YEAR.—Section 407(b)(1)(B)(ii) (42 U.S.C. 607(b)(1)(B)(ii)) is amended—

(1) in subclause (I), by inserting ''who has not become eligible for supplemental security income benefits under title XVI during the fiscal year'' before the semicolon; and

(2) in subclause (II), by inserting '', and that do not include an adult or minor child head of household who has become eligible for supplemental security income benefits under title XVI during the fiscal year'' before the period.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2005.

SEC. 107. ELIMINATION OF SEPARATE WORK PARTICIPATION RATE FOR 2-PARENT FAMILIES.

Section 407 (42 U.S.C. 607) is amended—

(1) in subsection (a)—

(A) in the heading of paragraph (1), by striking ''ALL FAMILIES'' and inserting ''IN GENERAL''; and

(B) by striking paragraph (2);

(2) in subsection (b)—

(A) by striking paragraph (2);

(B) in paragraph (4), by striking ''paragraphs (1)(B) and (2)(B)'' and inserting ''paragraph (1)(B)''; and

(C) in paragraph (5), by striking ''rates'' and inserting ''rate''; and

(3) in subsection (c)(1)—

(A) by striking ''GENERAL RULES.—'' and all that follows through ''For purposes'' in subparagraph (A) and inserting ''GENERAL RULE.—For purposes''; and

(B) by striking subparagraph (B).

SEC. 108. STATE OPTION TO COUNT A CAREGIVER OF A FAMILY MEMBER WITH A DISABILITY OR CHRONIC ILLNESS AS ENGAGED IN WORK.

Section 407(c)(2) (42 U.S.C. 607(c)(2)) is amended by adding at the end the following:

''(E) STATE OPTION TO COUNT A CAREGIVER OF A FAMILY MEMBER WITH A DISABILITY OR CHRONIC ILLNESS AS ENGAGED IN WORK.—

''(i) IN GENERAL.—If a State determines that a recipient is needed to provide care for a child with a physical or mental disability or chronic illness (as defined by the State), or an adult relative with a physical or mental disability or chronic illness (as so defined), the State may deem the recipient to be engaged in work for purposes of determining the monthly participation rate under subsection (b)(1)(B)(i).

''(ii) INCLUSION IN INDIVIDUAL RESPONSIBILITY PLAN; ANNUAL REVIEW.—The need to provide care described in clause (i) shall be specified in the recipient's individual responsibility plan established under section 408(b) and reviewed not less than annually.

''(iii) ENGAGEMENT IN OTHER ACTIVITY.—Nothing in clause (i) or (ii) shall be construed as prohibiting a State from determining that, taking into consideration the needs of the child or adult relative with a physical or mental disability or chronic illness, an adult recipient who provides care for such child or adult relative can engage in some other additional work activity, or another activity that may lead to work, for all or a portion of the time required to meet the work requirement under the State program funded under this part.''.

TITLE II—FAMILY PROMOTION AND SUPPORT

Subtitle A—Family Formation Fund and Teen Pregnancy Prevention Grants

SEC. 201. PROMOTION OF FAMILY FORMATION.

Section 403(a) (42 U.S.C. 603(a)) is amended by adding at the end the following:

''(6) FAMILY FORMATION GRANTS.—

''(A) AUTHORITY.—

''(i) IN GENERAL.—The Secretary shall award competitive grants to States, Indian tribes, nonprofit entities, and charitable or religious organizations for the cost of developing and implementing healthy marriage promotion programs.

''(ii) APPLICATION.—A State, Indian tribe, nonprofit entity, or a charitable or religious organization desiring a grant under this paragraph shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(B) PERMISSIBLE ACTIVITIES.—Funds provided under a grant awarded under this paragraph may be used for programs or activities that are designed to promote healthy and stable marriage, including the following:

''(i) Voluntary marriage and relationship skills education programs for nonmarried pregnant women and nonmarried expectant fathers.

''(ii) Voluntary premarital education and marriage and relationship skills education for engaged couples and for couples interested in marriage.

''(iii) Voluntary marriage enhancement and marriage and relationship skills education programs for married couples including mediation services and couples counseling.

''(iv) Teen pregnancy prevention programs, including the prevention of repeat pregnancies.

''(v) Domestic violence prevention programs for training and technical assistance activities to be provided to other entities funded under this subparagraph.

''(C) GRANTS SELECTION CRITERIA.—

''(i) IN GENERAL.—The Secretary shall promulgate for public comment criteria for selecting grant proposals to be funded under subparagraph (B). Such criteria shall—

''(I) set forth a grant review process that includes independent experts, including individuals with expertise in programs for low-income families, programs addressing teen pregnancy prevention, programs addressing teen parenting or youth development, programs addressing domestic violence, program research, and program administration, and shall be designed to ensure that an individual shall not be involved in the grant selection process if such involvement would pose a conflict of interest for the individual;

''(II) specify grantee qualifications and requirements, including a requirement that grant applications provide financial information, including a copy of the applicant's most recent audit report, and shall require grantees to agree to maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures;

''(III) require grant proposals to identify community support and include a plan to collaborate with appropriate public and community-based organizations and service providers; and

''(IV) require grant proposals to describe the methods the applicant plans to use to recruit project participants and the applicant's plan to evaluate project implementation, operation, and outcomes, and to demonstrate that there is a sufficient number of potential participants to conduct the evaluation.

''(ii) OVERSIGHT OF EVALUATIONS.—The Secretary shall ensure that there is an appropriate evaluation for all grant proposals funded under subparagraph (B), including use of random assignment in appropriate instances.

''(D) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated for making grants under this paragraph—

''(i) for fiscal year 2004, $75,000,000;

''(ii) for fiscal year 2005, $100,000,000;

''(iii) for fiscal year 2006, $150,000,000;

''(iv) for fiscal year 2007, $175,000,000; and

''(v) for fiscal year 2008, $200,000,000.''.

SEC. 202. BAN ON IMPOSITION OF STRICTER ELIGIBILITY CRITERIA FOR 2-PARENT FAMILIES.

(a) PROHIBITION.—Section 408(a) (42 U.S.C. 608(a)) is amended by adding at the end the following:

''(12) BAN ON IMPOSITION OF STRICTER ELIGIBILITY CRITERIA FOR 2-PARENT FAMILIES.—In determining the eligibility of a 2-parent family for assistance under a State program funded under this part, the State shall not impose a requirement that does not apply in determining the eligibility of a 1-parent family for such assistance.''.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)) is amended by adding at the end the following:

''(15) PENALTY FOR IMPOSITION OF STRICTER ELIGIBILITY CRITERIA FOR 2-PARENT FAMILIES.—

''(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 for 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 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. 203. TEEN PREGNANCY PREVENTION GRANTS.

Section 403(a)(2) (42 U.S.C. 603(a)(2)) is amended to read as follows:

''(2) GRANTS TO PREVENT TEEN PREGNANCY.—

''(A) SUBMISSION OF PLAN.—

''(i) IN GENERAL.—Each State that submits a plan that meets the requirements of clause (ii) shall be entitled to receive from the Secretary a teen pregnancy prevention grant in the amount determined under subparagraph (B) for each of fiscal years 2004 through 2008.

''(ii) PLAN REQUIREMENTS.—A plan meets the requirements of this clause if the plan—

''(I) describes the State's numerical goal for reducing teen pregnancy and teen births;

''(II) identifies the strategies to be used to achieve such goal; and

''(III) describes the efforts the State will make to involve young men, as well as young women, in delaying pregnancy and parenting.

''(iii) SET-ASIDE FOR GRANTS TO INDIAN TRIBES.—Not less than an amount equal to 1.5 percent of the amount appropriated under subparagraph (G) for a fiscal year shall be used for the purpose of awarding grants to Indian tribes under this paragraph in such manner, and subject to such requirements, as the Secretary, in consultation with such tribes, determines appropriate.

''(B) GRANT AMOUNT.—

''(i) IN GENERAL.—The Secretary shall allot to each State with a plan approved under subparagraph (A) an amount equal to—

''(I) with respect to fiscal year 2004, the amount that bears the same ratio to the amount of funds appropriated under subparagraph (G) for such fiscal year as the proportion of births in the State to teens under age 20 bears to the number of such births in all States; and

''(II) with respect to each of fiscal years 2005 through 2008, the amount that bears the same ratio to 50 percent of the amount of funds appropriated under subparagraph (G) for each such fiscal year as the proportion of births in the State to teens under age 20 bears to the number of such births in all States.

''(ii) INCENTIVE FUNDS.—In addition to the amount determined for a State under clause (i)(II), in the case of a State that is a high achieving State (as defined in clause (iii)), the Secretary shall allot to such high achieving State with respect to each of fiscal years 2005 through 2008, the amount that bears the same ratio to 50 percent of the amount of funds appropriated under subparagraph (G) for each such fiscal year as the proportion of teens under age 20 in the high achieving State bears to the number of such teens in all such high achieving States.

''(iii) DEFINITION OF HIGH ACHIEVING STATE.—In this paragraph, the term 'high achieving State' means a State that has achieved an annual decline in the teen birth rate for the State as compared to the preceding year (or the most recent year for which data is available) of at least 2.5 percent.

''(iv) DETERMINATION OF TEEN BIRTH RATES.—For purposes of this subparagraph, the teen birth rate for a State shall be determined on the basis of the birth rate per 1,000 women, ages 15 through 19, who reside in the State.

''(C) USE OF FUNDS.—

''(i) IN GENERAL.—A State shall use funds provided under a grant made under this paragraph to implement teen pregnancy prevention strategies that—

''(I) are abstinence-first, as defined in clause (ii)(I);

''(II) replicate or substantially incorporate the elements of 1 or more teen pregnancy prevention programs, including certain youth development programs and service learning programs, that have been proven effective (on the basis of rigorous scientific research as defined in clause (ii)(III));

''(III) delay or decrease sexual activity, increase contraceptive use among sexually active teens, or reduce teenage pregnancies without increasing risky behaviors; and

''(IV) incorporate outreach or media programs.

''(ii) DESIGN AND IMPLEMENTATION FLEXIBILITY.—States and Indian tribes receiving a grant under this paragraph shall have flexibility to determine how to use funds made available under the grant to design and implement the teen pregnancy prevention strategies described in clause (i).

''(iii) DEFINITIONS.—In this paragraph:

''(I) ABSTINENCE-FIRST.—The term 'abstinence-first' means a strategy that strongly emphasizes abstinence as the best and only certain way to avoid pregnancy and sexually transmitted infections and that discusses the scientifically proven effectiveness, benefits, and limitations of contraception and other approaches in a manner that is medically accurate, as defined in subclause (II).

''(II) MEDICALLY ACCURATE.—The term 'medically accurate' means information that is supported by research recognized as accurate and objective by leading medical, psychological, psychiatric, or public health organizations and agencies and, where relevant, is published in a peer-reviewed journal (as defined by the American Medical Association).

''(III) RIGOROUS SCIENTIFIC RESEARCH.—The term 'rigorous scientific research' means research that typically uses randomized control trials and other similar strong experimental designs.

''(D) SUBGRANT OR CONTRACT RECIPIENTS.—A State to which a grant is made under this paragraph for a fiscal year may award subgrants or contracts to—

''(i) State or local nonprofit coalitions working to prevent teenage pregnancy;

''(ii) State, local, or tribal agencies;

''(iii) schools;

''(iv) entities that provide after school programs;

''(v) nonprofit community or faith-based organizations; or

''(vi) other organizations designated by the State.

''(E) SUPPLEMENTATION OF FUNDS.—A State to which a grant is made under this paragraph for a fiscal year shall use funds provided under the grant to supplement and not supplant funds that would otherwise be available to the State for preventing teen pregnancy.

''(F) DATA REPORTING.—A State to which a grant is made under this paragraph for a fiscal year shall cooperate with the Secretary to collect information and report on outcomes of programs funded under the grant, as specified by the Secretary.

''(G) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for making grants under this paragraph—

''(i) for fiscal year 2004, $50,000,000; and

''(ii) for each of fiscal years 2005 through 2008, $100,000,000.''.

SEC. 204. TEEN PREGNANCY PREVENTION RESOURCE CENTER.

(a) AUTHORITY TO ESTABLISH.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall make a grant to a nationally recognized, nonpartisan, nonprofit organization that meets the requirements described in paragraph (2) to establish and operate a national teen pregnancy prevention resource center (in this section referred to as the ''Resource Center'') to carry out the purposes and activities described in subsection (b).

(2) CONTRACTOR REQUIREMENTS.—The requirements described in this paragraph are the following:

(A) The organization has at least 7 years of experience in working with diverse sectors of society to reduce teen pregnancy.

(B) The organization has a demonstrated ability to work with and provide assistance to a broad range of individuals and entities, including teens, parents, the entertainment and news media, State, tribal, and local organizations, networks of teen pregnancy prevention practitioners, businesses, faith and community leaders, and researchers.

(C) The organization is research-based and has capabilities in scientific analysis and evaluation.

(D) The organization has comprehensive knowledge and data about teen pregnancy prevention strategies.

(E) The organization has experience carrying out activities similar to the activities described in subsection (b)(2).

(b) PURPOSES AND ACTIVITIES.—

(1) PURPOSES.—The purposes of the Resource Center are to—

(A) provide information and technical assistance to States, Indian tribes, local communities, and other public or private organizations seeking to reduce rates of teen pregnancy;

(B) support parents in their essential role in preventing teen pregnancy by equipping parents with information and resources to promote and strengthen communication with their children; and

(C) assist the entertainment media industry by providing information and helping that industry develop content and messages for teens and adults that can help prevent teen pregnancy.

(2) ACTIVITIES.—The Resource Center shall carry out the purposes described in paragraph (1) through the following activities:

(A) Synthesizing and disseminating research and information regarding effective and promising practices to prevent teen pregnancy.

(B) Developing and providing information on how to design and implement effective programs to prevent teen pregnancy.

(C) Helping States, local communities, and other organizations increase their knowledge of existing resources that can be used to advance teen pregnancy prevention efforts, build their capacity to access such resources, and develop partnerships with other programs and funding streams.

(D) Linking organizations working to reduce teen pregnancy with experts and peer groups, including the creation of technical assistance networks.

(E) Providing consultation and resources on how to reduce teen pregnancy through a broad array of strategies, including enlisting the help of various sectors of society such as parents, other adults (such as coaches, teachers, and mentors), community or faith-based groups, the entertainment and news media, business, and teens themselves.

(F) Assisting organizations seeking to reduce teen pregnancy in their efforts to work with all forms of media and to reach a variety of audiences (such as teens, parents, and ethnically diverse groups) to communicate effective messages about preventing teen pregnancy, including messages that focus on abstinence, responsible behavior, family communication, relationships, and values.

(G) Providing resources for parents and other adults that help to foster strong connections with children, which has been proven effective in reducing sexual activity and teen pregnancy, including online access to research, parent guides, tips, and alerts

about upcoming opportunities to use the entertainment media as a discussion starter.

(H) Working directly with individuals and organizations in the entertainment industry to provide consultation and serve as a source of factual information on issues related to teen pregnancy prevention.

(c) MEDIA CAMPAIGNS.—

(1) IN GENERAL.—The organization operating the Resource Center may use a portion of the funds appropriated to carry out this section to develop and implement media campaigns directly or through grants, contracts, or cooperative agreements with other entities. Such campaigns may include the production and distribution of printed materials and messages for print media, television and radio broadcast media, the Internet, or such other media as may be appropriate for reaching large numbers of young people, parents, and community leaders.

(2) MATCHING.—To the extent possible, funds used to develop and implement media campaigns under this subsection should be matched with non-Federal resources, including in-kind contributions, from public and private entities.

(d) COLLABORATION WITH OTHER ORGANIZATIONS.—The organization operating the Resource Center shall collaborate with other organizations that have expertise and interest in teen pregnancy prevention and that can help to reach out to diverse audiences.

(e) EVALUATION.—

(1) RESERVATION AND AVAILABILITY OF FUNDS.—Of the amount appropriated under subsection (f) for fiscal year 2004, $5,000,000 shall be reserved for use by the Secretary of Health and Human Services to prepare an interim and final report summarizing and synthesizing outcomes and lessons learned from the activities funded under this section. Funds reserved under the preceding sentence shall remain available for expenditure through fiscal year 2008.

(2) REQUIRED INFORMATION.—Each report required under paragraph (1) shall include—

(A) a rigorous scientific evaluation of at least 3 such activities that are selected to represent a diversity of strategies; and

(B) an assessment of the ability to replicate and expand activities that have proven effective on a smaller scale.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services to carry out this section, $10,000,000 for each of fiscal years 2004 through 2008.

SEC. 205. ESTABLISHING NATIONAL GOALS TO PREVENT TEEN PREGNANCY.

Section 905 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 710 note) is amended to read as follows:

"SEC. 905. ESTABLISHING NATIONAL GOALS TO PREVENT TEEN PREGNANCY.

''(a) IN GENERAL.—Not later than January 1, 2004, the Secretary of Health and Human Services shall establish a national goal of reducing teen pregnancy by at least 25 percent by January 1, 2014.

''(b) REPORT.—Not later than June 30, 2004, and annually thereafter, the Secretary of Health and Human Services shall report to Congress with respect to the progress that has been made in meeting the national goal established under subsection (a).''.

Subtitle B—Child Support Distribution to Families First

CHAPTER 1—DISTRIBUTION OF CHILD SUPPORT

SEC. 211. DISTRIBUTION OF CHILD SUPPORT COLLECTED BY STATES ON BEHALF OF CHILDREN RECEIVING CERTAIN WELFARE BENEFITS.

(a) MODIFICATION OF RULE REQUIRING ASSIGNMENT OF SUPPORT RIGHTS AS A CONDITION OF RECEIVING TANF.—Section 408(a)(3) (42 U.S.C. 608(a)(3)) is amended to read as follows:

''(3) NO ASSISTANCE FOR FAMILIES NOT ASSIGNING CERTAIN SUPPORT RIGHTS TO THE STATE.—A State to which a grant is made under section 403 shall require, as a condition of paying assistance to a family under the State program funded under this part, that a member of the family assign to the State any right the family member may have (on behalf of the family member or of any other person for whom the family member has applied for or is receiving such assistance) to support from any other person, not exceeding the total amount of assistance so paid to the family, which accrues during the period that the family receives assistance under the program.''.

(b) INCREASING CHILD SUPPORT PAYMENTS TO FAMILIES AND SIMPLIFYING CHILD SUPPORT DISTRIBUTION RULES.—

(1) DISTRIBUTION RULES.—

(A) IN GENERAL.—Section 457(a) (42 U.S.C. 657(a)) is amended to read as follows:

''(a) IN GENERAL.—Subject to subsections (e) and (f), the amounts collected on behalf of a family as support by a State pursuant to a plan approved under this part shall be distributed as follows:

''(1) FAMILIES RECEIVING ASSISTANCE.—In the case of a family receiving assistance from the State, the State shall—

''(A) pay to the Federal Government the Federal share of the amount collected, subject to paragraph (3)(A);

''(B) retain, or pay to the family, the State share of the amount collected, subject to paragraph (3)(B); and

''(C) pay to the family any remaining amount.

''(2) FAMILIES THAT FORMERLY RECEIVED ASSISTANCE.—In the case of a family that formerly received assistance from the State:

''(A) CURRENT SUPPORT.—To the extent that the amount collected does not exceed the current support amount, the State shall pay the amount to the family.

''(B) ARREARAGES.—Except as otherwise provided in an election made under 434(34), to the extent that the amount collected exceeds the current support amount, the State—

''(i) shall first pay to the family the excess amount, to the extent necessary to satisfy support arrearages not assigned pursuant to section 408(a)(3);

''(ii) if the amount collected exceeds the amount required to be paid to the family under clause (i), shall—

''(I) pay to the Federal Government, the Federal share of the excess amount described in this clause, subject to paragraph (3)(A); and

''(II) retain, or pay to the family, the State share of the excess amount described in this clause, subject to paragraph (3)(B); and

''(iii) shall pay to the family any remaining amount.

''(3) LIMITATIONS.—

''(A) FEDERAL REIMBURSEMENTS.—The total of the amounts paid by the State to the Federal Government under paragraphs (1) and (2) of this subsection with respect to a family shall not exceed the Federal share of the amount assigned with respect to the family pursuant to section 408(a)(3).

''(B) STATE REIMBURSEMENTS.—The total of the amounts retained by the State under paragraphs (1) and (2) of this subsection with respect to a family shall not exceed the State share of the amount assigned with respect to the family pursuant to section 408(a)(3).

''(4) FAMILIES THAT NEVER RECEIVED ASSISTANCE.—In the case of any other family, the State shall pay the amount collected to the family.

''(5) FAMILIES UNDER CERTAIN AGREEMENTS.—Notwithstanding paragraphs (1) through (3), in the case of an amount collected for a family in accordance with a cooperative agreement under section 454(33), the State shall distribute the amount collected pursuant to the terms of the agreement.

''(6) STATE FINANCING OPTIONS.—To the extent that the State's share of the amount payable to a family pursuant to paragraph (2)(B) of this subsection exceeds the amount that the State estimates (under procedures approved by the Secretary) would have been payable to the family pursuant to former section 457(a)(2)(B) (as in effect for the State immediately before the date this subsection first applies to the State) if such former section had remained in effect, the State may elect to use the grant made to the State under section 403(a) to pay the amount, or to have the payment considered a qualified State expenditure for purposes of section 409(a)(7), but not both.

''(7) STATE OPTION TO PASS THROUGH ADDITIONAL SUPPORT WITH FEDERAL FINANCIAL PARTICIPATION.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that is not a recipient of assistance under the State program funded under part A, to the extent that the State pays the amount to the family.

''(B) RECIPIENTS OF TANF FOR LESS THAN 5 YEARS.—

''(i) IN GENERAL.—Notwithstanding paragraphs (1), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that is a recipient of assistance under the State program funded under part A and, if the family includes an adult, that has received the assistance for not more than 5 years after the date of enactment of this paragraph, to the extent that—

''(I) the State pays the amount to the family; and

''(II) subject to clause (ii), the amount is disregarded in determining the amount and type of the assistance provided to the family.

''(ii) LIMITATION.—Of the amount disregarded as described in clause (i)(II), the maximum amount that may be taken into account for purposes of clause (i) shall not exceed $400 per month, except that, in the case of a family that includes 2 or more children, the State may elect to increase the maximum amount to not more than $600 per month.

''(8) STATES WITH DEMONSTRATION WAIVERS.—Notwithstanding the preceding paragraphs, a State with a waiver under section 1115, effective on or before October 1, 1997, the terms of which allow pass-through of child support payments, may pass through payments in accordance with such terms with respect to families subject to the waiver.''.

(B) STATE PLAN TO INCLUDE ELECTION AS TO WHICH RULES TO APPLY IN DISTRIBUTING CHILD SUPPORT ARREARAGES COLLECTED ON BEHALF OF FAMILIES FORMERLY RECEIVING ASSISTANCE.—Section 454 (42 U.S.C. 654) is amended—

(i) by striking ''and'' at the end of paragraph (32);

(ii) by striking the period at the end of paragraph (33) and inserting ''; and''; and

(iii) by inserting after paragraph (33) the following:

''(34) include an election by the State to apply section 457(a)(2)(B) of this Act or former section 457(a)(2)(B) of this Act (as in effect for the State immediately before the date this paragraph first applies to the State) to the distribution of the amounts

which are the subject of such sections, and for so long as the State elects to so apply such former section, the amendments made by subsection (b)(1)(A) of section 211 of the Building on Welfare Success Act of 2003 shall not apply with respect to the State, notwithstanding subsection (f)(1) of such section 211.''.

(C) APPROVAL OF ESTIMATION PROCEDURES.—Not later than the date that is 6 months after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the States (as defined for purposes of part D of title IV of the Social Security Act), shall establish the procedures to be used to make the estimate described in section 457(a)(6) of such Act.

(2) CURRENT SUPPORT AMOUNT DEFINED.—Section 457(c) (42 U.S.C. 657(c)) is amended by adding at the end the following:

''(5) CURRENT SUPPORT AMOUNT.—The term 'current support amount' means, with respect to amounts collected as support on behalf of a family, the amount designated as the monthly support obligation of the noncustodial parent in the order requiring the support.''.

(c) BAN ON RECOVERY OF MEDICAID COSTS FOR CERTAIN BIRTHS.—Section 454 (42 U.S.C. 654), as amended by subsection (b)(1)(B), is amended—

(1) by striking ''and'' at the end of paragraph (33);

(2) by striking the period at the end of paragraph (34) and inserting ''; and''; and

(3) by inserting after paragraph (34) the following:

''(35) provide that the State shall not use the State program operated under this part to collect any amount owed to the State by reason of costs incurred under the State plan approved under title XIX for the birth of a child for whom support rights have been assigned pursuant to section 408(a)(3), 471(a)(17), or 1912.''.

(d) STATE OPTION TO DISCONTINUE PRE-1997 SUPPORT ASSIGNMENTS.—Section 457(b) (42 U.S.C. 657(b)) is amended to read as follows:

''(b) CONTINUATION OF ASSIGNMENTS.—

''(1) STATE OPTION TO DISCONTINUE PRE-1997 SUPPORT ASSIGNMENTS.—

''(A) IN GENERAL.—Any rights to support obligations assigned to a State as a condition of receiving assistance from the State under part A and in effect on September 30, 1997 (or such earlier date on or after August 22, 1996, as the State may choose), may remain assigned after such date.

''(B) DISTRIBUTION OF AMOUNTS AFTER ASSIGNMENT DISCONTINUATION.—If a State chooses to discontinue the assignment of a support obligation described in subparagraph (A), the State may treat amounts collected pursuant to such assignment as if such amounts had never been assigned and may distribute such amounts to the family in accordance with subsection (a)(4).

''(2) STATE OPTION TO DISCONTINUE POST-1997 ASSIGNMENTS.—

''(A) IN GENERAL.—Any rights to support obligations accruing before the date on which a family first receives assistance that are assigned to a State under part A and in effect before the implementation date of this section may remain assigned after such date.

''(B) DISTRIBUTION OF AMOUNTS AFTER ASSIGNMENT DISCONTINUATION.—If a State chooses to discontinue the assignment of a support obligation described in subparagraph (A), the State may treat amounts collected pursuant to such assignment as if such amounts had never been assigned and may distribute such amounts to the family in accordance with subsection (a)(4).''.

(e) CONFORMING AMENDMENTS.—

(1) Section 404(a) (42 U.S.C. 604(a)) is amended—

(A) by striking ''or'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(C) by adding at the end the following:

''(3) to fund payment of an amount pursuant to clause (i) or (ii) of section 457(a)(2)(B), but only to the extent that the State properly elects under section 457(a)(6) to use the grant to fund the payment.''.

(2) Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)) is amended—

(A) in subclause (I)(aa), by striking ''457(a)(1)(B)'' and inserting ''457(a)(1)''; and

(B) by adding at the end the following:

''(V) PORTIONS OF CERTAIN CHILD SUPPORT PAYMENTS COLLECTED ON BEHALF OF AND DISTRIBUTED TO FAMILIES NO LONGER RECEIVING ASSISTANCE.—Any amount paid by a State pursuant to clause (i) or (ii) of section 457(a)(2)(B), but only to the extent that the State properly elects under section 457(a)(6) to have the payment considered a qualified State expenditure.''.

(3) TAX OFFSET AUTHORITY.—Section 6402(c) of the Internal Revenue Code of 1986 (relating to authority to make credits or refunds) is amended—

(A) in the first sentence, by striking ''the Social Security Act'' the second place it appears and inserting ''such Act''; and

(B) by striking the third sentence and inserting the following: ''The Secretary shall apply a reduction under this subsection first to an amount certified by the State as past due support under section 464 before any other reductions allowed by law.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on October 1, 2004, and shall apply to payments under parts A and D of title IV of the Social Security Act for calendar quarters beginning on or after such date, and without regard to whether regulations to implement such amendments (in the case of State programs operated under such part D) are promulgated by such date.

(2) STATE OPTION TO ACCELERATE EFFECTIVE DATE.—In addition, a State may elect to have the amendments made by this section apply to the State and to amounts collected by the State, on and after such date as the State may select that is after the date of enactment of this Act and before October 1, 2004.

CHAPTER 2—EXPANDED ENFORCEMENT

SEC. 221. DECREASE IN AMOUNT OF CHILD SUPPORT ARREARAGE TRIGGERING PASSPORT DENIAL.

Section 452(k) (42 U.S.C. 652(k)) is amended by striking ''$5,000'' and inserting ''$2,500''.

SEC. 222. USE OF TAX REFUND INTERCEPT PROGRAM TO COLLECT PAST-DUE CHILD SUPPORT ON BEHALF OF CHILDREN WHO ARE NOT MINORS.

Section 464 (42 U.S.C. 664) is amended—

(1) in subsection (a)(2)(A), by striking ''(as that term is defined for purposes of this paragraph under subsection (c))''; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''(1) Except as provided in paragraph (2), as used in'' and inserting ''In''; and

(ii) by inserting ''(whether or not a minor)'' after ''a child'' each place it appears; and

(B) by striking paragraphs (2) and (3).

SEC. 223. GARNISHMENT OF COMPENSATION PAID TO VETERANS FOR SERVICE-CONNECTED DISABILITIES IN ORDER TO ENFORCE CHILD SUPPORT OBLIGATIONS.

Section 459(h) (42 U.S.C. 659(h)) is amended—

(1) in paragraph (1)(A)(ii)—

(A) in subclause (IV), by striking ''or'' after the semicolon;

(B) in subclause (V), by inserting ''or'' after the semicolon; and

(C) by adding at the end the following:

''(VI) subject to paragraph (3), other than periodic benefits or payments described in subclause (V), by the Secretary of Veterans Affairs as compensation for a service-connected disability paid by the Secretary to a former member of the Armed Forces;'';

(2) in paragraph (1)(B)(iii), by striking ''subparagraph (A)(ii)(V)'' and inserting ''subclauses (V) and (VI) of subparagraph (A)(ii)''; and

(3) by adding at the end the following:

''(3) LIMITATIONS WITH RESPECT TO COMPENSATION PAID TO VETERANS FOR SERVICE-CONNECTED DISABILITIES.—

''(A) ALIMONY AND CHILD SUPPORT.—Compensation described in paragraph (1)(A)(ii)(VI) shall not be subject to withholding pursuant to this section—

''(i) for payment of alimony; or

''(ii) for payment of child support if the individual is fewer than 60 days in arrears in payment of the support.

''(B) LIMITATION.—Not more than 50 percent of any payment of compensation described in subparagraph (A) may be withheld pursuant to this section.''.

SEC. 224. MANDATORY REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS FOR FAMILIES RECEIVING TANF.

(a) IN GENERAL.—Section 466(a)(10)(A)(i) (42 U.S.C. 666(a)(10)(A)(i)) is amended in the matter preceding subclause (I)—

(1) by striking ''parent, or,'' and inserting ''parent or''; and

(2) by striking ''upon the request of the State agency under the State plan or of either parent,''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2005.

SEC. 225. IMPROVED INTERSTATE ENFORCEMENT.

(a) ADOPTION OF UNIFORM STATE LAWS.—Section 466(f) (42 U.S.C. 666(f)) is amended—

(1) by striking ''January 1, 1998'' and inserting ''October 1, 2004''; and

(2) by striking ''August 22, 1996'' and inserting ''January 1, 2002''.

(b) FULL FAITH AND CREDIT FOR CHILD SUPPORT ORDERS.—Section 1738B of title 28, United States Code, is amended—

(1) by striking subsection (d) and inserting the following:

''(d) CONTINUING EXCLUSIVE JURISDICTION.—

''(1) IN GENERAL.—Subject to paragraph (2), a court of a State that has made a child support order consistently with this section has continuing, exclusive jurisdiction to modify its order if the order is the controlling order and—

''(A) the State is the child's State or the residence of any individual contestant; or

''(B) if the State is not the residence of the child or an individual contestant, the contestants consent in a record or in open court that the court may continue to exercise jurisdiction to modify its order.

''(2) REQUIREMENT.—A court may not exercise its continuing, exclusive jurisdiction to modify the order if the court of another State, acting in accordance with subsections (e) and (f), has made a modification of the order.'';

(2) in subsection (e)(2)—

(A) in subparagraph (A), by striking ''because'' and all that follows through the semicolon and inserting ''pursuant to paragraph (1) or (2) of subsection (d);'' and

(B) in subparagraph (B), by inserting ''with jurisdiction over at least 1 of the individual contestants or that is located in the child's State'' after ''another State'';

(3) in subsection (f)—

(A) in the subsection heading, by striking ''RECOGNITION OF CHILD SUPPORT ORDERS''

and inserting ''DETERMINATION OF CONTROLLING CHILD SUPPORT ORDER'';

(B) in the matter preceding paragraph (1), by striking ''shall apply'' and all that follows through the colon and inserting ''having personal jurisdiction over both individual contestants shall apply the following rules and by order shall determine which order controls:''

(C) in paragraph (1), by striking ''must be'' and inserting ''controls and must be so'';

(D) in paragraph (2), by striking ''must be recognized'' and inserting ''controls'';

(E) in paragraph (3), by striking ''must be recognized'' each place it appears and inserting ''controls'';

(F) in paragraph (4)—

(i) by striking ''may'' and inserting ''shall''; and

(ii) by striking ''must be recognized'' and inserting ''controls''; and

(G) by striking paragraph (5);

(4) by striking subsection (g) and inserting the following:

''(g) ENFORCEMENT OF MODIFIED ORDERS.—If a child support order issued by a court of a State is modified by a court of another State which properly assumed jurisdiction, the issuing court—

''(1) may enforce its order that was modified only as to arrears and interest accruing before the modification;

''(2) may provide appropriate relief for violations of its order which occurred before the effective date of the modification; and

''(3) shall recognize the modifying order of the other State for the purpose of enforcement.'';

(5) in subsection (h)—

(A) in paragraph (1), by striking ''and (3)'' and inserting '', (3), and (4)'';

(B) in paragraph (2), by inserting ''the computation and payment of arrearages, and the accrual of interest on the arrearages,'' after ''obligations of support,''; and

(C) by adding at the end the following:

''(4) PROSPECTIVE APPLICATION.—After a court determines which is the controlling order and issues an order consolidating arrears, if any, a court shall prospectively apply the law of the State issuing the controlling order, including that State's law with respect to interest on arrears, current and future support, and consolidated arrears.''; and

(6) in subsection (i), by inserting ''and subsection (d)(2) does not apply'' after ''issuing State''.

CHAPTER 3—MISCELLANEOUS

SEC. 231. REPORT ON UNDISTRIBUTED CHILD SUPPORT PAYMENTS.

Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the procedures that the States use generally to locate custodial parents for whom child support has been collected but not yet distributed due to a change in address. The report shall include an estimate of the total amount of such undistributed child support and the average length of time it takes for such child support to be distributed. The Secretary shall include in the report recommendations as to whether additional procedures should be established at the Federal or State level to expedite the payment of undistributed child support.

SEC. 232. USE OF NEW HIRE INFORMATION TO ASSIST IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS.

Section 453(j) (42 U.S.C. 653(j)) is amended by adding at the end the following:

''(7) INFORMATION COMPARISONS AND DISCLOSURE TO ASSIST IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS.—

''(A) IN GENERAL.—If a State agency responsible for the administration of an unemployment compensation program under Federal or State law transmits to the Secretary the name and social security account number of an individual, the Secretary shall, if the information in the National Directory of New Hires indicates that the individual may be employed, disclose to the State agency the name, address, and employer identification number of any putative employer of the individual, subject to this paragraph.

''(B) CONDITION ON DISCLOSURE.—The Secretary shall make a disclosure under subparagraph (A) only to the extent that the Secretary determines that the disclosure would not interfere with the effective operation of the program under this part.

''(C) USE OF INFORMATION.—A State agency may use information provided under this paragraph only for purposes of administering a program referred to in subparagraph (A).''.

SEC. 233. IMMIGRATION PROVISIONS.

(a) NONIMMIGRANT ALIENS INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT.—

(1) IN GENERAL.—Section 212(a)(10) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)) is amended by adding at the end the following:

''(F) NONPAYMENT OF CHILD SUPPORT.—

''(i) IN GENERAL.—Any nonimmigrant alien is inadmissible who is legally obligated under a judgment, decree, or order to pay child support (as defined in section 459(i)(2) of the Social Security Act), and whose failure to pay such child support has resulted in an arrearage exceeding $2,500, until child support payments under the judgment, decree, or order are satisfied or the nonimmigrant alien is in compliance with an approved payment agreement.

''(ii) WAIVER AUTHORIZED.—The Secretary of Homeland Security may waive the application of clause (i) in the case of an alien, if the Secretary—

''(I) has received a request for the waiver from the court or administrative agency having jurisdiction over the judgment, decree, or order obligating the alien to pay child support that is referred to in such clause; or

''(II) determines that there are prevailing humanitarian or public interest concerns.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 180 days after the date of enactment of this Act.

(b) AUTHORIZATION TO SERVE LEGAL PROCESS IN CHILD SUPPORT CASES ON CERTAIN ARRIVING ALIENS.—

(1) IN GENERAL.—Section 235(d) of the Immigration and Nationality Act (8 U.S.C. 1225(d)) is amended by adding at the end the following:

''(5) AUTHORITY TO SERVE PROCESS IN CHILD SUPPORT CASES.—

''(A) IN GENERAL.—To the extent consistent with State law, immigration officers are authorized to serve on any alien who is an applicant for admission to the United States legal process with respect to any action to enforce or establish a legal obligation of an individual to pay child support (as defined in section 459(i)(2) of the Social Security Act).

''(B) DEFINITION.—For purposes of subparagraph (A), the term 'legal process' means any writ, order, summons, or other similar process, which is issued by—

''(i) a court or an administrative agency of competent jurisdiction in any State, territory, or possession of the United States; or

''(ii) an authorized official pursuant to an order of such a court or agency or pursuant to State or local law.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to aliens applying for admission to the United States on or after 180 days after the date of enactment of this Act.

(c) AUTHORIZATION TO SHARE CHILD SUPPORT ENFORCEMENT INFORMATION TO ENFORCE IMMIGRATION AND NATURALIZATION LAW.—

(1) SECRETARIAL RESPONSIBILITY.—Section 452 (42 U.S.C. 652) is amended by adding at the end the following:

''(m) If the Secretary receives a certification by a State agency, in accordance with section 454(36), that an individual who is a nonimmigrant alien (as defined in section 101(a)(15) of the Immigration and Nationality Act) owes arrearages of child support in an amount exceeding $2,500, the Secretary may, at the request of the State agency, the Secretary of State, or the Secretary of Homeland Security, or on the Secretary's own initiative, provide the certification to the Secretary of State and the Secretary of Homeland Security in order to enable them to carry out their responsibilities under sections 212(a)(10) and 235(d) of such Act.''.

(2) STATE AGENCY RESPONSIBILITY.—Section 454 (42 U.S.C. 654), as amended by section 211(c), is amended—

(A) by striking ''and'' at the end of paragraph (34);

(B) by striking the period at the end of paragraph (35) and inserting ''; and''; and

(C) by inserting after paragraph (35) the following:

''(36) provide that the State agency will have in effect a procedure for certifying to the Secretary, in such format and accompanied by such supporting documentation as the Secretary may require, determinations that nonimmigrant aliens owe arrearages of child support in an amount exceeding $2,500.''.

SEC. 234. INCREASE IN PAYMENT RATE TO STATES FOR EXPENDITURES FOR SHORT-TERM TRAINING OF STAFF OF CERTAIN CHILD WELFARE AGENCIES.

Section 474(a)(3)(B) of the Social Security Act (42 U.S.C. 674(a)(3)(B)) is amended by inserting '', or State-licensed or State-approved child welfare agencies providing services,'' after ''child care institutions''.

Subtitle C—Responsible Fatherhood

SEC. 241. RESPONSIBLE FATHERHOOD GRANTS.

Part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) is amended by adding at the end the following:

''SEC. 469C. RESPONSIBLE FATHERHOOD GRANTS.

''(a) GRANTS TO STATES TO CONDUCT DEMONSTRATION PROGRAMS.—

''(1) AUTHORITY TO AWARD GRANTS.—

''(A) IN GENERAL.—The Secretary shall award grants to up to 10 eligible States to conduct demonstration programs to carry out the purposes described in paragraph (2).

''(B) ELIGIBLE STATE.—For purposes of this subsection, an eligible State is a State that submits to the Secretary the following:

''(i) APPLICATION.—An application for a grant under this subsection, at such time, in such manner, and containing such information as the Secretary may require.

''(ii) STATE PLAN.—A State plan that includes the following:

''(I) PROJECT DESCRIPTION.—A description of the types of projects the State will fund under the grant, including a good faith estimate of the number and characteristics of clients to be served under such projects and how the State intends to achieve at least 2 of the purposes described in paragraph (2).

''(II) COORDINATION EFFORTS.—A description of how the State will coordinate and cooperate with State and local entities responsible for carrying out other programs that

relate to the purposes intended to be achieved under the demonstration program, including as appropriate, entities responsible for carrying out jobs programs and programs serving children and families.

''(III) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, submit such reports, and cooperate with such reviews and audits as the Secretary finds necessary for purposes of oversight of the demonstration program.

''(iii) CERTIFICATIONS.—The following certifications from the chief executive officer of the State:

''(I) A certification that the State will use funds provided under the grant to promote at least 2 of the purposes described in paragraph (2).

''(II) A certification that the State will return any unused funds to the Secretary in accordance with the reconciliation process under paragraph (4).

''(III) A certification that the funds provided under the grant will be used for programs and activities that target low-income participants and that not less than 50 percent of the participants in each program or activity funded under the grant shall be—

''(aa) parents of a child who is, or within the past 24 months has been, a recipient of assistance or services under a State program funded under this part and is described in section 454(4)(A)(i); or

''(bb) parents, including an expectant parent or a married parent, whose income (after adjustment for court-ordered child support paid or received) does not exceed 150 percent of the poverty line.

''(IV) A certification that programs or activities funded under the grant will be provided with information regarding the prevention of domestic violence and that the State will consult with representatives of State and local domestic violence centers.

''(V) A certification that funds provided to a State under this subsection shall not be used to supplement or supplant other Federal, State, or local funds that are used to support programs or activities that are related to the purposes described in paragraph (2).

''(C) PREFERENCES AND FACTORS OF CONSIDERATION.—In awarding grants under this subsection, the Secretary shall take into consideration the following:

''(i) DIVERSITY OF ENTITIES USED TO CONDUCT PROGRAMS AND ACTIVITIES.—The Secretary shall, to the extent practicable, achieve a balance among the eligible States awarded grants under this subsection with respect to the size, urban or rural location, and employment of differing or unique methods of the entities that the States intend to use to conduct the programs and activities funded under the grants.

''(ii) PRIORITY FOR CERTAIN STATES.—The Secretary shall give priority to awarding grants to eligible States that have—

''(I) demonstrated progress in achieving at least 1 of the purposes described in paragraph (2) through previous State initiatives; or

''(II) demonstrated need with respect to reducing the incidence of out-of-wedlock births or absent fathers in the State.

''(2) PURPOSES.—The purposes described in this paragraph are the following:

''(A) PROMOTING RESPONSIBLE FATHERHOOD THROUGH MARRIAGE PROMOTION.—To promote marriage or sustain marriage through such activities as counseling, mentoring, disseminating information about the benefits of marriage and 2-parent involvement for children, enhancing relationship skills, education regarding how to control aggressive behavior, disseminating information on the causes of domestic violence and child abuse, marriage preparation programs, premarital counseling, marital inventories, skills-based marriage education, financial planning seminars, including improving a family's ability to effectively manage family business affairs by means such as education, counseling, or mentoring on matters related to family finances, including household management, budgeting, banking, and handling of financial transactions and home maintenance, and divorce education and reduction programs, including mediation and counseling.

''(B) PROMOTING RESPONSIBLE FATHERHOOD THROUGH PARENTING PROMOTION.—To promote responsible parenting through such activities as counseling, mentoring, and mediation, disseminating information about good parenting practices, skills-based parenting education, encouraging child support payments, and other methods.

''(C) PROMOTING RESPONSIBLE FATHERHOOD THROUGH FOSTERING ECONOMIC STABILITY OF FATHERS.—To foster economic stability by helping fathers improve their economic status by providing such activities as work first services, job search, job training, subsidized employment, job retention, job enhancement, and encouraging education, including career-advancing education, dissemination of employment materials, coordination with existing employment services such as welfare-to-work programs, referrals to local employment training initiatives, and other methods.

''(3) RESTRICTION ON USE OF FUNDS.—No funds provided under this subsection may be used for costs attributable to court proceedings regarding matters of child visitation or custody, or for legislative advocacy.

''(4) RECONCILIATION PROCESS.—

''(A) 3-YEAR AVAILABILITY OF AMOUNTS ALLOTTED.—Each eligible State that receives a grant under this subsection for a fiscal year shall return to the Secretary any unused portion of the grant for such fiscal year not later than the last day of the second succeeding fiscal year, together with any earnings on such unused portion.

''(B) PROCEDURE FOR REDISTRIBUTION.—The Secretary shall establish an appropriate procedure for redistributing to eligible entities that have expended the entire amount of a grant made under this subsection for a fiscal year any amount that is returned to the Secretary by eligible States under subparagraph (A).

''(5) AMOUNT OF GRANTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the amount of each grant awarded under this subsection shall be an amount sufficient to implement the State plan submitted under paragraph (1)(B)(ii).

''(B) MINIMUM AMOUNTS.—No eligible State shall—

''(i) in the case of the District of Columbia or a State other than the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, receive a grant for a fiscal year in an amount that is less than $1,000,000; and

''(ii) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, receive a grant for a fiscal year in an amount that is less than $500,000.

''(6) DEFINITION OF STATE.—In this subsection the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 for each of fiscal years 2004 through 2008 for purposes of making grants to States under this subsection.

''(b) GRANTS TO ELIGIBLE ENTITIES TO CONDUCT DEMONSTRATION PROGRAMS.—

''(1) AUTHORITY TO AWARD GRANTS.—

''(A) IN GENERAL.—The Secretary shall award grants to eligible entities to conduct demonstration programs to carry out the purposes described in (a)(2).

''(B) ELIGIBLE ENTITY.—For purposes of this subsection, an eligible entity is a local government, local public agency, community-based or nonprofit organization, or private entity, including any charitable or faith-based organization that submits to the Secretary the following:

''(i) APPLICATION.—An application for a grant under this subsection, at such time, in such manner, and containing such information as the Secretary may require.

''(ii) PROJECT DESCRIPTION.—A description of the programs or activities the entity intends to carry out with funds provided under the grant, including a good faith estimate of the number and characteristics of clients to be served under such programs or activities and how the entity intends to achieve at least 2 of the purposes described in subsection (a)(2).

''(iii) COORDINATION EFFORTS.—A description of how the entity will coordinate and cooperate with State and local entities responsible for carrying out other programs that relate to the purposes intended to be achieved under the demonstration program, including as appropriate, entities responsible for carrying out jobs programs and programs serving children and families.

''(iv) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, submit such reports, and cooperate with such reviews and audits as the Secretary finds necessary for purposes of oversight of the demonstration program.

''(v) CERTIFICATIONS.—The following certifications:

''(I) A certification that the entity will use funds provided under the grant to promote at least 2 of the purposes described in subsection (a)(2).

''(II) A certification that the entity will return any unused funds to the Secretary in accordance with the reconciliation process under paragraph (3).

''(III) A certification that the funds provided under the grant will be used for programs and activities that target low-income participants and that not less than 50 percent of the participants in each program or activity funded under the grant shall be—

''(aa) parents of a child who is, or within the past 24 months has been, a recipient of assistance or services under a State program funded under this part and is described in section 454(4)(A)(i); or

''(bb) parents, including an expectant parent or a married parent, whose income (after adjustment for court-ordered child support paid or received) does not exceed 150 percent of the poverty line.

''(IV) A certification that the entity will consult with representatives of State and local domestic violence centers.

''(V) A certification that funds provided to an entity under this subsection shall not be used to supplement or supplant other Federal, State, or local funds provided to the entity that are used to support programs or activities that are related to the purposes described in subsection (a)(2).

''(C) PREFERENCES AND FACTORS OF CONSIDERATION.—In awarding grants under this subsection, the Secretary shall, to the extent practicable, achieve a balance among the eligible entities awarded grants under this subsection with respect to the size, urban or rural location, and employment of differing or unique methods of the entities.

''(2) RESTRICTION ON USE OF FUNDS.—No funds provided under this subsection may be

used for costs attributable to court proceedings regarding matters of child visitation or custody, or for legislative advocacy.

''(3) RECONCILIATION PROCESS.—

''(A) 3-YEAR AVAILABILITY OF AMOUNTS ALLOTTED.—Each eligible entity that receives a grant under this subsection for a fiscal year shall return to the Secretary any unused portion of the grant for such fiscal year not later than the last day of the second succeeding fiscal year, together with any earnings on such unused portion.

''(B) PROCEDURE FOR REDISTRIBUTION.—The Secretary shall establish an appropriate procedure for redistributing to eligible entities that have expended the entire amount of a grant made under this subsection for a fiscal year any amount that is returned to the Secretary by eligible entities under subparagraph (A).

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $30,000,000 for each of fiscal years 2004 through 2008 for purposes of making grants to eligible entities under this subsection.''.

SEC. 242. NATIONAL CLEARINGHOUSE FOR RESPONSIBLE FATHERHOOD PROGRAMS.

Section 469C of the Social Security Act, as added by section 241, is amended by adding at the end the following:

''(c) MEDIA CAMPAIGN NATIONAL CLEARINGHOUSE FOR RESPONSIBLE FATHERHOOD.—

''(1) MEDIA CAMPAIGN AND NATIONAL CLEARINGHOUSE.—

''(A) IN GENERAL.—From any funds appropriated under paragraph (3), the Secretary shall contract with a nationally recognized, nonprofit fatherhood promotion organization described in paragraph (2) to—

''(i) develop, promote, and distribute to interested States, local governments, public agencies, and private entities a media campaign that encourages the appropriate involvement of both parents in the life of any child of the parents, with a priority for programs that specifically address the issue of responsible fatherhood; and

''(ii) develop a national clearinghouse to assist States and communities in efforts to promote and support marriage and responsible fatherhood by collecting, evaluating, and making available (through the Internet and by other means) to other States information regarding the media campaigns established under subsection (d).

''(B) COORDINATION WITH DOMESTIC VIOLENCE PROGRAMS.—The Secretary shall ensure that the nationally recognized nonprofit fatherhood promotion organization with a contract under subparagraph (A) coordinates the media campaign developed under clause (i) of such paragraph and the national clearinghouse developed under clause (ii) of such paragraph with a national, State, or local domestic violence program.

''(2) NATIONALLY RECOGNIZED, NONPROFIT FATHERHOOD PROMOTION ORGANIZATION DESCRIBED.—The nationally recognized, nonprofit fatherhood promotion organization described in this paragraph is an organization that has at least 4 years of experience in—

''(A) designing and disseminating a national public education campaign, as evidenced by the production and successful placement of television, radio, and print public service announcements that promote the importance of responsible fatherhood, a track record of service to Spanish-speaking populations and historically underserved or minority populations, the capacity to fulfill requests for information and a proven history of fulfilling such requests, and a mechanism through which the public can request additional information about the campaign; and

''(B) providing consultation and training to community-based organizations interested in implementing fatherhood outreach, support, or skill development programs with an emphasis on promoting married fatherhood as the ideal.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of fiscal years 2004 through 2008 to carry out this subsection.''.

SEC. 243. BLOCK GRANTS TO STATES TO ENCOURAGE MEDIA CAMPAIGNS.

(a) IN GENERAL.—Section 469C of the Social Security Act, as added by section 241 and amended by section 242, is amended by adding at the end the following:

''(d) BLOCK GRANTS TO STATES FOR MEDIA CAMPAIGNS PROMOTING RESPONSIBLE FATHERHOOD.—

''(1) DEFINITIONS.—In this subsection:

''(A) BROADCAST ADVERTISEMENT.—The term 'broadcast advertisement' means a communication intended to be aired by a television or radio broadcast station, including a communication intended to be transmitted through a cable channel.

''(B) CHILD AT RISK.—The term 'child at risk' means each young child whose family income does not exceed the poverty line.

''(C) POVERTY LINE.—The term 'poverty line' has the meaning given such term in section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (including any revision required by such section) that is applicable to a family of the size involved.

''(D) PRINTED OR OTHER ADVERTISEMENT.—The term 'printed or other advertisement' includes any communication intended to be distributed through a newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public advertising, but does not include any broadcast advertisement.

''(E) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(F) YOUNG CHILD.—The term 'young child' means an individual under age 5.

''(2) STATE CERTIFICATIONS.—Not later than October 1 of each of fiscal year for which a State desires to receive an allotment under this subsection, the chief executive officer of the State shall submit to the Secretary a certification that the State shall—

''(A) use such funds to promote the formation and maintenance of married 2-parent families, strengthen fragile families, and promote responsible fatherhood through media campaigns conducted in accordance with the requirements of paragraph (4);

''(B) return any unused funds to the Secretary in accordance with the reconciliation process under paragraph (5); and

''(C) comply with the reporting requirements under paragraph (6).

''(3) PAYMENTS TO STATES.—For each of fiscal years 2004 through 2008, the Secretary shall pay to each State that submits a certification under paragraph (2), from any funds appropriated under paragraph (8), for the fiscal year an amount equal to the amount of the allotment determined for the fiscal year under paragraph (7).

''(4) ESTABLISHMENT OF MEDIA CAMPAIGNS.—Each State receiving an allotment under this subsection for a fiscal year shall use the allotment to conduct media campaigns as follows:

''(A) CONDUCT OF MEDIA CAMPAIGNS.—

''(i) RADIO AND TELEVISION MEDIA CAMPAIGNS.—

''(I) PRODUCTION OF BROADCAST ADVERTISEMENTS.—At the option of the State, to produce broadcast advertisements that promote the formation and maintenance of married 2-parent families, strengthen fragile families, and promote responsible fatherhood.

''(II) AIR-TIME CHALLENGE PROGRAM.—At the option of the State, to establish an air-time challenge program under which the State may spend amounts allotted under this section to purchase time from a broadcast station to air a broadcast advertisement produced under clause (i), but only if the State obtains an amount of time of the same class and during a comparable period to air the advertisement using non-Federal contributions.

''(ii) OTHER MEDIA CAMPAIGNS.—At the option of the state, to conduct a media campaign that consists of the production and distribution of printed or other advertisements that promote the formation and maintenance of married 2-parent families, strengthen fragile families, and promote responsible fatherhood.

''(B) ADMINISTRATION OF MEDIA CAMPAIGNS.—A State may administer media campaigns funded under this subsection directly or through grants, contracts, or cooperative agreements with public agencies, local governments, or private entities, including charitable and faith-based organizations.

''(C) CONSULTATION WITH DOMESTIC VIOLENCE ASSISTANCE CENTERS.—In developing broadcast and printed advertisements to be used in the media campaigns conducted under subparagraph (A), the State or other entity administering the campaign shall consult with representatives of State and local domestic violence centers.

''(D) NON-FEDERAL CONTRIBUTIONS.—In this subsection, the term 'non-Federal contributions' includes contributions by the State and by public and private entities. Such contributions may be in cash or in kind. Such term does not include any amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, or any amount expended by a State before October 1, 2003.

''(5) RECONCILIATION PROCESS.—

''(A) 3-YEAR AVAILABILITY OF AMOUNTS ALLOTTED.—Each State that receives an allotment under this subsection shall return to the Secretary any unused portion of the amount allotted to a State for a fiscal year not later than the last day of the second succeeding fiscal year together with any earnings on such unused portion.

''(B) PROCEDURE FOR REDISTRIBUTION OF UNUSED ALLOTMENTS.—The Secretary shall establish an appropriate procedure for redistributing to States that have expended the entire amount allotted under this subsection any amount that is—

''(i) returned to the Secretary by States under subparagraph (A); or

''(ii) not allotted to a State under this section because the State did not submit a certification under paragraph (2) by October 1 of a fiscal year.

''(6) REPORTING REQUIREMENTS.—

''(A) MONITORING AND EVALUATION.—Each State receiving an allotment under this subsection for a fiscal year shall monitor and evaluate the media campaigns conducted using funds made available under this subsection in such manner as the Secretary, in consultation with the States, determines appropriate.

''(B) ANNUAL REPORTS.—Not less frequently than annually, each State receiving an allotment under this subsection for a fiscal year shall submit to the Secretary reports on the media campaigns conducted under this subsection at such time, in such manner, and containing such information as the Secretary may require.

''(7) AMOUNT OF ALLOTMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), of the amount appropriated for the purpose of making allotments under this subsection for a fiscal year, the Secretary shall allot to each State that submits a certification under paragraph (2) for the fiscal year an amount equal to the sum of—

''(i) the amount that bears the same ratio to 50 percent of such funds as the number of young children in the State (as determined by the Secretary based on the most recent March supplement to the Current Population Survey of the Bureau of the Census before the beginning of the calendar year in which such fiscal year begins) as bears to the number of such children in all States; and

''(ii) the amount that bears the same ratio to 50 percent of such funds as the number of children at risk in the State (as determined by the Secretary based on the most recent March supplement to the Current Population Survey of the Bureau of the Census before the beginning of the calendar year in which such fiscal year begins) bears to the number of such children in all States.

''(B) MINIMUM ALLOTMENTS.—No allotment for a fiscal year under this subsection shall be less than—

''(i) in the case of the District of Columbia or a State other than the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, 1 percent of the amount appropriated for the fiscal year under paragraph (8); and

''(ii) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, 0.5 percent of such amount.

''(C) PRO RATA REDUCTIONS.—The Secretary shall make such pro rata reductions to the allotments determined under subparagraph (A) as are necessary to comply with the requirements of subparagraph (B).

''(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 for each of fiscal years 2004 through 2008 for purposes of making allotments to States under this subsection.''.

(b) EVALUATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct an evaluation of the impact of the media campaigns funded under section 469C(d) of the Social Security Act, as added by subsection (a).

(2) REPORT.—Not later than December 31, 2006, the Secretary of Health and Human Services shall report to Congress the results of the evaluation under paragraph (1).

(3) FUNDING.—Of the amount appropriated in accordance with section 469C(d)(8) of the Social Security Act (as added by subsection (a)) for fiscal year 2004, $1,000,000 of such amount shall be transferred and made available for purposes of conducting the evaluation required under this subsection, and shall remain available until expended.

TITLE III—STATE FLEXIBILITY

SEC. 301. STATE OPTION TO ASSIST LEGAL IMMIGRANT FAMILIES.

(a) STATE OPTION.—

(1) IN GENERAL.—Section 403(c)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c)(2)) is amended by adding at the end the following:

''(M) At State option, assistance, benefits, or services under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).''.

(2) CONFORMING AMENDMENT.—Section 408(e) (42 U.S.C. 608(e)) is amended to read as follows:

''(e) ELIGIBILITY OF CERTAIN ALIENS.—Except as provided in subsection (f), at State option, a State may provide assistance, benefits, or services to a qualified alien (as defined in subsections (b) and (c) of section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641)) under the State program funded under this part in the same manner and to the same extent as a citizen of the United States would be provided such assistance, benefits, or services.''.

(b) ATTRIBUTION OF SPONSOR'S INCOME AND RESOURCES TO ALIENS.—

(1) IN GENERAL.—Section 408(f) (42 U.S.C. 608(f)) is amended—

(A) in the heading, by striking ''NON-213A'' and inserting ''SPONSORED'';

(B) by striking ''The following'' and all that follows through the colon and inserting ''The following rules shall apply in determining whether an alien sponsored under section 213A of the Immigration and Nationality Act (and, at the option of the State, a non-213A alien) is eligible for cash assistance under the State program funded under this part, or in determining the amount of such assistance to be provided to a sponsored alien:'';

(C) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''non-213A'' and inserting ''sponsored'';

(ii) in subparagraph (B), by inserting ''(or, a greater amount as determined by the State)'' before the period; and

(iii) in the heading of subparagraph (C), by striking ''NON-213A'' and inserting ''SPONSORED'';

(D) by striking paragraph (5) and inserting the following:

''(5) EXCEPTIONS.—This subsection shall not apply to an alien who is—

''(A) a minor child if the sponsor of the alien or any spouse of the sponsor is a parent of the alien child; or

''(B) described in subsection (e) or (f) of section 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1631).''; and

(E) by adding at the end the following:

''(7) INAPPLICABILITY TO FAMILY MEMBERS WHO ARE NOT SPONSORED ALIENS.—Income and resources of a sponsor which are deemed under this subsection to be the income and resources of any alien individual in a family shall not be considered in determining the need of other family members except to the extent such income or resources are actually available to such other family members.

''(8) RULE OF CONSTRUCTION.—For purposes of section 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1631), the State program funded under this part is not a Federal means-tested public benefits program.''.

(2) CONFORMING AMENDMENTS.—Section 423(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1183a note) is amended by adding at the end the following:

''(12) Assistance, benefits, or services under part A of title IV of the Social Security Act except for cash assistance provided to a sponsored alien who is subject to deeming pursuant to section 408(f) of that Act.''.

(c) STATE AUTHORITY TO PROVIDE STATE AND LOCAL PUBLIC BENEFITS FOR CERTAIN ALIENS.—Section 411(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621(d)) is amended—

(1) in the heading, by inserting ''AND OTHER'' before ''ALIENS''; and

(2) by inserting ''or who otherwise is not a qualified alien (as defined in subsections (b) and (c) of section 431)'' after ''United States''.

SEC. 302. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER THE MEDICAID PROGRAM AND TITLE XXI.

(a) MEDICAID PROGRAM.—Section 1903(v) (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (4)''; and

(2) by adding at the end the following:

''(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) and who are otherwise eligible for such assistance, within any of the following eligibility categories:

''(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

''(ii) CHILDREN.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).

''(B)(i) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.

''(ii) The provisions of sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not apply to a State that makes an election under subparagraph (A).''.

(b) TITLE XXI.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) is amended by adding at the end the following:

''(E) Section 1903(v)(4) (relating to optional coverage of permanent resident alien children), but only if the State has elected to apply such section to that category of children under title XIX.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2003, and apply to medical assistance and child health assistance furnished on or after such date.

SEC. 303. 5-YEAR EXTENSION AND SIMPLIFICATION OF THE TRANSITIONAL MEDICAL ASSISTANCE PROGRAM (TMA).

(a) OPTION OF CONTINUOUS ELIGIBILITY FOR 12 MONTHS; OPTION OF CONTINUING COVERAGE FOR UP TO AN ADDITIONAL YEAR.—

(1) OPTION OF CONTINUOUS ELIGIBILITY FOR 12 MONTHS BY MAKING REPORTING REQUIREMENTS OPTIONAL.—Section 1925(b) (42 U.S.C. 1396r–6(b)) is amended—

(A) in paragraph (1), by inserting '', at the option of a State,'' after ''and which'';

(B) in paragraph (2)(A), by inserting ''Subject to subparagraph (C):'' after ''(A) NOTICES.—'';

(C) in paragraph (2)(B), by inserting ''Subject to subparagraph (C):'' after ''(B) REPORTING REQUIREMENTS.—'';

(D) by adding at the end the following new subparagraph:

''(C) STATE OPTION TO WAIVE NOTICE AND REPORTING REQUIREMENTS.—A State may waive some or all of the reporting requirements under clauses (i) and (ii) of subparagraph (B). Insofar as it waives such a reporting requirement, the State need not provide for a notice under subparagraph (A) relating to such requirement.''; and

(E) in paragraph (3)(A)(iii), by inserting ''the State has not waived under paragraph (2)(C) the reporting requirement with respect to such month under paragraph (2)(B) and if'' after ''6-month period if''.

(2) STATE OPTION TO EXTEND ELIGIBILITY FOR LOW-INCOME INDIVIDUALS FOR UP TO 12 ADDITIONAL MONTHS.—Section 1925 (42 U.S.C. 1396r–6) is further amended—

(A) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(B) by inserting after subsection (b) the following new subsection:

''(c) STATE OPTION OF UP TO 12 MONTHS OF ADDITIONAL ELIGIBILITY.—

''(1) IN GENERAL.—Notwithstanding any other provision of this title, each State plan approved under this title may provide, at the option of the State, that the State shall offer to each family which received assistance during the entire 6-month period under subsection (b) and which meets the applicable requirement of paragraph (2), in the last month of the period the option of extending coverage under this subsection for the succeeding period not to exceed 12 months.

''(2) INCOME RESTRICTION.—The option under paragraph (1) shall not be made available to a family for a succeeding period unless the State determines that the family's average gross monthly earnings (less such costs for such child care as is necessary for the employment of the caretaker relative) as of the end of the 6-month period under subsection (b) does not exceed 185 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

''(3) APPLICATION OF EXTENSION RULES.—The provisions of paragraphs (2), (3), (4), and (5) of subsection (b) shall apply to the extension provided under this subsection in the same manner as they apply to the extension provided under subsection (b)(1), except that for purposes of this subsection—

''(A) any reference to a 6-month period under subsection (b)(1) is deemed a reference to the extension period provided under paragraph (1) and any deadlines for any notices or reporting and the premium payment periods shall be modified to correspond to the appropriate calendar quarters of coverage provided under this subsection; and

''(B) any reference to a provision of subsection (a) or (b) is deemed a reference to the corresponding provision of subsection (b) or of this subsection, respectively.''.

(b) STATE OPTION TO WAIVE RECEIPT OF MEDICAID FOR 3 OF PREVIOUS 6 MONTHS TO QUALIFY FOR TMA.—Section 1925(a)(1) (42 U.S.C. 1396r–6(a)(1)) is amended by adding at the end the following: ''A State may, at its option, also apply the previous sentence in the case of a family that was receiving such aid for fewer than 3 months, or that had applied for and was eligible for such aid for fewer than 3 months, during the 6 immediately preceding months described in such sentence.''.

(c) 5-YEAR EXTENSION OF SUNSET FOR TMA.—

(1) IN GENERAL.—Subsection (g) of section 1925 (42 U.S.C. 1396r–6), as redesignated under subsection (a)(2)(A), and as amended by section 7 of the Welfare Reform Extension Act of 2003 (Public Law 108–040), is amended by striking ''2003'' and inserting ''2008''.

(2) CONFORMING AMENDMENT.—Section 1902(e)(1)(B) (42 U.S.C. 1396a(e)(1)(B)), as so amended, is amended by striking ''2003'' and inserting ''2008''.

(d) CMS REPORT ON ENROLLMENT AND PARTICIPATION RATES UNDER TMA.—Section 1925 (42 U.S.C. 1396r–6), as amended by subsections (a)(2)(A) and (c), is amended by inserting after subsection (f) the following:

''(g) ADDITIONAL PROVISIONS.—

''(1) COLLECTION AND REPORTING OF PARTICIPATION INFORMATION.—Each State shall—

''(A) collect and submit to the Secretary, in a format specified by the Secretary, information on average monthly enrollment and average monthly participation rates for adults and children under this section; and

''(B) make such information publicly available.

Such information shall be submitted under subparagraph (A) at the same time and frequency in which other enrollment information under this title is submitted to the Secretary. Using such information, the Secretary shall submit to Congress annual reports concerning such rates.''.

(e) COORDINATION OF WORK.—Section 1925(g) (42 U.S.C. 1396r–6(g)), as added by subsection (d), is amended by adding at the end the following new paragraph:

''(2) COORDINATION WITH ADMINISTRATION FOR CHILDREN AND FAMILIES.—The Administrator of the Centers for Medicare & Medicaid Services, in carrying out this section, shall work with the Assistant Secretary for the Administration for Children and Families to develop guidance or other technical assistance for States regarding best practices in guaranteeing access to transitional medical assistance under this section.''.

(f) ELIMINATION OF TMA REQUIREMENT FOR STATES THAT EXTEND COVERAGE TO CHILDREN AND PARENTS THROUGH 185 PERCENT OF POVERTY.—

(1) IN GENERAL.—Section 1925 (42 U.S.C. 1396r–6) is further amended by inserting after subsection (g), as added by subsection (d), the following:

''(h) PROVISIONS OPTIONAL FOR STATES THAT EXTEND COVERAGE TO CHILDREN AND PARENTS THROUGH 185 PERCENT OF POVERTY.—A State may meet (but is not required to meet) the requirements of subsections (a) and (b) if it provides for medical assistance under section 1931 to families (including both children and caretaker relatives) the average gross monthly earning of which (less such costs for such child care as is necessary for the employment of a caretaker relative) is at or below a level that is at least 185 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.''.

(2) CONFORMING AMENDMENTS.—Section 1925 (42 U.S.C. 1396r–6) is further amended, in subsections (a)(1) and (b)(1), by inserting '', but subject to subsection (h),'' after ''Notwithstanding any other provision of this title,'' each place it appears.

(g) REQUIREMENT OF NOTICE FOR ALL FAMILIES LOSING TANF.—Subsection (a)(2) of section 1925 (42 U.S.C. 1396r–6) is amended by adding at the end the following flush sentences:

''Each State shall provide, to families whose aid under part A or E of title IV has terminated but whose eligibility for medical assistance under this title continues, written notice of their ongoing eligibility for such medical assistance. If a State makes a determination that any member of a family whose aid under part A or E of title IV is being terminated is also no longer eligible for medical assistance under this title, the notice of such determination shall be supplemented by a 1-page notification form describing the different ways in which individuals and families may qualify for such medical assistance and explaining that individuals and families do not have to be receiving aid under part A or E of title IV in order to qualify for such medical assistance. Such notice shall further be supplemented by information on how to apply for child health assistance under the State children's health insurance program under title XXI and how to apply for medical assistance under this title.''.

(h) EXTENDING USE OF OUTSTATIONED WORKERS TO ACCEPT APPLICATIONS FOR TRANSITIONAL MEDICAL ASSISTANCE.—Section 1902(a)(55) (42 U.S.C. 1396a(a)(55)) is amended by inserting ''and under section 1931'' after ''(a)(10)(A)(ii)(IX)''.

(i) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to calendar quarters beginning on or after October 1, 2003.

(2) NOTICE.—The amendment made by subsection (g) shall take effect 6 months after the date of enactment of this Act.

(3) DELAY PERMITTED FOR STATE PLAN AMENDMENT.—In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 304. DEFINITION OF ASSISTANCE.

Section 419 (42 U.S.C. 619) is amended by adding at the end the following:

''(6) ASSISTANCE.—

''(A) IN GENERAL.—The term 'assistance' means cash benefits and does not include child care or other support services.

''(B) EXCEPTION.—The term 'assistance' does not include a payment to or for an individual or family on a short-term, nonrecurring basis (as defined by the State in accordance with regulations prescribed by the Secretary) or any other benefit or service excluded from the definition of assistance under section 260.31 of title 45 of the Code of Federal Regulations (as in effect on June 1, 2002).''.

SEC. 305. CLARIFICATION OF AUTHORITY OF STATES TO USE TANF FUNDS CARRIED OVER FROM PRIOR YEARS TO PROVIDE TANF BENEFITS AND SERVICES.

Section 404(e) (42 U.S.C. 604(e)) is amended to read as follows:

''(e) AUTHORITY TO CARRY OVER CERTAIN AMOUNTS FOR BENEFITS OR SERVICES OR FOR FUTURE CONTINGENCIES.—A State or tribe may use a grant made to the State or tribe under this part for any fiscal year to provide, without fiscal year limitation, any benefit or service that may be provided under the State or tribal program funded under this part.''.

SEC. 306. AUTHORITY TO USE TANF FUNDS FOR HOUSING BENEFITS.

(a) IN GENERAL.—Section 404 (42 U.S.C. 604) is amended by inserting at the end the following:

''(l) USE OF FUNDS FOR SUPPLEMENTAL HOUSING BENEFITS.—

''(1) IN GENERAL.—The provision by a State of supplemental housing benefits to or on behalf of an individual eligible for assistance under the State program funded under this part, using funds from a grant made under section 403(a) of this title, shall not be considered to be the provision of assistance to the individual under the State program funded under this part for any purpose except in determining the allowability of the expenditure under section 401(a)(1).

''(2) PERMITTED USE OF FUNDS.—A State may not use any part of the funds from a

grant made under section 403 to supplant rather than supplement State expenditures on housing-related programs.

''(3) DEFINITION OF SUPPLEMENTAL HOUSING BENEFITS.—In this subsection, the term 'supplemental housing benefits' means payments made to or on behalf of an individual to reduce or reimburse the costs incurred by the individual for housing accommodations, and the receipt of which does not reduce the amount of assistance, benefits, or services an individual would otherwise receive 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)).''.

(b) STATE PLAN.—Section 402(a)(1)(B) (42 U.S.C. 602(a)(1)(B)) is amended by adding at the end the following:

''(v) The document shall describe—

''(I) the primary problems that families receiving assistance and families who have recently stopped receiving assistance under the State program funded under this part experience in securing and retaining adequate, affordable housing and the estimated extent of each such problem, including the price of such housing in various areas of the State that include a large proportion of recipients of assistance under the State program;

''(II) the steps that have been and will be taken by the State and other public or private entities that administer housing programs in the State to address the problems described in subclause (I);

''(III) the methods the State has adopted to identify barriers to work posed by the living arrangement, housing cost, and housing location of families eligible for the State program funded under this part; and

''(IV) the services and benefits that have been or will be provided by the State or other public or private entities to help families overcome the barriers so identified.''.

TITLE IV—RESOURCES AND ACCOUNTABILITY

SEC. 401. REAUTHORIZATION OF STATE FAMILY ASSISTANCE GRANTS.

(a) IN GENERAL.—Section 403(a)(1) (42 U.S.C. 603(a)(1)), as amended by section 3(a) of the Welfare Reform Extension Act of 2003 (Public Law 108–040), is amended—

(1) in subparagraph (A), by striking ''1996'' and all that follows through ''2003'' and inserting ''2004 through 2008''; and

(2) in subparagraph (C), by striking ''for fiscal year 2003'' and inserting ''for each of fiscal years 2004 through 2008''.

(b) DIRECT FUNDING AND ADMINISTRATION BY INDIAN TRIBES.—

(1) TRIBAL FAMILY ASSISTANCE GRANT.—Section 412(a)(1)(A) (42 U.S.C. 612(a)(1)(A)), as amended by section 3(h) of the Welfare Reform Extension Act of 2003 (Public Law 108–040), is amended by striking ''1997, 1998, 1999, 2000, 2001, 2002, and 2003'' and inserting ''2004 through 2008''.

(2) GRANTS FOR INDIAN TRIBES THAT RECEIVED JOBS FUNDS.—Section 412(a)(2)(A) (42 U.S.C. 612(a)(2)(A)), as so amended, is amended by striking ''1997, 1998, 1999, 2000, 2001, 2002, and 2003'' and inserting ''2004 through 2008''.

(c) MATCHING GRANTS FOR THE TERRITORIES.—Section 1108(b)(2) (42 U.S.C. 1308(b)(2)), as so amended, is amended by striking ''1997 through 2003'' and inserting ''2004 through 2008''.

(d) MAINTENANCE OF EFFORT PENALTY.—Section 409(a)(7) (42 U.S.C. 609(a)(7)), as amended by section 3(g) of the Welfare Reform Extension Act of 2003 (Public Law 108–040) is amended—

(1) in subparagraph (A) by striking ''fiscal year 1998, 1999, 2000, 2001, 2002, 2003, or 2004'' and inserting ''fiscal year 2004, 2005, 2006, 2007, 2008, or 2009''; and

(2) in subparagraph (B)(ii), by striking ''1997 through 2003'' and inserting ''2004 through 2008''.

(e) FEDERAL LOANS FOR STATE WELFARE PROGRAMS.—Section 406(d) (42 U.S.C. 606(d), as amended by section 3(f) of the Welfare Reform Extension Act of 2003 (Public Law 108–040) is amended by striking ''1997 through 2003'' and inserting ''2004 through 2008''.

SEC. 402. REAUTHORIZATION OF SUPPLEMENTAL GRANTS FOR POPULATION INCREASES.

Section 403(a)(3)(H) (42 U.S.C. 603(a)(3)(H)), as amended by section 3(d) of the Welfare Reform Extension Act of 2003 (Public Law 108–040), is amended—

(1) in clause (i), by striking ''2002 and 2003'' is amended—

(1) in the subparagraph heading, by striking ''OF GRANTS FOR FISCAL YEAR 2002'';

(2) in clause (i), by striking ''2002 and 2003'' and inserting ''2004 through 2008'';

(3) in clause (ii), by striking ''2003'' and inserting ''2008''; and

(4) in clause (iii), by striking ''2002 and 2003'' and inserting ''2004 through 2008''.

SEC. 403. CONTINGENCY FUND.

(a) CONTINGENCY FUNDING AVAILABLE TO NEEDY STATES.—Section 403(b) (42 U.S.C. 603(b)) is amended—

(1) by striking paragraphs (1) through (3) and inserting the following:

''(1) CONTINGENCY FUND GRANTS.—

''(A) PAYMENTS.—Subject to subparagraph (C), each State shall receive a contingency fund grant for each eligible month in which the State is a needy State under paragraph (3).

''(B) MONTHLY CONTINGENCY FUND GRANT AMOUNT.—For each eligible month in which a State is a needy State, the State shall receive a contingency fund grant equal to the higher of $0 and the applicable percentage (as defined in subparagraph (D)(i)) of the product of—

''(i) the estimated cost of an additional recipient family (as defined in subparagraph (D)(ii)); and

''(ii) the increase in the number of families receiving assistance under the State program funded under this part or a program funded with qualified State expenditures (as defined in subparagraph (D)(iv)).

''(C) LIMITATION.—The total amount paid to a single State under subparagraph (A) during a fiscal year shall not exceed the amount equal to 15 percent of the State family assistance grant (as defined under subparagraph (B) of subsection (a)(1) and increased under subparagraph (E) of that subsection).

''(D) DEFINITIONS.—In this paragraph:

''(i) APPLICABLE PERCENTAGE.—The term 'applicable percentage' means the higher of—

''(I) 75 percent; and

''(II) the sum of the Federal medical assistance percentage for the State (as defined in section 1905(b)) plus 8 percentage points.

''(ii) ESTIMATED COST OF AN ADDITIONAL RECIPIENT FAMILY.—The term 'estimated cost of an additional recipient family' means the amount equal to 120 percent of the basic assistance cost (as defined under clause (iii)) for families 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)).

''(iii) BASIC ASSISTANCE COST.—

''(I) IN GENERAL.—The term 'basic assistance cost' means the amount equal to the maximum cash assistance grant for a family consisting of 3 individuals under the State program funded under this part.

''(II) RULE FOR STATES WITH MORE THAN 1 MAXIMUM LEVEL.—In the case of a State that has more than 1 maximum cash assistance grant level for families consisting of 3 individuals, the basic assistance cost shall be the amount equal to the maximum cash assistance grant level applicable to the largest number of families consisting of 3 individuals receiving assistance under the State program funded under this part or a State program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)).

''(iv) INCREASE IN THE NUMBER OF FAMILIES RECEIVING ASSISTANCE UNDER THE STATE PROGRAM FUNDED UNDER THIS PART OR A PROGRAM FUNDED WITH QUALIFIED STATE EXPENDITURES.—The term 'increase in the number of families receiving assistance under the State program funded under this part or a program funded with qualified State expenditures' means the increase in—

''(I) the number of families receiving assistance under the State program funded under this part and under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) in the most recent month for which data from the State are available; as compared to

''(II) the lower of the average monthly number of families receiving such assistance in either of the 2 completed fiscal years immediately preceding the fiscal year in which the State qualifies as a needy State.

''(E) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for the period of fiscal years 2004 through 2008, such sums as are necessary for making contingency fund grants under this subsection in a total amount not to exceed $2,000,000,000.'';

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

(3) in paragraph (2), as so redesignated—

(A) by striking ''(3)(A)'' and inserting ''(1)''; and

(B) by striking ''2-month'' and inserting ''3-month''.

(b) MODIFICATION OF DEFINITION OF NEEDY STATE.—Section 403(b) (42 U.S.C. 603(b)) is further amended—

(1) by striking paragraphs (5) through (7);

(2) by redesignating paragraph (8) as paragraph (5); and

(3) by inserting after paragraph (2) (as redesignated by subsection (a)(2)) the following:

''(3) INITIAL DETERMINATION OF WHETHER A STATE QUALIFIES AS A NEEDY STATE.—

''(A) IN GENERAL.—For purposes of paragraph (1), a State will be initially determined to be a needy State for a month if the State satisfies at least 2 of the following:

''(i) The—

''(I) average rate of total unemployment in the State for the period consisting of the most recent 3 months for which data are available has increased by the lesser of 1.5 percentage points or by 50 percent over the corresponding 3-month period in either of the 2 most recent preceding fiscal years; or

''(II) average insured unemployment rate for the most recent 3 months for which data are available has increased by 1 percentage point over the corresponding 3-month period in either of the 2 most recent preceding fiscal years.

''(ii) As determined by the Secretary of Agriculture, the monthly average number of households (as of the last day of each month) that participated in the food stamp program in the State in the then most recently concluded 3-month period for which data are available exceeds by at least 10 percent the monthly average number of households (as of the last day of each month) in the State that participated in the food stamp program in the corresponding 3-month period in either of the 2 most recent preceding fiscal years, provided that the Secretary makes a determination that the State's increase in the

number of such households was due, in large measure, to economic conditions rather than an expansion of program eligibility requirements.

''(iii) As determined by the Secretary, the monthly average number of families that received 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)) in the most recently concluded 3-month period for which data are available from the State increased by at least 10 percent over the number of such families that received such benefits in the corresponding 3-month period in either of the 2 most recent preceding fiscal years, provided that the Secretary makes a determination that the State's increased caseload was due, in large measure, to economic conditions rather than an expansion of program eligibility requirements.

''(B) DURATION.—

''(i) IN GENERAL.—A State that qualifies as a needy State—

''(I) under subparagraph (A)(i), shall be considered a needy State until the factor which was used to meet the definition of needy State under that subparagraph for the most recently concluded 3-month period for which data are available, falls below the level attained for such factor in the 3-month period in which the State first qualified as a needy State under that subparagraph;

''(II) under subparagraph (A)(ii), shall be considered a needy State until the average monthly number of households participating in the food stamp program for the most recently concluded 3-month period for which data are available nationally falls below the food stamp base period level; and

''(III) under subparagraph (A)(iii), shall be considered a needy State until the number of families 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 the most recently concluded 3-month period for which data are available falls below the TANF base period level.

''(ii) SEASONAL VARIATIONS.—Notwithstanding subclauses (II) and (III) of clause (i), a State shall be considered a needy State—

''(I) under subparagraph (A)(ii), if with respect to the State, the monthly average number of households participating in the food stamp program for the most recent 3-month period for which data are available nationally falls below the food stamp base period level and the Secretary determines that this is due to expected seasonal variations in food stamp receipt in the State; and

''(II) under subparagraph (A)(iii), if, with respect to a State, the monthly average number of families 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 the most recently concluded 3-month period for which data are available nationally falls below the TANF base period level and the Secretary determines that this is due to expected seasonal variations in assistance receipt in the State.

''(iii) FOOD STAMP BASE PERIOD LEVEL.—In this subparagraph, the term 'food stamp base period level' means the monthly average number of households participating in the food stamp program that corresponds to the most recent 3-month period for which data are available at the time when the State first was determined to be a needy State under this paragraph.

''(iv) TANF BASE PERIOD LEVEL.—In this subparagraph, the term 'TANF base period level' means the monthly average number of families 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)) that corresponds to the most recent 3 months for which data are available at the time when the State first was determined to be a needy State under this paragraph.

''(4) EXCEPTION.—

''(A) IN GENERAL.—Notwithstanding paragraph (3), a State that has unobligated TANF reserves from prior fiscal years that equal more than 25 percent of the total amount of grants received by the State under subsection (a) (other than welfare-to-work grants made under paragraph (5) of that subsection prior to fiscal year 1999) but not yet obligated as of the end of the preceding fiscal year shall not be a needy State under this subsection.

''(B) DEFINITION OF UNOBLIGATED TANF RESERVES.—In subparagraph (A), the term 'unobligated TANF reserves' means the lessor of—

''(i) the total amount of grants made to the State (regardless of the fiscal year in which such funds were awarded) under subsection (a) (other than welfare-to-work grants made under paragraph (5) of that subsection prior to fiscal year 1999) but not yet obligated as of the end of the preceding fiscal year; and

''(ii) the total amount of grants made to the State under subsection (a) (other than welfare-to-work grants made under paragraph (5) of that subsection prior to fiscal year 1999) but not yet obligated as of the end of the preceding fiscal year, plus the difference between—

''(I) the pro rata share of the fiscal year grants to be made under subsection (a) to the State (other than such welfare-to-work grants); and

''(II) current year obligations of the total amount of grants made to all States under subsection (a) (regardless of the fiscal year in which such funds were awarded) (other than such welfare-to-work grants) through the end of the most recent calendar quarter.''.

(c) CLARIFICATION OF REPORTING REQUIREMENTS.—Paragraph (5) of section 403(b) (42 U.S.C. 603(b)), as redesignated by subsection (b)(2), is amended by striking ''on the status of the Fund'' and inserting ''on the States that qualified for contingency funds and the amount of funding awarded under this subsection''.

SEC. 404. CHILD CARE.

Section 418(a) (42 U.S.C. 618(a)), as amended by section 4 of the Welfare Reform Extension Act of 2003, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''and remaining after the reservation described in paragraph (4),'' after ''paragraph (3)'';

(2) in paragraph (3)—

(A) by striking ''and'' at the end of subparagraph (E);

(B) in subparagraph (F), by striking ''2002 and 2003'' and inserting ''2002 through 2006;''; and

(C) by adding at the end the following:

''(G) $3,217,000,000 for fiscal year 2007;

''(H) $3,717,000,000 and 2008.'';

(3) by redesignating paragraph (5) as paragraph (7); and

(4) by inserting after paragraph (4) the following:

''(5) ADDITIONAL GENERAL ENTITLEMENT GRANTS.—

''(A) APPROPRIATION.—

''(i) IN GENERAL.—For additional grants under paragraph (1), there is appropriated—

''(I) $750,000,000 for each of fiscal years 2004 and 2005; and

''(II) $1,000,000,000 for each of fiscal years 2006 through 2008.

''(ii) AMOUNTS IN ADDITION TO OTHER AMOUNTS APPROPRIATED; AVAILABILITY.—Amounts appropriated under this subparagraph for a fiscal year shall be in addition to amounts appropriated under paragraph (3) for such fiscal year and shall remain available without fiscal year limitation.

''(B) ADDITIONAL GRANT.—In addition to the grant paid to a State under paragraph (1) for each of fiscal years 2004 through 2008, the Secretary, after reserving the amount described in paragraph (4) and subject to the requirement described in paragraph (6), shall pay each State an amount equal to the same proportion of such amount as the proportion of the State's grant under paragraph (1) to the total amount appropriated for State grants under paragraph (1) for such fiscal year.

''(6) REQUIREMENT FOR GRANT INCREASE.—Notwithstanding paragraphs (1), (2), or (5), the aggregate amount paid to a State under this section for each of fiscal years 2004 through 2008 may not exceed the aggregate amount paid to the State under this section for fiscal year 2003 unless the State ensures that the level of State expenditures for child care for such fiscal year is not less than the sum of the level of State expenditures for child care that were matched under a grant made to the State under paragraph (2) and that the State expended to meet its maintenance of effort obligation under paragraph (2) for fiscal year 2003.''.

SEC. 405. RESTORATION OF FUNDING FOR THE SOCIAL SERVICES BLOCK GRANT.

(a) RESTORATION OF FUNDS FOR THE SOCIAL SERVICES BLOCK GRANT.—Section 2003(c) (42 U.S.C. 1379b(c)) is amended—

(1) in paragraph (10), by striking ''and'';

(2) in paragraph (11), by striking ''and each fiscal year thereafter.'' and inserting ''; and''; and

(3) by adding at the end the following:

''(12) $1,750,000,000 for fiscal year 2004;

''(13) $1,800,000,000 for fiscal year 2005;

''(14) $1,900,000,000 for fiscal year 2006;

''(15) $2,100,000,000 for fiscal year 2007; and

''(16) $2,800,000,000 for fiscal year 2008 and each fiscal year thereafter.''.

(b) RESTORATION OF AUTHORITY TO TRANSFER UP TO 10 PERCENT OF TANF FUNDS.—Section 404(d)(2) (42 U.S.C. 604(d)(2)) is amended to read as follows:

''(2) LIMITATION ON AMOUNT TRANSFERABLE TO TITLE XX PROGRAMS.—A State may use not more than 10 percent of the amount of any grant made to the State under section 403(a) for a fiscal year to carry out State programs pursuant to title XX.''.

SEC. 406. COMPETITIVE GRANTS FOR PUBLIC-PRIVATE PARTNERSHIPS FOR EDUCATIONAL OPPORTUNITIES FOR CAREER ADVANCEMENT.

(a) AUTHORITY TO AWARD GRANTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services and the Secretary of Labor (in this section referred to as the ''Secretaries'') jointly shall award grants in accordance with the requirements of this section for each fiscal year for which an amount is appropriated to carry out this section for projects proposed by eligible applicants to encourage the formation of public-private partnerships to provide educational opportunities for individuals who receive assistance under the temporary assistance to needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and for individuals who have ceased to receive assistance under that program.

(2) CRITERIA.—The Secretaries shall award grants under this section based on the following:

(A) The potential effectiveness of the proposed project in carrying out the activities described in subsection (e).

(B) Evidence of the ability of the eligible applicant to leverage private, State, and local resources to carry out such activities.

(C) Evidence of the ability of the eligible applicant to coordinate with other organizations at the State and local level in carrying out such activities.

(b) DEFINITION OF ELIGIBLE APPLICANT.—In this section, the term ''eligible applicant'' means—

(1) a public educational institution;

(2) an employer; or

(3) a local or regional consortium that includes employers or employer associations, education and training providers, local chambers of commerce, or providers of social services.

(c) APPLICATION.—Each eligible applicant desiring a grant under this section shall submit an application to the Secretaries at such time, in such manner, and that includes—

(1) evidence, including letters of support, demonstrating that the applicant will work with the State in carrying out the activities described in subsection (e); and

(2) such other information as the Secretaries may reasonably require.

(d) DETERMINATION OF AMOUNT OF GRANTS; AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—In determining the appropriate amount of a grant to be awarded under this section, the Secretaries shall provide an eligible applicant with an approved application an amount sufficient to ensure that the project has a reasonable opportunity to be successful, taking into account—

(A) the number and characteristics of the individuals to be served by the project;

(B) the job opportunities and job growth in the area to be served by the project;

(C) the poverty rate for such area; and

(D) such other factors as the Secretaries deem appropriate.

(2) MAXIMUM AMOUNT.—No eligible applicant shall receive a grant of more than $5,000,000 per year.

(3) AVAILABILITY OF FUNDS.—Funds provided under a grant awarded under this section for a fiscal year shall remain available for use by the eligible applicant through the end of the succeeding fiscal year.

(e) USE OF FUNDS.—An eligible applicant awarded a grant under this section shall enter into an agreement with the State or local agency responsible for administering the temporary assistance to needy families program in the area where the eligible applicant is located to provide individuals described in subsection (a) with—

(1) educational credits or opportunities based upon the length of the individual's employment;

(2) educational credits or opportunities based upon the individual's commitment to becoming employed; or

(3) education and training opportunities for career advancement.

(f) REPORTS.—

(1) PROJECT REPORTS.—Each eligible applicant awarded a grant under this section shall submit to the Secretaries such information and data regarding the recipients participating in the project funded under such grant and outcomes for such recipients as the Secretaries may require.

(2) REPORT TO CONGRESS.—The Secretaries shall submit annual reports to Congress on the information and data submitted under paragraph (1).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $25,000,000 for each of fiscal years 2004 through 2008.

SEC. 407. GRANTS TO IMPROVE ACCESS TO TRANSPORTATION.

(a) IN GENERAL.—Section 403(a) (42 U.S.C. 603(a)), as amended by section 201, is amended by adding at the end the following:

''(7) GRANT TO IMPROVE ACCESS TO TRANSPORTATION.—

''(A) PURPOSES.—The purposes of this paragraph are to—

''(i) assist low-income families with children obtain dependable, affordable automobiles to improve their employment opportunities and access to training; and

''(ii) provide incentives to States, Indian tribes, local governments, and nonprofit entities to develop and administer programs that provide assistance with automobile ownership for low-income families.

''(B) DEFINITIONS.—In this paragraph:

''(i) LOCALITY.—The term 'locality' means a municipality that does not administer a State program funded under this part.

''(ii) LOW-INCOME FAMILY WITH CHILDREN.—The term 'low-income family with children' means a household that is eligible for benefits or services funded 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)).

''(iii) NONPROFIT ENTITY.—The term 'nonprofit entity' means a school, local agency, organization, or institution owned and operated by 1 or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

''(C) AUTHORITY TO AWARD GRANTS.—The Secretary may award grants to States, Indian tribes, counties, localities, and nonprofit entities to promote improving access to dependable, affordable automobiles by low-income families with children.

''(D) GRANT APPROVAL CRITERIA.—The Secretary shall establish criteria for approval of an application for a grant under this paragraph that include consideration of—

''(i) the extent to which the proposal, if funded, is likely to improve access to training and employment opportunities and child care services by low-income families with children by means of car ownership;

''(ii) the level of innovation in the applicant's grant proposal; and

''(iii) any partnerships between the public and private sector in the applicant's grant proposal.

''(E) USE OF FUNDS.—

''(i) IN GENERAL.—A grant awarded under this paragraph shall be used to administer programs that assist low-income families with children with dependable automobile ownership, and maintenance of, or insurance for, the purchased automobile.

''(ii) SUPPLEMENT NOT SUPPLANT.—Funds provided to a State, Indian tribe, county, or locality under a grant awarded under this paragraph shall be used to supplement and not supplant other State, county, or local public funds expended for car ownership programs.

''(iii) GENERAL RULES GOVERNING USE OF FUNDS.—The rules of section 404, other than subsection (b) of that section, shall not apply to a grant made under this paragraph.

''(F) APPLICATION.—Each applicant desiring a grant under this paragraph shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(G) REVERSION OF FUNDS.—Any funds not expended by a grantee within 3 years after the date the grant is awarded under this paragraph shall be available for redistribution among other grantees in such manner and amount as the Secretary may determine, unless the Secretary extends by regulation the time period to expend such funds.

''(H) LIMITATION ON ADMINISTRATIVE COSTS OF THE SECRETARY.—Not more than an amount equal to 5 percent of the funds appropriated to make grants under this paragraph for a fiscal year shall be expended for administrative costs of the Secretary in carrying out this paragraph.

''(I) EVALUATION.—The Secretary shall, by grant, contract, or interagency agreement, conduct an evaluation of the programs administered with grants awarded under this paragraph.

''(J) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to make grants under this paragraph, $20,000,000 for each of fiscal years 2004 through 2008.''.

(b) IMPROVING USE OF TANF FUNDS FOR CAR OWNERSHIP MATCHING FUNDS.—Section 404(h)(2)(B) of the Social Security Act (42 U.S.C. 608(h)(2)(B)) is amended by adding at the end the following:

''(iv) AUTOMOBILE PURCHASE OR MAINTENANCE.—At the option of the State, costs with respect to the purchase or maintenance of an automobile.''.

SEC. 408. PATHWAY TO SELF-SUFFICIENCY GRANTS TO IMPROVE COORDINATION OF ASSISTANCE FOR LOW-INCOME FAMILIES.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means a State or local government agency or a nonprofit entity.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(3) STATE.—The term ''State'' means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands.

(4) SUPPORT PROGRAM FOR LOW-INCOME FAMILIES.—The term ''support program for low-income families'' means a program designed to provide low-income families and noncustodial parents who need help with obtaining employment and fulfilling child support obligations to children receiving assistance under the temporary assistance to needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) with assistance or benefits to enable the family or noncustodial parent to become self-sufficient and includes—

(A) the temporary assistance to needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(B) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(C) the medicaid program funded under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(D) the State children's health insurance program (SCHIP) funded under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(E) the child care program funded under the Child Care Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

(F) the child support program funded under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

(G) the earned income tax credit under section 32 of the Internal Revenue Code of 1986;

(H) the low-income home energy assistance program (LIHEAP) established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.);

(I) the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

(J) programs under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

(K) programs supporting low-income housing assistance programs; and

(L) any other Federal, State, or locally funded program designed to provide family and work support to low-income families.

(b) AUTHORITY TO AWARD GRANTS.—

(1) IN GENERAL.—The Secretary may award grants to eligible applicants to—

(A) improve the coordination of support programs for low-income families and noncustodial parents described in subsection (a)(4); and

(B) conduct outreach to such families and noncustodial parents to promote enrollment in such programs.

(2) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to eligible applicants that include in the application submitted under subsection (c) documentation demonstrating that the eligible applicant will collaborate with other Federal, State, or local agencies or nonprofit entities in carrying out activities under the grant.

(c) APPLICATION.—Each eligible applicant desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(d) ANNUAL REPORTS.—

(1) IN GENERAL.—The Secretary shall submit an interim and final report to Congress describing the uses of grant funds awarded under this section.

(2) DATES FOR SUBMISSION.—With respect to the reports required under paragraph (1), the Secretary shall submit—

(A) the interim report, not later than December 31, 2006; and

(B) the final report, not later than December 31, 2009.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for the period of fiscal years 2004 through 2008.

(f) ANNUAL ASSESSMENT OF REGIONAL LABOR MARKETS TO TARGET HIGHER ENTRY LEVEL WAGE OPPORTUNITIES IN INDUSTRIES EXPERIENCING LABOR SHORTAGES.—

(1) IN GENERAL.—An State to which a grant is made under this section annually shall conduct an assessment of its regional labor markets that includes the following:

(A) LABOR MARKET.—The assessment shall—

(i) identify industries or occupations that have or expect growth, the loss of skilled workers, or that have a demand for a subset of workers;

(ii) identify the entry-level education and skills requirements for the industries or occupations that have or anticipate a need for workers; and

(iii) analyze the entry-level wages and benefits in identified industries or occupations.

(B) JOB SEEKERS.—The assessment shall create a profile of the characteristics of the unemployed and underemployed residents of the State, including educational attainment, barriers to employment, geographic concentrations, and access to needed support services.

(C) EDUCATION AND TRAINING INFRASTRUCTURE.—The assessment shall create a profile of the State's available education, training, and support services to prepare workers for the identified industries or occupations.

(D) ALIGNING INDUSTRIES AND JOB SEEKER NEEDS.—The assessment shall compare the characteristics of the identified industries or occupations to the profiles created under subparagraphs (B) and (C).

(2) PROVISION OF INFORMATION TO LOCALITIES.—The State shall share with local political subdivisions of the State—

(A) information regarding the existence of higher entry-wage job opportunities in industries experiencing labor shortages; and

(B) opportunities for collaboration with institutions of higher education, community-based organizations, and economic development and welfare agencies.

(3) DATA.—A State may use data available as of the date the State begins an assessment under paragraph (1) to conduct such assessment if such data provides the information necessary to conduct the assessment described in that paragraph.

(4) REPORTS.—

(A) STATE REPORTS.—Each State to which a grant is made under this section annually shall submit a report to the Secretary that contains the assessment required under paragraph (1).

(B) REPORT TO CONGRESS.—The Secretary annually shall submit a report to Congress compiling the State reports submitted under subparagraph (A).

SEC. 409. TRANSITIONAL JOBS PROGRAMS.

Section 403(a) (42 U.S.C. 603(a)), as amended by section 407(a), is amended by adding at the end the following:

''(8) TRANSITIONAL JOBS GRANTS.—

''(A) PURPOSE.—The purpose of this paragraph is to provide funding so that States and localities can create and expand transitional jobs programs that—

''(i) combine time-limited employment that is subsidized with public funds, with skill development and barrier removal activities, pursuant to an individualized plan;

''(ii) provide job development and placement assistance to individual program participants to help them move from subsidized employment in transitional jobs into unsubsidized employment, as well as retention services after the transition to unsubsidized employment; and

''(iii) serve recipients of assistance under the State program funded under this part and other low-income individuals who have been unable to secure employment through job search or other employment-related services because of limited skills, experience, or other barriers to employment.

''(B) LIMITATIONS ON USE OF FUNDS.—

''(i) ALLOWABLE ACTIVITIES.—An entity to which funds are provided under this paragraph shall use the funds to operate transitional jobs programs consistent with the following:

''(I) An entity which secures a grant to operate a transitional jobs program (in this subparagraph referred to as a 'program operator'), under this paragraph shall place eligible individuals in temporary, publicly subsidized jobs. Individuals placed in such jobs shall perform work directly for the program operator, or at other public and nonprofit organizations (in this subparagraph referred to as 'worksite employers') within the community. Funds provided under this paragraph shall be used to subsidize 100 percent of the wages paid to program participants as well as employer-paid payroll costs for such participants.

''(II) Transitional jobs programs shall provide paid employment for not less than 30, nor more than 40 hours per week, except that a parent with a child under the age of 6, a child who is disabled, or a child with other special needs, or an individual who for other reasons cannot successfully participate for 30 to 40 hours per week, may, at State discretion, be allowed to participate for more limited hours, but not less than 20 hours per week.

''(III) Program operators shall provide case management services and ensure that appropriate education, training, and other services are available to program participants consistent with an individual plan developed for each such participant.

''(IV) Program operators shall provide job placement assistance to help program participants obtain unsubsidized employment, and shall provide retention services for 12 months after entry into unsubsidized employment.

''(V) In any work week in which a program participant is employed at least 30 hours, not less than 20 percent, nor more than 50 percent of scheduled hours shall involve participation in education or training activities designed to improve the participant's employability and potential earnings, or other services designed to reduce or eliminate any barriers that may impede the participant's ability to secure unsubsidized employment.

''(VI) The maximum duration of any placement in a transitional jobs program shall not be less than 6 months, nor more than 24 months. Nothing in this subclause shall be construed to bar a program participant from moving into unsubsidized employment at a point prior to the maximum duration of the program. States may approve programs of varying durations consistent with this subclause.

''(VII) Program participants shall be paid at the rate paid to unsubsidized employees of the worksite employer (or program operator where work is performed directly for the program operator) who perform comparable work at the worksite where the individual is placed. If no other employees perform the same or comparable work then wages shall be set, at a minimum, at 50 percent of the Lower Living Standard Income Level (in this subparagraph referred to as the 'LLSIL'), as specified in section 101(24) of the Workforce Investment Act of 1998, for a family of 3 based on 35 hours per week.

''(VIII) Program participants shall receive supervision from the worksite employer or program operator consistent with the goal of addressing the limited work experience and skills of program participants.

''(ii) CONSULTATION.—An application submitted by an entity seeking to become a program operator shall include an assurance by the applicant that the transitional jobs program carried out by the applicant shall—

''(I) provide in the design, recruitment, and operation of the program for broad-based input from the community served and potential participants in the program and community-based agencies with a demonstrated record of experience in providing services, prospective worksite employers, local labor organizations representing employees of prospective worksite employers, if these entities exist in the area to be served by the program, and employers, and membership-based groups that represent low-income individuals; and

''(II) prior to the placement of program participants, consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program.

''(iii) ELIGIBILITY FOR OTHER WORK SUPPORTS.—Program participants shall be eligible for subsidized child care, transportation assistance, and other needed support services on the same basis as other recipients of cash assistance under the State program funded under this part.

''(iv) WAGES NOT CONSIDERED ASSISTANCE.—Wages paid to program participants shall not be considered to be assistance for purposes of section 408(a)(7).

''(v) PRIVATE SECTOR PLACEMENTS.—Not more than 50 percent of the total number of such participants in transitional jobs in a State at any time may be placed at worksite employers which are private, for-profit entities.

''(C) GENERAL ELIGIBILITY.—

''(i) IN GENERAL.—Not less than ⅔ of the participants in a transitional jobs program funded under a grant made under this paragraph during a fiscal year shall be individuals who are, at the time they enter the program—

''(I) receiving assistance under the State program funded under this part;

''(II) not receiving assistance under the State program funded under this part, but who are unemployed, and who were recipients of such assistance within the immediately preceding 12-month period;

''(III) custodial parents of a minor child who meet the financial eligibility criteria for assistance under the State program funded under this part; or

''(IV) noncustodial parents with income below 150 percent of the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section, applicable to a family of the size involved).

''(ii) LIMITATION.—Not more than ⅓ of all participants in a transitional jobs program funded under this paragraph during a fiscal year shall be individuals who have attained at least age 18 with an income below 150 percent of the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section, applicable to a family of the size involved) who are not eligible under clause (i). An individual who is an ex-offender shall be eligible to participate in a transitional jobs program funded under this paragraph.

''(iii) METHODOLOGY.—The Secretary may use any reasonable methodology in calculating whether program participants satisfying the requirements of clause (i), constitute ⅔ or more of all participants, and whether program participants satisfying the requirements of clause (ii) constitute not more than ⅓ of all such participants in a fiscal year.

''(iv) AUTHORITY TO PROVIDE WORK-RELATED SERVICES TO INDIVIDUALS WHO HAVE REACHED THE 5-YEAR LIMIT.—A program operator under this paragraph may use the funds to provide transitional job program participation to individuals who, but for section 408(a)(7), would be eligible for assistance under the program funded under this part of the State in which the program operator is located.

''(D) RELATIONSHIP TO OTHER PROVISIONS OF THIS PART.—

''(i) RULES GOVERNING USE OF FUNDS.—The provisions of section 404 (other than subsection (f) thereof) shall not apply to a grant made under this paragraph.

''(ii) ADMINISTRATION.—Section 416 shall not apply to the programs under this paragraph.

''(iii) PROHIBITION AGAINST USE OF GRANT FUNDS FOR ANY OTHER FUND MATCHING REQUIREMENT.—An entity to which funds are provided under this paragraph shall not use any part of the funds to fulfill any obligation of any State or political subdivision under subsection (b) or section 418 or any other provision of this Act or other Federal law.

''(iv) DEADLINE FOR EXPENDITURE.—An entity to which funds are provided under this paragraph shall remit to the Secretary of Labor any part of the funds that are not expended within 3 years after the date on which the funds are so provided.

''(v) REGULATIONS.—Within 90 days after the date of enactment of this paragraph, the Secretary of Labor, after consultation with the Secretary of Health and Human Services, shall prescribe such regulations as may be necessary to implement this paragraph.

''(vi) REPORTING REQUIREMENTS.—The Secretary of Labor, in consultation with the Secretary of Health and Human Services, shall establish requirements for the collection and maintenance of financial and program participant information and the reporting of such information by entities carrying out activities under this paragraph. Such reporting requirements shall include, at a minimum, that States report disaggregated data on individual program participants that include the following:

''(I) Demographic information about the program participant including education level, literacy level, and prior work experience.

''(II) Identity of the program operator that provides or provided services to the program participant, and the duration of participation.

''(III) The nature of education, training or other services received by the program participant.

''(IV) Reasons for the program participant's leaving the program.

''(V) Whether the program participant secured unsubsidized employment during or within 60 days after the employment of the participant in a transitional job, and if so, details about the participant's unsubsidized employment including industry, occupation, starting wages and hours, and availability of employer sponsored health insurance and sick and vacation leave.

''(vii) ADDITIONAL REPORTING REQUIREMENTS.—States shall collect and report followup data for a sampling of program participants reflecting their employment and earning status 12 months after entering unsubsidized employment.

''(E) NATIONAL COMPETITIVE GRANTS.—

''(i) IN GENERAL.—The Secretary of Labor shall award grants in accordance with this paragraph, in fiscal years 2003 through 2007, for transitional jobs programs proposed by eligible applicants, based on the following:

''(I) The extent to which the proposal seeks to provide services in multiple sites that include sites in more than 1 State.

''(II) The extent to which the proposal seeks to provide services in a labor market area or region that includes portions of more than 1 State.

''(III) The extent to which the proposal seeks to provide transitional jobs in a State.

''(IV) The extent to which the applicant proposes to provide transitional jobs in either rural areas or areas where there are a high concentration of residents with income that is less than the poverty line.

''(V) The effectiveness of the proposal in helping individuals who are least job ready move into unsubsidized jobs that provide pathways to stable employment and livable wages.

''(ii) ELIGIBLE APPLICANTS.—In this paragraph, the term 'eligible applicant' means—

''(I) a Workforce Investment Board for a local workforce area in a State;

''(II) a political subdivision of a State;

''(III) a State;

''(IV) an Indian tribe; or

''(V) a private entity.

''(iii) FUNDING.—Subject to subparagraphs (F) and (G), of the amount appropriated in subparagraph (H) for a fiscal year, $25,000,000 of such amount shall be used to make grants under this paragraph for that fiscal year.

''(F) FUNDING FOR INDIAN TRIBES.—1.5 percent of the amount appropriated in subparagraph (H) for each fiscal year shall be reserved for grants to Indian tribes.

''(G) FUNDING FOR EVALUATIONS OF TRANSITIONAL JOBS PROGRAMS.—1.5 percent of the amount appropriated in subparagraph (H) for each fiscal year shall be reserved for use by the Secretary to carry out subparagraph (I).

''(H) APPROPRIATIONS.—

''(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for grants under this paragraph, $25,000,000 for each of fiscal years 2004 through 2008.

''(ii) AVAILABILITY.—The amounts made available pursuant to clause (i) shall remain available for such period as is necessary to make the grants provided for in this paragraph.

''(I) EVALUATION OF TRANSITIONAL JOBS PROGRAMS.—The Secretary, in consultation with the Secretary of Labor—

''(i) shall develop a plan to evaluate the extent to which transitional jobs programs funded under this paragraph have been effective in promoting sustained, unsubsidized employment for each group of eligible participants;

''(ii) may evaluate the use of such grants by such grantees/ as the Secretary deems appropriate, in accordance with an agreement entered into with the grantees after good-faith negotiations; and

''(iii) should include the following outcome measures in the plan developed under clause (i):

''(I) Placements in unsubsidized employment.

''(II) Placements in unsubsidized employment that last for at least 12 months, and the extent to which individuals are employed continuously for at least 12 months.

''(III) Earnings of individuals who obtain employment at the time of placement.

''(IV) Earnings of individuals 1 year after placement.

''(V) The occupations and industries in which wage growth and retention performance is greatest.

''(VI) Average expenditures per participant.''.

SEC. 410. GAO STUDY ON IMPACT OF BAN ON SSI BENEFITS FOR LEGAL IMMIGRANTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to determine the impact of the prohibition under section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612) with respect to the eligibility of qualified aliens (as defined in section 431 of such Act (8 U.S.C. 1641)) for benefits under the supplemental security income program under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), including supplementary payments pursuant to an agreement for Federal administration under section 1616(a) of such Act (42 U.S.C. 1382e) and payments pursuant to an agreement entered into under section 212(b) of Public Law 93–66.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the study conducted under subsection (a) that includes such recommendations for legislative action as the Comptroller General determines appropriate.

SEC. 411. ENSURING TANF FUNDS ARE NOT USED TO DISPLACE PUBLIC EMPLOYEES; APPLICATION OF WORKPLACE LAWS TO WELFARE RECIPIENTS.

(a) WELFARE-TO-WORK WORKER PROTECTIONS.—

(1) IN GENERAL.—Section 403(a)(5)(I) (42 U.S.C. 603(a)(5)(I)) is amended—

(A) by striking clauses (i) and (iv);

(B) by redesignating clauses (v) and (vi) as clauses (iv) and (v), respectively; and

(C) by inserting before clause (ii), the following:

''(i) NONDISPLACEMENT.—

''(I) IN GENERAL.—An adult in a family receiving assistance under a State program funded under this part, in order to engage in a work activity, shall not displace any employee or position (including partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) or fill any unfilled vacancy.

''(II) PROHIBITIONS.—A work activity engaged in under a program operated with funds provided under this paragraph shall not impair any existing contract for services, be inconsistent with any existing law, regulation, or collective bargaining agreement, or infringe upon the recall rights or promotional opportunities of any worker.

''(III) NO SUPPLANTING OF OTHER HIRES.—A work activity engaged in under a program operated with funds provided under this paragraph shall be in addition to any activity that otherwise would be available and shall not supplant the hiring of an employed worker not funded under such program.

''(IV) ENFORCING ANTIDISPLACEMENT PROTECTIONS.—

''(aa) IN GENERAL.—The State shall establish and maintain an impartial grievance procedure to resolve any complaints alleging violations of the requirements of subclause (I), (II), or (III) within 60 days of receipt of the complaint and, if a decision is adverse to the party who filed such grievance or no decision has been reached, provide for the completion of an arbitration procedure within 75 days of receipt of the complaint or the adverse decision or conclusion of the 60-day period, whichever is earlier.

''(bb) APPEALS.—Appeals may be made to the Secretary who shall make a decision within 75 days.

''(cc) REMEDIES.—Remedies for a violation of the requirements of subclause (I), (II), or (III) shall include termination or suspension of payments, prohibition of the placement of the participant, reinstatement of an employee, and other relief to make an aggrieved employee whole.

''(dd) LIMITATION ON PLACEMENT.—If a grievance is filed regarding a proposed placement of a participant, such placement shall not be made unless such placement is consistent with the resolution of the grievance pursuant to this subclause.''.

(2) STATE PLAN REQUIREMENT.—Section 402(a)(1)(A) (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

''(vii) In the case of a State that receives a welfare-to-work grant under section 403(a)(5), ensure compliance with the nondisplacement requirements of subparagraph (I)(i) of that section.''.

(b) APPLICATION OF WORKPLACE LAWS TO WELFARE RECIPIENTS.—Notwithstanding any other provision of law, workplace laws, including the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), shall apply to an individual who is a recipient of assistance under the temporary assistance to needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in the same manner as such laws apply to other workers. The fact that an individual who is a recipient of assistance under the temporary assistance to needy families program is participating in, or seeking to participate in work activities under that program in satisfaction of the work activity requirements of the program, shall not deprive the individual of the protection of any Federal, State, or local workplace law.

SEC. 412. DATA COLLECTION AND REPORTING.

Section 411(a)(1)(A) (42 U.S.C. 611(a)(1)(A)) is amended 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, the Secretary shall require not more than 10 States to ensure that the following case record information 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, and shall submit an annual report to Congress containing such data)''.

TITLE V—MISCELLANEOUS

SEC. 501. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided, the amendments made by this Act shall take effect on the date of enactment of this Act, and shall apply to payments under parts A and D of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under section 402(a) or 454 of the Social Security Act (42 U.S.C. 602(a), 654) which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such section 402(a) or 454 solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

By Mr. HARKIN:

S. 1444. A bill to amend the Head Start Act to increase the reservation of funds for programs for low-income families with very young children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, most Americans are very familiar with Head Start. This popular preschool program was created in 1965 to provide education, health, nutrition and family support services to low-income, 4- and 5-year old children. Head Start enjoys strong bipartisan support and is widely recognized as a success.

In response to the growing body of research about the critical development which occurs during the first 3 years of a child's life, Head Start was expanded in 1995 to serve infants and toddlers. The Early Head Start Program provides comprehensive child development and family support services to infants and toddlers from birth through age 3 and pregnant women. Currently, 10 percent of Head Start funds are set aside for Early Head Start. An estimated 60,000 children currently receive services nationwide. In Iowa, 1,259 children are served by Early Head Start.

Numerous research findings, including a 7-year national evaluation, show that Early Head Start is a success. Early Head Start made positive impacts in children's cognitive, language, and social-emotional development. It was also found that compared to a control group, parents in Early Head Start not only read to their children more often but also provided additional resources to support greater language and literacy development.

These types of outcomes for our Nation's most vulnerable infants and toddlers are tremendous considering how critical the early years are for children's development. Data from the National Academy of Sciences shows that the first 3 years of a child's life are the most important—80 percent of brain development occurs by age 3. Children have unlimited potential to learn many things during this critical time. Research conducted over the last several years shows how important it is for parents to read to their young children, talk with them, and stimulate learning through play. Children who do not have enriched learning experiences during these important years can be stunted for life. Babies and toddlers living in high-risk environments need additional supports to foster necessary intellectual, social, and emotional development that lays the foundation for later success in school and life.

Early Head Start provides this proven effective, targeted care, yet only 3 percent of those eligible are being served. As a result, today I am introducing legislation that would increase the current set-aside to 20 percent in 2008—to double the number of participants.

Investments in early intervention programs must become a national priority. This is the right thing to do for the young children of our Nation, but it is also the most cost-effective thing for us to do. Every dollar invested in quality pre-school programs saves $7 in future costs for special education, welfare or corrections.

In 1991, the Committee for Economic Development, CED, called on the Nation to rethink how we view education. This group of business leaders urged Federal policy makers to view education as a process that begins at birth, with preparations beginning before birth. I strongly support this objective and have always been a strong advocate in early intervention activities such as Head Start, the WIC nutrition program and early intervention programs for infants and toddlers with disabilities.

We must dedicate ourselves to making the CED vision a reality and build a strong foundation for education in this country. That begins with ensuring that all children get off to a good, strong start and enter school ready to learn.

The legislation I am introducing today takes another step toward building this foundation by doubling the set-aside for the Early Head Start Program for children ages zero to three by the year 2008. This action will continue to improve access to education and development services for our youngest children to provide a good start in life. I urge my colleagues to support this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 198—EXPRESSING SYMPATHY FOR THE VICTIMS OF THE DEVASTATING EARTHQUAKE THAT STRUCK ALGERIA ON MAY 21, 2003

Mr. BROWNBACK (for himself, Mr. BIDEN, and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 198

Whereas on the evening of May 21, 2003, a devastating and deadly earthquake of a magnitude of 6.8 on the Richter scale and with a depth of 6 miles struck northern Algeria, killing more than 2,260 people, injuring more than 10,000 others, and leaving more than 200,000 people homeless;

Whereas the earthquake of May 21, 2003, has left thousands of buildings in ruins and has severely disrupted health services, water supply lines, electricity, and telecommunications in Algeria;

Whereas severe aftershocks with magnitudes greater than 4.0 have continued to terrify the people of Algeria and hamper rescue efforts;

Whereas the strength, courage, and determination of the people and Government of Algeria has been displayed since the earthquake;

Whereas the people of the United States and Algeria share strong friendship and mutual respect;

Whereas the United States airlifted to the earthquake-affected population 174,000 blankets, 1,800 tents, electrical equipment, water purification kits, and 3 medical supply kits sufficient to benefit 10,000 people for at least 3 months;

Whereas the United States has provided $50,000 to the Algerian Red Crescent Society for emergency relief supplies; and

Whereas the United Nations Children's Fund (UNICEF) has launched an emergency appeal for humanitarian and relief assistance to address the devastation in Algeria that was caused by the powerful earthquake: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its deepest sympathies to the people of Algeria and particularly to the families of the victims and the survivors for the tragic losses suffered as a result of the earthquake that struck Algeria on May 21, 2003;

(2) expresses its support for the people and to the Government of Algeria as they continue their efforts to rebuild their cities and their lives;

(3) expresses support for humanitarian assistance provided by the United States Agency for International Development and other American and international relief organizations;

(4) recognizes the important role that is being performed by the United States and the international community in providing assistance to alleviate the suffering of the people of Algeria; and

(5) encourages the continued commitment by the United States and other countries and international organizations to the rebuilding of the earthquake-affected areas in Algeria.

Mr. BROWNBACK. Mr. President, I rise to submit a resolution expressing sympathy for the victims of the devastating earthquake that struck Algeria on May 21, 2003.

Algeria, a North African nation and former colony of France, was rocked by an enormous earthquake registering 6.8 on the Richter scale on May 21 killing more than 2,000 people, injuring 10,000 and leaving hundreds of thousands homeless.

I rise to extend my heartfelt sympathy to the Algerian people and to encourage the United States to commit itself to help Algerians pick up their lives and move past this tragedy.

President Bush committed funds to the Algerian Red Crescent Society, and the U.S. airlifted disaster supplies, including blankets, tents, medical supply kits.

It is important that in Algeria's hour of need that we act as a humane Nation. The kindness of a compassionate America can help heal the wounds of Algeria.

We must define ourselves as a nation by the goodness and compassion we extend to our fellow human beings who inhabit this world with us.

Though it is not simply in our self-interest, we should be careful to view our compassionate acts as instruments of goodwill presenting the case for American leadership to the world. These acts of compassion can serve to further our interests while reinforcing the American ideal as something other nations would want to attain.

Thomas Jefferson stated that America ''should have an Empire for Liberty,'' meeting a moral obligation to defend and promote freedom throughout the world. That remains for any American foreign policy, but is only buttressed by our willingness to serve our fellow man.

It would be a tragedy in this case if we were to wait for our ship to come in; we should swim out to meet it. Algeria can be the mark where America as a leading moral nation can greet his fellow suffering man with open arms and mercy.

Mr. INHOFE. Mr. President, on May 21 of this year a devastating earthquake shook lives in Algeria and across the world. Two thousand two hundred people were killed, 10,000 were injured, and 200,000 more were left homeless. In response, support from the international community has been overwhelming. The United Nations Disaster Assessment and Coordination Team estimates that 85 international flights from 27 different countries landed in Algiers to assist in the emergency relief efforts. Officials in Algeria state that more than 30,000 government workers and 10,000 military personnel were involved in relief activities. The United States alone has given over $1.3 million in assistance, providing blankets, tents, and medical supplies.

Furthermore I am pleased that many businesses from my home State of Oklahoma are now helping in the reconstruction. They will bring to Algeria the best resources and equipment available to help rebuild the fallen cities. LWPB Architects, Atkins-Benham Constructors and Terex Road Building Group are among the participating companies.

I am pleased to cosponsor this resolution by my colleague from Kansas that expresses our deepest sympathies for the victims of this tragedy. It is our hope that through this international partnership, Algeria will arise a stronger nation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1318. Mr. REID proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

SA 1319. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1320. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1321. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1322. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1323. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1324. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1325. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

SA 1326. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2555, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1318. Mr. REID proposed an amendment to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 58, strike line 6 and all that follows through page 59, line 17, and insert the following:

any other provision of law, $2,908,000,000, which shall be allocated as follows:

(1) $1,750,000,000 for grants pursuant to section 1014 of the USA PATRIOT Act of 2001 (42 U.S.C. 3711), of which $500,000,000 shall be available for State and local law enforcement terrorism prevention grants: *Provided,* That no funds shall be made available to any State prior to the submission of an updated state plan to the Office for Domestic Preparedness: *Provided further,* That the application for grants shall be made available to States within 15 days after enactment of this Act; and that States shall submit applications within 30 days after the grant announcement; and that the Office for Domestic Preparedness shall act on each application within 15 days after receipt: *Provided further,* That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 45 days after the grant award;

(2) $30,000,000 for technical assistance;

(3) $750,000,000 for discretionary grants for use in high-threat urban areas, as determined by the Secretary of Homeland Security: *Provided,* That no less than 80 percent of

any grant to a State shall be made available by the State to local governments within 45 days after the receipt of the funds: *Provided further*, That section 1014(c)(3) of the USA PATRIOT Act of 2001 (42 U.S.C. 3711) shall not apply to these grants;

(4) $20,000,000 for discretionary grants for use in urban areas with large tourist populations, to be used as determined by the Secretary of Homeland Security; and

(5) $358,000,000 for national programs:

Provided, That none of the funds appropriated under this heading shall be used for the construction or renovation of facilities: *Provided further*, That funds appropriated for State and local law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraphs (3) and (4) of this heading shall be available for operational costs, to include personnel overtime and overtime

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SA 1319. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 7, strike the end period and insert the following: '': *Provided further*, That of the total amount provided under this heading $5,500,000 shall be available for maritime security professional training pursuant to section 109 of the Maritime Transportation Security Act of 2002 (46 U.S. C. 70101 note).''

SA 1320. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 15, strike ''$130,200,000'' and insert ''$150,000,000''.

SA 1321. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

After section 615, insert the following:

SEC. 616. (a) ADDITIONAL AMOUNT FOR BORDER PERSONNEL.—The amount appropriated by title III under the heading ''SALARIES AND EXPENSES'' under the heading ''CUSTOMS AND BORDER PROTECTION'' is hereby increased by $200,000,000.

(b) AVAILABILITY.—(1) Of the amount appropriated by title III under the heading ''SALARIES AND EXPENSES'' under the heading ''CUSTOMS AND BORDER PROTECTION'', as increased by subsection (a), up to $200,000,000 shall be available to assist the Department of Homeland Security in increasing the number of border personnel at the northern border of the United States by the end of fiscal year 2004, and may be transferred by the Secretary of Homeland Security to the salaries and expenses account of the Bureau of Customs and Immigration Services.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

SA 1322. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 19, strike the end period and insert the following: '': *Provided further*, That of the total amount provided under this heading $15,000,000 shall be available for the Secretary of Homeland Security to award grants under section 70107(i) of title 46, United States Code, to national laboratories, private nonprofit organizations, institutions of higher education, and other entities for the support of research and development of technologies that can be used to secure the ports of the United States.''.

SA 1323. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

After section 615, insert the following:

SEC. 616. (a) AMOUNT FOR CONSTRUCTION OF VEHICLE BARRICADES.—Of amounts appropriated by title III under the heading ''CONSTRUCTION'' under the heading ''CUSTOMS AND BORDER PROTECTION'', $2,400,000 shall be available to construct vehicle barricades along the United States-Mexico border near the Santa Teresa and Columbus ports of entry.

(b) SUPPLEMENT NOT SUPPLANT.—Amounts available under subsection (a) are in addition to any other amounts appropriated or otherwise available under this Act for construction of vehicle barricades along the United States-Mexico border.

SA 1324. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, lines 2 and 3, strike ''as determined by the Secretary of Homeland Security: *Provided*, That'' and insert ''including Indianapolis, Indiana, and other areas, as determined by the Secretary of Homeland Security: *Provided*, that no less than the minimum amount awarded to Buffalo, New York, and its contiguous counties and mutual aid partners in fiscal year 2003 to enhance the security of high density, high threat urban areas shall be made available to areas in Indianapolis, Indiana: *Provided further*, That''.

SA 1325. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 58, line one, strike all text through page 60, line 4, and insert the following in lieu thereof:

OFFICE FOR DOMESTIC PREPAREDNESS

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $6,638,000,000, which shall be allocated as follows:

(1) $4,750,000,000 for grants pursuant to section 1014 of the USA PATRIOT ACT of 2001 (42 U.S.C. 3711), of which $3,500,000,000 shall be available for State and local law enforcement terrorism prevention grants: *Provided*, That no funds shall be made available to any State prior to the submission of an updated state plan to the Officer for Domestic Preparedness: *Provided further*, That the application for grants shall be made available to States within 15 days after enactment of this Act; and that States shall submit applications within 30 days after the grant announcement; and that the Office for Domestic Preparedness shall act on each application within 15 days after receipt: *Provided further*, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 45 days of the grant award: *Provided further*, That in obligating funds to local governments, each State shall give priority consideration to funding requests submitted by elected executive officials of municipal governments;

(2) $80,000,000 for technical assistance;

(3) $1,450,000,000 for discretionary grants for use in high-threat urban areas, as determined by the Secretary of Homeland Security: *Provided*, That no less than 80 percent of any grant to a State shall be made available by the State to local governments within 45 days after receipt of the funds: *Provided further*, That section 1014(c)(3) of the USA PATRIOT Act of 2001 (42 U.S.C. 3711) shall not apply to these grants; and

(4) $358,000,000 for national programs: *Provided*, That none of the funds appropriated under this heading shall be used for the construction or renovation of facilities: *Provided further*, That funds appropriated for State and local law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraph (3) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with Office for Domestic Preparedness certified training as needed: *Provided further*, That the Secretary of Homeland Security shall notify the Committees on Appropriations of the Senate and the House of Representatives 15 days prior to the obligation of any amount of the funds provided under paragraphs (1) and (3) of this heading.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $900,000,000, to remain available until September 30, 2005: *Provided*, That up to 5 percent of this amount shall be available for program administration.

SA 1326. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ___—CLARIFICATION OF PROHIBITION ON CONTRACTING WITH CORPORATE EXPATRIATES

SEC. ___. CLARIFICATION OF PROHIBITION ON CONTRACTING WITH CORPORATE EXPATRIATES.

Section 835 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 395) is amended—

(1) in subsection (a), by inserting before the period '', or any subsidiary of such an entity'';

(2) in subsection (b)(1), by inserting ''before, on, or'' after ''completes'';

(3) in subsection (c)(1)(B), by striking ''which is after the date of enactment of this Act and''; and

(4) in subsection (d), by striking ''homeland security'' and inserting ''national security''.

NOTICE OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, July 23, 2003, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct a hearing on S. 556, a bill to reauthorize the Indian Health Care Improvement Act.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. Mr. President, I announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a business meeting on July 24, 2003, in SR–328A at 11 a.m. The purpose of this meeting will be to mark up H.R. 1904, the Healthy Forests Restoration Act of 2003.

SUBCOMMITTEE ON ENERGY

Mr. ALEXANDER. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, July 29, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to highlight the unique role that the DOE's Office of Science plays in supporting basic research in the physical sciences. The programs supported by the Office of Science support many of the DOE's missions. The research of the Office lays the foundation for many of the current and future developments in the applied missions of the DOE in energy, defense, and environmental issues.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510–6150.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold a hearing entitled ''SARS: Best Practices for Identifying And Caring for New Cases.'' At the hearing, officials from the General Accounting Office will release the results from a study that I requested of national best practices for identifying and locating SARS cases. This hearing is a followup to the subcommittee's May 2003 hearing on coordinating the response to individual SARS outbreaks among local, State, and Federal officials as well as between government officials and the private sector. While officials from global health agencies have indicated that, for the moment, SARS appears to have stabilized, there is concern that this is simply a lull before the storm. At the subcommittee's May 2003 hearing individuals within the health care community relayed their concerns that there will be reemergence of SARS this fall. With that in mind, the subcommittee's upcoming hearing will examine the best practices that can be identified for controlling SARS within the health care and community setting.

The hearing will take place on Wednesday, July 30, 2003, at 9 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Joseph V. Kennedy of the subcommittee staff at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 22, 2003, at 2:00 p.m. to conduct a hearing on the nominations of Mr. Mark C. Brickell, of New York, to be director, Office of Federal Housing Enterprise Oversight; Ms. Alicia R. Castaneda, of the District of Columbia, to be a member of the Board of Directors, Federal Housing Finance Board; and Mr. Thomas J. Curry, of Massachusetts, to be a member of the Board of Directors of the Federal Deposit Insurance Corporation.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 22, at 10:00 a.m.

The purpose of the hearing is to receive testimony on issues related to forest health problems in our Nation's forests.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Reauthorizing Head Start: Preparing Children to Succeed in School and in Life during the session of the Senate on Tuesday, July 22, 2003 at 10:00 a.m. in SD–430.

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

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Judicial Nominations'' on Tuesday, July 22, 2003, at 10 a.m. in the Dirksen Senate Office Building Room 226.

Witness List:

Panel I: Senators;

Panel II: Steven M. Colloton to be United States Circuit Judge for the Eighth Circuit;

Panel III: P. Kevin Castel to be United States District Judge for the Southern District of New York; Sandra J. Feuerstein to be United States District Judge for the Eastern District of New York; Richard J. Holwell to be United States District Judge for the Southern District of New York; H. Brent McKnight to be United States District Judge for the Western District of North Carolina; R. David Proctor to be United States District Judge for the Northern District of Alabama; Stephen C. Robinson to be United States District Judge for the Southern District of New York.

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

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''The WorldCom Case: looking at Bankruptcy and Competition Issues'' on Tuesday, July 22, 2003, at 2 p.m. in the Dirksen Senate Office Building Room 226.

Witness List:

Panel I: Richard Thornburgh, Esquire, Bankruptcy Examiner, Kirkpatrick & Lockhart LLP, Washington, DC;

Panel II: William Barr, Executive Vice President and General Counsel, Verizon Communications, Washington, DC; Nicholas Katzenbach, Board Member, MCI Telecommunications, Ashburn, Virginia; Marcia L. Goldstein, Esquire, Weil Gotshal & Manges LLP, New York, New York; Morton Bahr, President, Communications Workers of America, Washington, DC; Douglas G. Baird, Vice-Chair, National Bankruptcy Conference, Chicago, Illinois; Mark A. Neporent, Chief Operating Officer, Cerberus Capital Management, L.P., New York, New York.

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

SPECIAL COMMITTEE ON AGING

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on today, July 22, 2003 from 11 a.m.—1 p.m. in Dirksen 628 for the purpose of conducting a hearing.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro

tempore, and upon the recommendation of the Minority Leader, pursuant to 22 U.S.C. 2761, as amended, appoints the Honorable PAUL SARBANES of Maryland as a delegate of the Senate Delegation to the British-American Interparliamentary Group conference during the 108th Congress.

MEASURES INDEFINITELY POSTPONED—S. 508, S. 708, AND S. 1145

Mr. CORNYN. Mr. President, I ask unanimous consent that Calendar Nos. 148, 149, and 151 be indefinitely postponed en bloc.

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

ORDERS FOR WEDNESDAY, JULY 23, 2003

Mr. CORNYN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Wednesday, July 23. I further ask that following the prayer and the pledge, the Journal of proceedings be approved, the time for the two leaders be reserved for their use later in the day, and that the Senate begin a period of morning business with the first 15 minutes under the control of the majority leader or his designee, the next 15 minutes under the control of Senator HUTCHISON or her designee, and the final 30 minutes under the control of the minority leader or his designee; provided that following morning business the Senate resume consideration of Calendar No. 192, H.R. 2555, the Department of Homeland Security appropriations bill.

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

PROGRAM

Mr. CORNYN. Mr. President, for the information of all Senators, tomorrow the Senate will be in a period of morning business until approximately 10 a.m.

Following morning business, the Senate will resume consideration of H.R. 2555, the Department of Homeland Security appropriations bill. Again, it is the majority leader's intention to complete action on this bill during tomorrow's session.

There are a number of Senators who have expressed an interest in offering amendments. The majority leader would encourage those Members to contact the bill managers as soon as possible.

Rollcall votes are expected throughout the day tomorrow as the Senate will continue work through the remaining amendments to the bill. Senators will be notified when the first vote is scheduled.

RECESS UNTIL 9 A.M. TOMORROW

Mr. CORNYN. Mr. President, if there is no further business to come before the Senate, under the previous order, I ask that the Senate stand in recess.

Thereupon, the Senate, at 7:23 p.m., recessed until Wednesday, July 23, 2003, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 22, 2003:

DEPARTMENT OF COMMERCE

PETER LICHTENBAUM, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE JAMES J. JOCHUM.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

KERRY N. WEEMS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE JANET HALE, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C. SECTION 601:

To be lieutenant general

MAJ. GEN. ROGER A. BRADY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C. SECTION 601:

To be lieutenant general

LT. GENERAL RICHARD E. BROWN III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C. SECTION 601:

To be lieutenant general

LT. GEN. JOHN D. HOPPER JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C. SECTION 601:

To be lieutenant general

LT. GEN. STEVEN R. POLK, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE ARMY TO THE GRADE INDICATED UNDER TITLE 10 U.S.C. SECTION 12203:

To be major general

BRIG. GEN. DAVID T. ZABECKI, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C. SECTION 601:

To be vice admiral

REAR ADM. HENRY G. ULRICH III, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10 U.S.C. SECTION 601:

To be vice admiral

REAR ADM. HENRY G. ULRICH III, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10 U.S.C. SECTION 624:

To be lieutenant colonel

DENNIS HUTSON, 0000

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

WILFREDO A. COLONMARTINES, 0000
STEPHEN A. GARANIN, 0000
JEFFERY L. LEWIS, 0000

THE FOLLOWING OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

THOMAS B. HOWE, 0000
MICHAEL J. VEASEY, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES G. LYNCH, 0000
DANIEL MANGUALGONZALEZ, 0000
WESLEY L. MCCLELLAN, 0000
RAFAEL A. ROLDAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

EVAN L. WILLIAMS II, 0000

IN THE MARINE CORPS

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 major

THOMAS D. GORE, 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 major

ADAM L. MUSOFF, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE TEMPORARY GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 6222:

To be captain

JASON K. FETTIG, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 624:

To be commander

STEVENS S. HARTZELL, 0000
STANLEY D. RHOADES, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JAMES P. DRISCOLL, 0000