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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, October 28, 2003, at 12:30 p.m.

Senate

MONDAY, OCTOBER 27, 2003

The Senate met at 12 noon and was called to order by the president pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Our guest Chaplain today is the Chaplain of the House of Representatives, the Rev. Daniel P. Coughlin, who will lead us in prayer.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Father of all and Creator of the whole world, fill our Nation with Your peace and Your blessings, Your splendor of virtues and surpassing gifts.

By Your direction, the heavens are in motion. Day and night fulfill the course You have set. The Sun, the Moon, and the choir of stars revolve in harmony at Your command on their appointed paths. By Your will, the Earth blossoms in full seasons—spring, summer, autumn and winter—following one another all in proper order.

Guide the Members of the Senate today and all the workings of our Government, that the harmony of nature may pattern American life and a new order be established in the community of nations.

This we ask in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will resume consideration of the Foreign Operations appropriations measure. Senator MCCONNELL and the ranking member will be available to discuss and debate amendments. There is an expectation that this bill can be completed in short order. Therefore, if Members do intend to offer amendments, they should contact the cloakroom soon so they are not precluded by a unanimous consent agreement.

As a reminder, at 5:30 p.m. today, the Senate will conduct a cloture vote with respect to the nomination of Michael Leavitt to be Administrator of the Environmental Protection Agency. That rollcall vote will be the first vote of today's session. I do anticipate we will be able to invoke cloture and, therefore, would like to complete this nomination procedure at some point tonight.

For the remainder of the week, we will consider and complete the appropriations bills that are available. I will be discussing with Senator STEVENS the remaining appropriations process. This week, we will also be addressing any appropriations conference reports that are made available.

In addition to these bills, the Senate must still act on the fair credit reporting bill. I look forward to the first opportunity to bring that bill to the floor, most likely this week. The Internet tax moratorium legislation has been discussed as a possibility for this week. I do hope Members will be able to work out any differences on that bill. We will need to address this bill soon due to the existing expiration of that moratorium.

Healthy Forests continues to remain a challenge. There had been an initial hope for an agreement to move forward on this bill with amendments that would be relevant. However, we have not been able to have an agreement reached on the relevancy of those amendments, and we will have to consider other options.

The CARE Act is still sitting at the desk ready for conference, but, once again, there is an outstanding objection to that procedure. I mentioned at the end of last week and will mention again, the gun liability measure is one that should be considered before we close out this session. Again, we will be looking for time to do just that.

As mentioned on the floor at the end of last week, we expect to be dealing with the appropriations bills for the most part over the course of the day and spending the early or very late afternoons and early evenings addressing these other very important measures. There may be exceptions to that as issues present themselves, but it will be important for us to continue a dual-tracking approach as agreed to on both sides of the aisle to address the important issues that must be addressed.

As we know and will see later this afternoon and evening, nominations are critically important. They are always a focus. Tonight's vote shows the

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

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challenge we have on each and every one of these executive nominations, as well as all of the judicial nominations. I will continue to look for ways to give the executive nominations their due process—an up-or-down vote on the Senate floor. Again, this is with respect to both executive nominations and judicial nominations.

The list I have just mentioned is lengthy in part, but it is within reason. We can complete these issues, and we will do our very best to complete all these issues, including the appropriations process, including the Energy conference report, including the Medicare prescription drug conference report, before we leave. It is going to require working together. It will require a lot of cooperation on both sides of the aisle to accomplish that.

With that cooperation, with the expectation we can work hand in hand on these issues, we will be able to still adjourn in a timely way this year.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, I would like to speak for 6 or 7 minutes as in morning business. I ask unanimous consent to do that.

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

FUNDS FOR NURSING HOMES

Mr. GRASSLEY. Mr. President, today I would like to announce a significant achievement for this Congress, for the nursing home community, and for nursing home residents throughout the United States. I announce that the nursing home community committed itself to spending about $4 billion over the next decade to direct care and services for all patients in skilled nursing facilities.

This past August, the Centers for Medicare and Medicaid Services corrected for errors in rate calculations and adjusted Medicare payments to nursing homes by 3.26 percent. I approached the nursing home community and asked that they use a substantial portion of those funds for direct, hands-on care to residents. They not only agreed, but they committed their agreement to writing.

The American Health Care Association, the Alliance for Quality Nursing Home Care, the American Association of Homes and Services for the Aging, the American Health Quality Association, and the American Hospital Association all have agreed to spend a large portion of the increase in funding from that 3.26-percent adjustment formula for direct hands-on care to residents, specifically on registered nurses, licensed practical nurses, and on certified nursing assistants. These are the people who touch the nursing home residents' lives most directly, and they are the backbone of the nursing home system of quality care if there is going to be quality care.

Moreover, by committing to use these funds for hands-on direct care, these providers are acknowledging that more hands-on direct care will help to continue improving the quality of care provided nursing home residents.

I first got involved in the nursing home quality of care issue in 1997 when I chaired the Special Committee on Aging. There was, at that time, concern about thousands of deaths in the State of California due to dehydration, malnutrition, bed sores, and a lot of other conditions that indicate lack of concern, lack of quality of care. This may have been just in the State of California, but it was probably also true of other States. These were brought to my attention at that particular time.

At that time I seized the opportunity to expose the sad state of affairs in too many nursing homes across the Nation. In 1998, the picture wasn't pretty. The General Accounting Office said there were serious quality care problems in about 30 percent of California's nursing homes. That report inaugurated a new and targeted effort to improve the quality of care in nursing facilities, and the quality of oversight and enforcement by responsible State and Federal agencies.

Since 1998, there have been about 17 General Accounting Office studies on nursing homes, and even more if you count the work done by the Office of Inspector General at the Department of Health and Human Services. Improving the quality of care provided in nursing homes is of paramount concern to all of us. At the same time, we must recognize that not all nursing homes are bad actors. Unfortunately, those who are cast the entire community in a bad light.

Over the years in fighting the battle to improve care in nursing homes I have come to learn two very important realities about providing quality care to one of our most vulnerable populations. The first reality is that there is no quick fix that will cure the problem. There is no law, no penalty, no guidance that will eliminate the problem.

The second reality is that we need the will to direct Federal funds right where they are most needed, to those hands-on professionals who feed, bathe, and turn the residents of a nursing home. That is what we have done here with this agreement among these various professional and trade associations. We worked hand in glove with these associations of the nursing home community, a community that provided me their written commitment to use real money to improve the plight of nursing home residents.

The nursing home community put their money where their mouth is by committing to use billions for hands-on direct care to their residents. Today I applaud them, I thank them, and I look forward to more such agreements, all in the name of making sure that there is quality of care at the nursing homes of America.

I yield the floor.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the Senate will resume consideration of H.R. 2800, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

DeWine amendment No. 1966, to increase assistance to combat HIV/AIDS.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1968

Mr. MCCONNELL. Mr. President, I have a series of cleared amendments to the pending measure, the foreign operations bill, which I send to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself and Mr. LEAHY, proposes an amendment numbered 1968.

Mr. MCCONNELL. 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 printed in today's RECORD under ''Text of Amendments.'')

Mr. MCCONNELL. Mr. President, I urge we adopt these amendments en bloc.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

The amendment (No. 1968) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I wish to take a moment to explain an amendment that was in the package I just sent forward: Conditioning assistance to Malaysia on a determination

by the Secretary of State that the Government of Malaysia supports and promotes religious freedoms, including tolerance for people of the Jewish faith.

On October 16—just very recently—Malaysian Prime Minister Mahathir Mohamed delivered a speech before the Tenth Islamic Summit Conference in Malaysia during which he made incredible anti-Semitic comments.

Let me just give you a direct quote from what the Prime Minister of Malaysia had to say. Incredibly, here is what he said:

> The Muslims will be forever oppressed and dominated by the Europeans and the Jews. . . . 1.3 billion Muslims cannot be defeated by a few million Jews.
>
> [Muslims] are actually very strong.

He said:

> 1.3 billion people cannot be simply wiped out. The Europeans killed 6 million Jews out of 12 million. But today the Jews rule this world by proxy. They get others to fight and die for them.

If that was not bad enough, the Prime Minister of Malaysia went on. He said:

> They survived 2000 years of pogroms not by hitting back, but by thinking. They invented and successfully promoted Socialism, Communism, human rights and democracy so that persecuting them would appear to be wrong, so they may enjoy equal rights with others. With these they have so gained control of the most powerful countries and they, this tiny community, have become a world power.

Now, what could be more outrageous in 2003 than for the prime minister of any country to make such unbelievably erroneous statements? They are dangerously wrong, and they play directly into the hands of the radical Islamic extremists throughout the region.

This is not an issue of free speech. His anti-Semitic remarks lend credence and legitimacy to the hateful messages of local terrorists who seek to sow mayhem throughout the region.

As I understand the importance of fighting terrorism in Mahathir's own backyard—and that his comments do not reflect the views of all Malaysians—I include, in the amendment already approved, a national security waiver that will allow the provision of $1.2 million in IMET assistance—that is the military-to-military assistance—to that country to be eliminated unless the President believes it is in the national security interests of the United States to continue it.

Now, the good news is that Mahathir's words were criticized around the world, as they certainly should have been. The bad news is that the Prime Minister just does not get it. Given an opportunity to clarify his comments a few days later, he said, in an interview with the Bangkok Post, on October 21—this is what he said to the Bangkok Post, having listened to the criticism and having an opportunity to retract his comments—he said: ''Well, the reaction of the world [to my comments] shows that [the Jews] control the world'' and, ''Well, many newspapers are owned by the Jews. They only see that angle and they have a powerful influence over the thinking of many people.''

Mahathir himself has influence over the thinking of many people. My advice is that in the future he should think before he speaks.

Let me close by encouraging Prime Minister Mahathir to unconditionally release former Deputy Prime Minister Anwar Ibrahim before stepping down from office later this month. This injustice has gone on for far too long.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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. 1969

(Purpose: To require that the Administrator of the Coalition Provisional Authority be an officer who is appointed by the President by and with the advice and consent of the Senate)

Mr. BYRD. Mr. President, in considering the President's $87 billion for Iraq, the House of Representatives adopted a provision that would require the U.S. official responsible for coordinating the reconstruction efforts in Iraq to be appointed by the President by and with the advice of the Senate.

It is almost embarrassing that the House of Representatives had to act on behalf of the Senate to include such a requirement.

The House was responding to the news that the President had appointed National Security Adviser Condoleezza Rice to lead a task force that would assume responsibilities for rebuilding Iraq. Unlike Secretaries Rumsfeld and Powell, who testified before the Congress to explain the actions of Defense and State Department personnel in Iraq, the actions of the task force will likely be shielded from the public by what may be said to be executive privilege.

The National Security Adviser, as a member of the President's staff, traditionally does not testify before the Congress, except under extreme circumstances. It is an unconfirmed position and its actions are hidden from the view of the Congress, the media, and the public.

The House of Representatives has valid concerns that if the National Security Adviser is responsible for the administration's reconstruction efforts in Iraq, her actions could be shielded from the public.

Senators will recall that the White House tried something similar to this last year.

After the September 11 attacks, the White House unilaterally created the Office of Homeland Security inside the White House and used executive privilege to cloak the office and its director, Tom Ridge, from the Congress and the public. Senator STEVENS and I at that time wrote to the White House, and we wrote repeatedly, seeking testimony from Mr. Ridge. But he was not allowed to testify before the Appropriations Committee or any other congressional committees.

For 14 months, the actions of our chief homeland security officer, Mr. Tom Ridge, were hidden from the public. Not until the Congress forced the hand of the administration did the President acknowledge the dangers of such a situation. To end the stalemate, the President went so far as to reorganize the entire Federal Government—almost—by creating a new Department of Homeland Security, making its Secretary confirmable by the Senate.

So I certainly hope the present situation won't have to be resolved by creating a new Department of Iraqi Reconstruction.

The American people need to be sure that whoever the President chooses to lead the administration's reconstruction efforts in Iraq will be held accountable for their actions.

The Iraqi war effort, including the recently passed supplemental, has cost the American taxpayers $118 billion; 351 U.S. soldiers have lost their lives. The administration has wagered the lives, the treasure, and international prestige of the American people on its Iraqi endeavors. With so much at stake, the Congress has a responsibility on behalf of the American people to ensure that whoever is running things in Iraq is answerable for their decisions to the Congress and to the American people.

I am not just referring to the National Security Adviser; I am also referring to the Administrator of the coalition Provisional Authority that now governs Iraq. This is an entity which has not been sanctioned, which has not been approved by the Congress. Its head has not been confirmed by the Senate. It is operating without any mandate from the American public. Yet it claims to be vested by the President with all executive, legislative, and judicial authority necessary to achieve its objective.

Mr. President, we are not even sure what its objectives are supposed to be. The President signed a national security directive earlier this year outlining the Iraqi civil administrator's authorities, but that directive is classified, hidden away from the American public. Yet the Congress is handing over another $20 billion to this entity without insisting that the administrator be held accountable to the representatives of the people of our country. It is an idea so absurd that even the Republican-controlled House of Representatives has tried to stop it, and with good reason.

Let us look at the way the Marshall plan was crafted to rebuild Europe after World War II. In comparison, the Congress has allowed the administration to assume sweeping unchecked authorities for its efforts in Iraq. From

the first, the Truman administration worked closely with the Congress in the development of a foreign aid plan to rebuild Europe. Congress did not just appropriate funds whenever the administration asked for them. Congress developed a 4-year financial aid plan. It drafted enabling legislation that was debated for months in the House and the Senate. The Congress ensured that U.S. foreign aid commitments did not put its domestic interests in peril.

Unlike the Coalition Provisional Authority in Iraq, the Federal entity responsible for overseeing the implementation of the Marshall plan was authorized by statute. The Congress defined the scope of its powers and its authorities and built a public record of 7 weeks of hearings outlining its objectives and responsibilities. President Truman not only appointed a member of the opposition party, Republican businessman Paul G. Hoffman, to head that organization, but his appointment was subject to confirmation by the Senate. The Senate Foreign Affairs Committee had the opportunity to hold hearings and to ask questions about potential conflicts of interest to determine his qualifications.

On the other hand, the Coalition Provisional Authority and its Administrator can claim none of that.

The Congress has not sanctioned it by law. The Senate has not given its consent to the Administrator chosen to lead it. There is no public record detailing the potential conflicts of interest that may be pertinent to the Administrator's responsibility in administering the reconstruction of Iraq. Once the Congress appropriates its budget, the Administrator of the CPA could very well just begin to decline invitations to testify before the Congress, at least until he needs more money. It could further shield its actions from the public. With so little in statute tying the Congress to the CPA, the Congress needs to assert its authority to ensure that the CPA's Administrator will be held accountable to the Congress and to the American people.

While many Members of Congress may feel comfortable with the decisionmakers in the current administration, there will come a time when a new administration will take office, either Democrat or Republican, when Members of Congress may disagree with the administration officials wielding this power. We need to look beyond the party label of the current administration. We need to take a longer term view of accountability.

The Republican-controlled House of Representatives has taken that longer term view. The Senate would be wise to follow the lead of the House of Representatives. So I have an amendment that would, effective March 1, 2004, prohibit the Coalition Provisional Authority from using funds appropriated until its Administrator is appointed by the President, by and with the advice and consent of the Senate. In that way, the Congress will have a mechanism to make sure these funds are spent wisely and there be accountability of their expenditure to better protect our troops and ensure their quick return home.

In proposing its $87 billion supplemental request for Iraq, the administration has urged the Congress not to walk away from our troops. The irony is that in handing this money over to administration officials who are not accountable to the American people or their representatives in the Congress, that is exactly what we would be doing. We would be throwing our hands in the air telling the administration to fix the problem themselves; the Congress will give you more money later when you need it. That is not the way the House of Representatives sees it.

The Congress has more of a responsibility than that. We owe it to the troops to be more meticulous about how Iraqi reconstruction dollars are being spent. We owe it to the troops to ask questions and to ensure that the CPA is making decisions in their best interest. So I urge Senators not to turn away from the troops. The Senate should follow the lead of the House of Representatives and ensure accountability for how taxpayer dollars are spent. I urge the adoption of the amendment which I shall offer.

Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may offer an amendment.

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

Mr. BYRD. I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1969:

At the appropriate place, add the following:

Sec. . (a) None of the funds made available by this Act or any other Act may be used by the Coalition Provisional Authority (CPA) unless the Administrator of the Coalition Provisional Authority is an officer of the United States Government appointed by the President by and with the advice and consent of the Senate.

(b) This provision shall be effective March 1, 2004.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Byrd amendment, which I believe is the pending amendment, be temporarily laid aside.

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

AMENDMENT NO. 1970

Mr. MCCONNELL. 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 Kentucky [Mr. MCCONNELL], for himself and Mr. LEAHY, and Mr. MCCAIN, proposes an amendment numbered 1970.

Mr. MCCONNELL. 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 express the sense of the Senate on Burma)

On page 111, after line 12, insert the following:

(c) It is the sense of the Senate that the United Nations Security Council should debate and consider sanctions against Burma as a result of the threat to regional stability and peace posed by the repressive and illegitimate rule of the State Peace and Development Council.

Mr. MCCONNELL. Mr. President, my amendment is rather straightforward. It relates to the current regime in Burma. It simply states that it is the sense of the Senate that the United Nations Security Council should consider sanctions against Burma as a result of the threat to regional stability and peace posed by the repressive and illegitimate rule of the State Peace and Development Council; that is, the military junta that has ruled Burma for the last few decades.

While the United Nations Secretary General and his special envoy to Burma have publicly raised the struggle for freedom in that country, the Security Council itself has not considered the matter, which it should do at the earliest opportunity. The facts are self-evident. Under the SPDC, Burma poses a clear and present danger to itself and to its neighbors. Narcotics, HIV/AIDS, and refugees fleeing gross human rights abuses spill over Burma's borders and create humanitarian and security crises in Thailand, India, and China.

The Secretary General and his special envoy should understand that actions—not words—are required to free Burmese democracy leader Aung San Suu Kyi and all her compatriots who remain oppressed and imprisoned in Rangoon.

While I appreciate the President and the Secretary of State raising the issue of democracy in Burma with Thai Prime Minister Thaksin Sinawatra, I am afraid the message of freedom has again fallen on deaf ears.

As a democratic nation and an ally of the United States, Thailand has a particular obligation to support democracy and justice in Burma. Many of us in Washington are gravely concerned that Thailand inexplicably seems to rush to the defense of the SPDC at every single opportunity, deflating pressure even before it can be effectively applied.

Frankly, I expect—and the community of democracies should demand—the Thai Prime Minister to be more proactive in supporting Suu Kyi and

the National League for Democracy, which I recall for my colleagues was overwhelmingly elected back in 1990 but never allowed to take power.

The comments of the Prime Minister of Thailand, as reported in the press, say the United States does not understand the issue well. That is ridiculous.

I would suggest that the Prime Minister may be the one who is confused as to how best to bring about democratic change in Burma. The Thai policy of engagement with Rangoon has been a predictable complete and total failure—a total failure.

Prime Minister Thaksin should understand that under a democratic Burmese Government, cross border trade would comprise of legitimate goods and services—and not those illicitly purchased or prostituted in back allies of Bangkok.

China, too, would benefit immeasurably from a government in Burma that is rooted in freedom and the rule of law. HIV/AIDS and the narcotics trade are akin to cancers in the Middle Kingdom's underbelly. Under the SPDC's misrule, these malignancies have grown out of control into Burma and affect the neighboring countries.

As Beijing already knows, there is no denying the socioeconomic impact of these security threats. It is time for China to treat the disease and not only the symptoms.

I note that next week China and the European Union will be meeting to discuss issues pertaining to Burma, Iraq, and North Korea. The United States must use its diplomatic prowess to influence China and the EU and move these parties toward engagement with the SPDC that results in the immediate release of Suu Kyi and other political prisoners. Agreeing that Burma is a pariah state, but not acting accordingly, is simply not going to work.

So I commend Secretary Powell for tackling this issue with the ASEAN members during his recent visit to Thailand just a week or two ago. I encourage him and the entire State Department to continue to implement an aggressive and unrelenting full court press to secure freedom and justice for the people of Burma.

To be sure, ASEAN has a critical role to play in promoting freedom and justice in Burma. Now is not the time for Southeast Asian nations to bury their collective heads in the sand, or to make bizarre comments praising ''positive developments'' in Burma—where there have not been any positive developments—as ASEAN members did following the recent summit in Bali, Indonesia.

The unfortunate tendency of ASEAN members to ignore regional threats is precisely why the U.N. Security Council should consider discussing the threats to regional stability and peace posed by a repressive Burmese regime.

Let me close by saying that the only positive development would be if ASEAN members get with the program and implement sanctions against the SPDC. Who better to spur them into action than the United Nations?

So this amendment simply calls on the U.N. to do what it should have done a long time ago, which is to get involved in helping us bring about the needed regime change in Burma, to bring to power the duly elected government of the National League of Democracy headed by Aung San Suu Kyi, the 1991 Nobel Prize winner, who remains under house arrest, which is where she has been for most of the time for the last 15 years—15 years essentially under house arrest. It is time for the U.N. to get interested in this issue and to take action.

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

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

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

NOMINATION OF MICHAEL O. LEAVITT TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

The PRESIDING OFFICER. Under the previous order, the hour of 2 o'clock having arrived, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 shall be divided as follows: 1 hour 15 minutes under the control of the chairman of the committee, Mr. INHOFE or his designee; 2 hours and 15 minutes under the control of the ranking member, Mr. JEFFORDS, or his designee. The last 20 minutes are equally divided between the chairman and ranking member, with the final 10 minutes under the control of the chairman.

Who yields time?

Mr. JEFFORDS. Mr. President, I yield myself 10 minutes.

Mr. President, I rise today in support of Governor Mike Leavitt to be Administrator of the Environmental Protection Agency. I am supporting his confirmation because we need a leader at the Agency. The EPA needs to be represented during Cabinet meetings and be a strong advocate for a budget that will allow the agency to enforce the environmental protections our citizens deserve. I am very concerned about the morale of the employees at the Agency. They are dedicated to environmental protection. Yet the direction the administration has taken on protecting the environment is troubling.

The record of the Environmental Protection Agency under this administration is abysmal. We have watched this administration roll back environmental law and regulations day after day, week after week, and month after month. They have been dismantling our environmental law and the protections that our citizens have come to expect and, I believe, deserve from their Government.

This administration has allowed the sale of properties contaminated with PCBs, exposing our citizens to highly toxic chemicals. The administration has limited a State's decision for allowing offshore oil drilling on its own coastline. This administration has allowed the fund that pays for cleaning up abandoned toxic Superfund sites across this country to go bankrupt. This administration has omitted an entire section on climate change from a White House report on the state of the Nation's environment, despite convincing evidence to the contrary. This administration has decided not to classify carbon dioxide as a pollutant.

This administration has forced the Environmental Protection Agency to ''add reassuring statements and delete cautionary ones'' relating to air quality standards surrounding the Ground Zero site following the September 11 attacks.

This administration has proposed rules that would narrow the waters protected over the last 30 years under the Clean Water Act. This administration has allowed major polluters to avoid installing modern control equipment in the New Source Review rule, devastating years of progress under the Clean Air Act. This is a life-threatening decision.

Many of these decisions have been made with little input from the people who will be most affected by them and must implement them.

As ranking member of the Environment and Public Works Committee, I and other members of our committee have oversight responsibility for the Environmental Protection Agency. Yet I do not believe we can carry out that responsibility without the cooperation of the administration and I, for one, have not received that cooperation. I have made repeated requests of the EPA to provide information and have not received it.

For example, I have asked for the analysis of the effects that the New Source Review rules will have on the environmental and public health. I have not received it, and the EPA will not collect information to answer my questions. The lack of transparency in this administration's decisionmaking and lack of cooperation with Congress troubles me. This is particularly true in the case of the New Source Review. According to a new GAO report, it appears that administration officials have misled Congress and intentionally undermined ongoing enforcement cases. I am hopeful that Governor Leavitt will have much more luck than Governor Whitman did with the White House. EPA needs to be an independent

agency, as Congress and President Nixon intended. It cannot be a rubber stamp for the polluters' lobbyists and should not be a political lapdog for the White House.

I am hopeful Governor Leavitt can make an improvement in White House environmental policies because I find it terribly hard to believe that the President would want to continue diminishing his father's environmental legacy.

However, it is not an auspicious sign that the Senate takes up the Governor's nomination on the very day that the Bush administration has formally committed the single greatest rollback on clean air since there has been a Federal Clean Air Act. I am referring to the final NSR rule being published today that allows the dirtiest, oldest powerplants to continue polluting forever. This is a life-and-death matter, a serious health matter.

I hope against hope that by supporting Governor Leavitt we might bring some accountability and rationality to this White House, and he can improve its environmental record. But more and more, I think an election will be necessary before we can see real and positive change on the environment at 1600 Pennsylvania Avenue.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The distinguished Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I yield myself 10 minutes.

I rise today to speak about an important vote that will take place a little less than 4 hours from now. At 5:30 this evening, the Members of this body will have an opportunity to invoke cloture on the nomination of Governor Mike Leavitt to become the new Administrator of the Environmental Protection Agency and to end the months of delay and Presidential politics that have marred his nomination.

Tonight's vote is more than a mere procedural formality. It is more than a simple motion. It is a vote about leadership and the health of our natural surroundings. It is a vote that will show the American people we are serious about protecting the environment, about providing the much-needed leadership the EPA has been missing since the departure of the former Administrator.

Every ship needs a captain. Every plane needs a pilot. As elected officials representing the greatest people in the greatest Nation, we must provide that captain, that pilot for our Nation's chief environmental department. We can begin by voting tonight to invoke cloture. The politics of delay must end tonight. President Bush has nominated a very worthy candidate to take the helm at the Environmental Protection Agency.

I have learned that experience makes a difference. Perhaps no other qualification that Governor Leavitt possesses is as important to me as his experience in the real world. As president and chief executive officer of the Leavitt Group, he has paid taxes and made payroll. Through his business experience, he learned the impact of government regulations on commerce and industry. Moving beyond his time as a private entrepreneur and into the realm of public service, Governor Leavitt is the country's longest serving Governor and has a long history of experience and accomplishments that make him eminently qualified for the position of Administrator. The confirmation of the Administrator must be a top priority for all who care about the environment.

I challenge my colleagues to focus on the achievements of our national environmental policy and not on penalties and politics. We cannot ignore the fact that the air we breathe today is cleaner than it was 4 years ago and that the water our children drink is more safe today than ever before. But there is a danger lurking in the formulation and implementation of our national environmental policy. Extremist measures that impose strict mandates and demand compliance through arbitrary means and unclear science could undermine the very institutes of our democracy and of our market economy.

Governor Leavitt knows that our system of environmental regulations, environmental mandates and administrative and judicial rulings, work together to protect our most precious resources, and have helped spur environmental recovery in many areas. But he is also aware that these same layers of laws have also created tremendous burdens for municipalities, businesses and the ongoing development and maintenance of our public infrastructure.

The evolution of environmental rules and regulations that control so many aspects of life must be realistic goals that are established through a course of open deliberation and sound science. The impact EPA has on individual lives is real, not fictitious. New laws and enforcement decisions cannot be taken lightly.

I am pleased that President Bush's approach has been one of reform—changing command-and-control mandates to innovative, market-based approaches that utilize cutting edge technology to bolster environmental benefits. I know that this type of strong, principled leadership will continue into the future. We must not simply wipe the slate clean and sweep away basic environmental rules, but we can—we must—develop an environmental agenda that protects private property rights while balancing environmental achievement with the need for continued economic progress.

Governor Leavitt is the one person who has the intellect, the courage, and the right philosophical temperament to get this job done. Governor Leavitt hails from the western United States. Perhaps no other geographic region in the country has felt the heavy hand of environmental regulation more than the public land States of the West—be it in the form of forthcoming EPA mercury standards or the Department of the Interior's Endangered Species Act.

Many Members of this body do not understand the impact that Federal land ownership has on a State and on its people, and that includes the much publicized battle over RS 2477. At some point today, I have no doubt that opponents may try to attack the Governor on his approach to solving this long standing Federal land issue. As a fellow westerner whose State is also affected by the dispute, I want to clear up the scare tactics and half-truths used by the extremist groups in an attempt to undermine the nominee's credibility.

Governor Leavitt has never been involved in secret deals and behind-closed-doors shenanigans to destroy public lands. Instead, Governor Leavitt believes the public is best served through negotiation rather than litigation. His actions to resolve a 30-year dispute over ownership rights of rural county roads resulted in the enactment of a reliable mechanism that will preserve and promote the interests of the public. This is just plain common sense.

Governor Leavitt understands the complicated web of environmental rules and the impact that they have on health and property. As a Governor, he has worked hard to increase the well-being of the people in his State, and he has worked diligently to improve the state of the environment. Governor Leavitt understands the fundamental need to protect the environment from irresponsible actors. Just as important, though, he understands the need to protect the environment through policies and programs that generate results and that create incentives to improve land, water and air quality, not just penalties and fines. He knows that heavy-handed action is not nearly as important as the results that can be achieved through cooperation and collaboration.

The development of such enlibra principles has received a bipartisan endorsement from the National Governor's Association and deserves a great deal of attention. Governor Leavitt, along with the Governor of Oregon, was one of the pioneers of a concept that they dubbed enlibra. This concept, derived from Latin root words and meaning ''to move toward balance,'' promotes the type of balanced environmental stewardship that I have been talking about and includes eight principles that help on this course. Governor Leavitt has done a great deal to clean up both the air and water and to protect thousands of acres of premier public lands in the State of Utah.

In just one example of how he has worked for cleaner air, Governor Leavitt is a co-chair of the Western Regional Air Partnership, also known as WRAP. WRAP is a partnership of 13 States, 13 tribes and 3 Federal agencies. This organization worked to formulate a regulatory commitment to reduce SO_x levels by 50–70 percent by

the year 2040. But, they didn't just formulate regulations. They also put together a plan to help those affected by the regulations, providing guidance on how to reach these aggressive clean air goals. Under Governor Leavitt's leadership, Utah now meets all Federal air quality standards.

But its not just the air that is improved. Seventy-three percent of Utah's streams currently meet Federal water quality standards, compared to 59 percent 10 years ago. This is a remarkable improvement since Governor Leavitt took office.

In what undoubtedly will be a common theme today as other members come to the floor to show their support for Governor Leavitt, I would like to point out that our Nation lives today in a cleaner, healthier environment, far more clean than it was when President Bush first took office. In the last 30 years, water quality has improved and emissions of the six principal air pollutants have been cut 48 percent. This progress comes even as the country has experienced a 164 percent increase in gross domestic product, a 42 percent increase in energy consumption, and a 155 percent increase in vehicle miles traveled. This improvement has occurred over the course of 34 years, 22 of which came under the leadership of Republican administrations.

The environment is not a partisan issue. Success comes through partnership and the desire to take the responsible, common-sense action. As mentioned, the most recent EPA data shows that sulfur dioxide emissions from power plants were 10.2 million tons in 2002, 9 percent lower than in 2000 and 41 percent lower than 1980. NO_x emissions from power plants are also lower, measuring 4.5 million tons in 2002. This is a 13 percent reduction from 2000 and a 33 percent decline from 1990 emissions levels. In Colorado, the Bush administration's efforts to clean-up the Shattuck, Vasquez Boulevard and Rocky Flats sites deserve many thanks. The administration continues to prove its commitment to the people of Colorado through responsible stewardship and active protection.

Governor Leavitt's accomplishments are not just in the environmental field, however. His environmental principles are getting the most attention and, given the current debate, rightfully so. However, I believe that Governor Leavitt has had other accomplishments in the State of Utah that I believe speak to the kind of person and leader that he is. In the area of education, funding for public education has increased by $762 million in 10 years between fiscal years 1994 and 2004. The number of teachers in the classrooms has increased, teacher pay has increased, student-to-teacher ratios have decreased and, perhaps at least in part to the three previous factors, teacher retention has increased. Student SAT scores, and student scores on other national tests, have also increased steadily. Initiatives introduced or promoted by Governor Leavitt have increased the number of school options as well. Students wanting to attend Utah public schools now have more options, such as: charter schools, high-tech schools and an electronic high school, to enable them to find the educational method that fits them best.

Utah schools are also second in the Nation in Internet accessibility. Thanks to an initiative called Technology 2000, 99% of Utah's schools have access to the Internet.

Higher education funding has also increased. Again, between fiscal years 1994 and 2004, higher ed funding increased slightly over 73%, a total of $379 million. Student enrollment has increased, as has the enrollment of students in engineering, math and computer sciences.

Numerous plans to improve the lives and health of families and children have been implemented. Between the years of 1992 and 2001, immunization rates rose by 73 recent, teen smoking rates fell by 32 percent, and teen pregnancy rates fell by 33 percent.

Under HealthPrint, a Leavitt plan to increase the number of State residents who are covered by insurance, the numbers of insured persons increased by 404,000. Of these 72,000 were children. Governor Leavitt was also a leader in the push to get us here in Congress to authorize the Children's Health Insurance plan, or CHIP. The numbers of children covered by CHIP in Utah continue to rise.

These remarkable achievements could only have been accomplished by someone who is thoughtful and deliberative, someone who is able to consider all relevant information and make the decision that will be best for the greatest number of people. The strong mark of success the Governor has built in Utah over the past 11 years bodes well for his success at the helm of EPA—an agency that employs 18,000 people across the country and an agency that needs a leader like Leavitt. The commitment President Bush has made to improving the environment is strong, clear and unquestionable. Mr. Leavitt will ably serve the people of the United States as he fulfills his oath to meet these goals.

I look forward to this evening's vote and to the confirmation of Governor Leavitt. Let's end this hold-up and do just that.

Mr. President, this nomination should move ahead, and I ask my colleagues to join me in voting for cloture.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. ALLARD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum call be divided proportionally between the two sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. 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. ALLARD. Mr. President, I yield 10 minutes to Senator BENNETT.

The PRESIDING OFFICER. The distinguished Senator from Utah is recognized.

Mr. BENNETT. Mr. President, thank you.

I thank the Senator from Colorado for the opportunity to speak about Utah's Governor. In a way, I hope he will soon not be Utah's Governor because he has been nominated by the President to be the head of the EPA. On the other hand, we will be sorry to lose him as Utah's Governor because he has done a truly outstanding job. Many of his qualifications have already been discussed here. As I did in the hearing, I would like to speak of him a little bit personally so Members of the Senate can get an understanding of who he is and what qualifications he brings to this particular assignment.

Governor Leavitt and I first became well acquainted when we served together on a strategic planning group formulated to come up with a plan for the Utah State Board of Education. At the time, we were both considerably younger. He particularly looked quite young. He has the advantage of looking younger than he really is. As the Presiding Officer can relate, those of us who are bald look like we are 60 regardless of how old we may be. That is a disadvantage when you are 30 or 40. It becomes an advantage when you get beyond 60 because people think you are younger. Governor Leavitt, with a full head of hair, struck me as, frankly, quite a young man when we first got acquainted. I thought, What is somebody so young and, by implication, inexperienced doing on this particular committee? As soon as he opened his mouth and we started having a conversation, it became very clear what he was doing on that committee; he was very bright; he was extremely well informed; he had many exciting ideas about what ought to be done with respect to Utah's schools and Utah's education.

I derived a great sense of respect for him in that situation and said to people: This is a young man who has a great future. This is a young man who will be doing important things for the State.

Then he showed up in my office one day and said he wanted to talk to me. When I asked why, he said, Well, I am planning to run for Governor and I am here to get your support. I said, Well, I am not going to be able to give you my support for Governor because I am planning to run for the Senate, and it is appropriate that I not endorse any candidate for Governor and I understand it is appropriate that you not endorse any candidate for the Senate. But we began our campaigns together in 1992 and went through the gauntlet

of conventions and primaries that is part of the Utah political scene.

I watched him in that situation. I watched him grow. I watched him flourish. I watched him get engaged in the battle of ideas and emerge from a second-place position to the first-place position where he won the nomination, became the candidate, and then in a three-way race for Governor won the governorship.

He started out with those same kinds of ideas and energy and excitement I had seen when we were talking about school issues some years before. He has been very inventive as Governor. He has come up with ideas that, frankly, a lot of people scoffed at that have come to fruition. He is the driving force, for example, behind the creation of the Western Governors University—a virtual university on line where people can and now have received degrees and graduate degrees that have allowed them to improve their economic standing and their professional standing. Not only has he brought the Western Governors University from an idea to fruition in a very short period of time, but he has also seen to it that the caliber of the material offered by the Western Governors University is of sufficiently high status that it is now fully accredited. A degree from the Western Governors University carries the same accreditation as a degree from the University of Utah or the University of Kansas or, for that matter, the private universities such as Harvard, Yale, Stanford, whatever. This is the brainchild and the product of the energy of Michael Leavitt—an idea of taking something that is new in the field and turning it into a final product.

I cite that because I think what we need at the Environmental Protection Agency is someone who has some creative ideas and the drive to try something new and see it through to fruition. That is Michael Leavitt. He is the perfect person for this kind of assignment.

I talked to him when the newspapers first broke the idea that he might receive this position and said, Should I call the White House on your behalf and weigh in to say I think you would be good for this job? He said, No, don't bother. He said, They have talked to me about it and I have told them I don't have any interest. I said, Why don't you have any interest? I was thinking that was probably a good idea on his part, given the difficulties of this position. He suggested the reason he didn't have any interest was because it seemed to him people were looking for a business-as-usual administrator of the EPA, someone who would continue to go through the motions of previous administrators who went through the motions of the administrators who preceded them. No. He said, I told them if you are thinking about doing something else and breaking some new ground, then call me back. But if all you want to do is what you have been doing, I don't have any interest.

That is a very dangerous thing for a nominee to say because it leaves the door open for them to come back after you have refused the position. Obviously, the folks in the White House—particularly the President himself—decided they liked the idea of someone who would attempt to do something a little differently. They liked the idea of someone who would try to break new ground, who would use the experience he had had in breaking new ground in State government to see if there could be some changes for the better at the EPA.

The President himself got hold of Michael Leavitt. It wasn't just someone in the personnel office. These two who had served together as Governors sat down and talked about it. I am not privy to that conversation, but I am sure Governor Leavitt made the same kind of pitch he described to me. If all you want, Mr. President, is business as usual at EPA, I am not your man. But if you are interested in breaking some new ground and doing things a little differently, then I might consider it.

I am assuming that was the conversation which took place between the former Governor of Texas and the then existing Governor of the State of Utah. Whatever the conversation, Michael Leavitt has agreed to take on this assignment.

I have talked to him since he made that agreement. I am delighted with his attitude. He is excited about it. He is determined to view it as a challenge, he is determined to view it as an opportunity, and he is determined to go at it with the same vigor and with the same enthusiasm he went at his new assignment as Governor of the State of Utah.

I can think of no better set of qualifications for someone to have in tackling the position at EPA than the background Governor Leavitt has and the attitude and sense of challenge he possesses. For that reason, I was delighted the EPA committee reported this nomination by a 16–2 margin, indicating that even though there are people who had serious reservations about the past performance of EPA, they were willing to give Governor Leavitt a chance to show us what will happen with respect to the future.

I urge all of my colleagues in the Senate to recognize the background, the enthusiasm, and the attitude this particular nominee has. It would be a great shame if we were to allow this nomination to be derailed because of people's concern about previous administrations at EPA. This nomination, as with all appointments, has to do not so much with the past as with the future.

This nomination has to do with the job Michael Leavitt can do, not with the job that some other Administrator may have done. So I am very hopeful that in this Chamber we will invoke cloture, we will shut off debate and allow Michael Leavitt to have a vote.

If he has a straight up-or-down vote, I think we will see much the same kind of margin we saw in committee with the 16-to-2 vote in favor of reporting him to the Senate. I am hoping for a 70- to 80-, even 90–Member positive vote in the Chamber to give this young man from Utah an opportunity to show the country what he can do in this position.

The people from Utah have seen what he can do. He has maintained an approval rating 70 to 80 percent normally through his entire period of time as our Governor. I believe he can do the same kind of thing for the country.

I urge all of my colleagues to vote for cloture, and then, when it is invoked, to vote for Michael Leavitt.

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

The PRESIDING OFFICER (Mrs. DOLE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Madam President, in looking around, I do not see any other speakers, so I would like to be recognized for whatever time I shall consume.

The PRESIDING OFFICER. The Senator has that right.

Mr. INHOFE. First, Madam President, I do rise in strong support—strong support—of Mike Leavitt to be confirmed as Administrator of the EPA. I think this vote is long overdue. But for those who have watched this nomination closely, we have seen a spectacle that does not reflect favorably on this institution.

Governor Michael Leavitt is a kind, courteous, and decent person. Everyone who knows him loves him. Very rarely do you see that in politicians—other than the Presiding Officer, of course. But everyone seems to love Mike Leavitt. He is that kind of a person. Yet from day one his nomination has been delayed and obstructed by partisanship and Presidential politics.

I watched this play out with real disappointment because the process surrounding these nominations has never succumbed to such pressures. Today, we are going to move beyond this obstacle and show to the American people what everyone in this debate well knows; that is, Governor Leavitt enjoys overwhelming support from both Democrats and Republicans.

This process, which has dragged on now for over 50 days, has been somewhat perplexing to me because my colleagues on the other side of the aisle have nothing but the highest praise for Governor Leavitt.

The other day my good friend, Senator JEFFORDS, the ranking member on this committee, said:

> First of all, it has nothing to do with the qualifications of Mr. Leavitt. I will vote for him and I am hopeful that at the same point I will be able to do so. I look forward to that. I consider him a friend. I have worked with him in the past on matters of education. The issues are not related to his qualifications.

I say to my good friend from Vermont, I appreciate that testament very much.

Senator BEN NELSON, a Democrat Senator from Nebraska, who is a former Governor who served with Mike Leavitt, wrote a strong letter of support for Governor Leavitt. He said in his letter:

But beyond his record of achievement for the citizens of Utah, I have also found Governor Leavitt to be easy to work with, open to new ideas, and willing to make sensible compromises to reach shared goals. I believe nearly everyone—if not everyone—with whom Governor Leavitt [has] worked in the NGA [National Governors Association] would state they had a favorable impression of him. As we know all too well, such a record is important for any federal position, but particularly one such as this, where there needs to be much coordination with our State governments. . . .

Still quoting Democrat Senator BEN NELSON:

I wholeheartedly support Mike Leavitt's nomination to serve as EPA Administrator. He is eminently qualified for the position; but even more than that, he has both the personality and the desire to be successful at the job.

As the preceding quotes show, those who have worked with Governor Leavitt hold him in the highest regard. Those who have seen his dedication and commitment to solving environmental problems all support him.

Last week my committee received a letter from Governor Bill Richardson, with whom I used to serve over in the House, the Governor of New Mexico—another Democrat Governor. This is what he said about Governor Leavitt:

He has worked effectively with other Governors regardless of party. Obviously the same willingness and ability to work collaboratively with other elected and appointed environmental officials is crucial to the effectiveness of any EPA Administrator.

Mike Leavitt is a consensus builder and can bring people together.

Again, these are things that Democrats say about him. Many have heard me recount the details of Governor Leavitt's long distinguished career in public service, but considering the circumstances, I think they are worth recounting again. His resume is absolutely stellar. He was the chairman of the National Governors Association, the Republican Governors Association, the Western Governors Association. His record on environmental accomplishment reflects his experience. Just look at the facts:

Utah meets all Federal air quality requirements. That is very rare. Utah meets all Federal air quality requirements. This was not true when Governor Leavitt was first elected. Visibility in the West has improved dramatically, largely as a result of Governor Leavitt's service as cochairman of the Western Regional Air Partnership and vice chairman of the Grand Canyon Visibility Transport Commission. The Commission has made over 70 recommendations, improving visibility at 16 national parks and wilderness areas in the Colorado plateau.

During his 11-year tenure, Governor Leavitt made great strides in improving Utah's water. The State's watersheds are now among the cleanest in the Nation. Thirty-seven percent of Utah's streams currently meet Federal water quality standards compared to 59 percent 10 years ago, a 24-percent improvement since Governor Leavitt took office 11 years ago. Currently, 60 percent of the Nation's streams meet this standard.

I return briefly to the process behind this nomination, because I hope we won't repeat it at any time in the future since it was unprecedented. Let there be no question that Governor Leavitt was subjected to a double standard. First, prior to Governor Leavitt's hearing, the minority demanded that Governor Leavitt answer nearly 100 prehearing questions. That was unprecedented.

Second, prior to his markup, committee Democrats submitted nearly 400 questions to Governor Leavitt. The Democrats submitted nearly 400 questions to Governor Leavitt. The volume, again, is unprecedented.

Let's compare this to the nomination of Carol Browner. In 1993, she received a mere 67 questions from Republicans. Even Governor Christie Whitman, in 2001, received approximately only 100 questions from the Democrats. Let's look at how long it took to approve previous nominees to head the EPA. In 1989, the first President Bush nominated William Reilly. The Senate received his nomination on January 20. The EPW Committee, the committee I chair, had a hearing on January 31 and then reported him to the floor on February 2, the same day he was confirmed by the Senate. All told, the nomination took just 13 days.

How about Carol Browner? The Senate received her nomination January 20. The EPW Committee actually had a hearing for Ms. Browner on January 11, 9 days before she was officially nominated. She was reported out by the EPW Committee on January 19, 8 days after the hearing. She was confirmed by the Senate on January 21. From the time of her hearing to the day she was confirmed, just 10 days.

Governor Whitman faced a similar path. She was confirmed by the Senate just 13 days after nomination. Let's repeat that: Bill Reilly was 13 days; Carol Browner, 10 days; Whitman, 13 days. Governor Leavitt has now waited 55 days. Some on the other side argue that comparisons of timing with previous nominees is unfair. In their view those nominations were made at the beginning of a new administration, so there is no environmental record to judge. I find this very interesting.

Here the other side is essentially admitting that the nomination is about President Bush, not about Mike Leavitt because they are talking about President Bush's record. I think that is very unfair. It has nothing to do with Mike Leavitt. For weeks we have heard nothing about Governor Leavitt and everything about President Bush. We have heard that under President Bush the air is dirtier, more kids are suffering from asthma attacks, respiratory diseases; precious lakes, rivers, streams, and forests are more polluted, and big oil's campaign contributions are corrupting national environmental policy.

Nothing could be further from the truth. It is all false, empty rhetoric extremist groups use to raise money. They conveniently ignore the fact that President Bush has proposed the most aggressive Presidential initiatives to reduce pollutants, a 70-percent reduction. No President in history has proposed such a thing. They ignore the fact that he introduced the landmark brownfields legislation which my friend from Vermont and I were very active in getting through. They ignore that according to EPA, air quality has improved since President Bush took office.

Let me mention a couple other things since it seems to be that we have President Bush's record in front of us as opposed to Governor Leavitt. First, there couldn't be a better record of any President than the current President Bush.

Greg Easterbrook, senior editor for the very liberal New Republic magazine, not a Republican, writing for a liberal publication, writes that ''most of the charges made against the White House are baloney,'' made for ''purposes of partisan political bashing and fund-raising.'' He also contends that ''Environmental lobbies raise money better in an atmosphere of panic, and so they are exaggerating the case against Bush.'' In his view, President Bush's new rules for diesel engines and diesel fuel ''should lead to the biggest pollution reduction since the 1991 Clean Air Act amendment.'' Air pollution, he writes, continues to decline under President Bush.

That is not a conservative Republican talking. That is not anyone connected with this administration. That is the other side that is normally critical of Republicans and conservatives.

I am very familiar with the Clear Skies Act. I am anxious to get the act before the Senate and hopefully Congress will consider it, too. That is a 70-percent reduction in sulfur dioxide and nitrogen oxides and mercury. It represents the largest pollution reduction initiative ever proposed by any American President.

Clear Skies uses a cap and trade system. This limits the total amount of emissions from the utility industry and allows them to determine how to achieve these reductions. The bill thus far has been held up by environmental extremists who are playing politics with the issue of CO_2. It is unfortunate because this bill will provide immediate health benefits to the American people and reduce acid rain.

Air quality has improved immensely over the last 30 years and has continued since the Bush administration took

office. Clear Skies will continue that trend.

Cleaner fields and engines: This administration is a consistent advocate of tougher controls on harmful air pollution caused by diesel engines. The diesel rule, a rule requiring new heavy duty trucks and buses to run cleaner, will cut harmful pollutions by 95 percent. When fully implemented, the controls proposed in the rule will reduce 2.6 million tons of smog-causing nitrogen oxide emissions each year, and soot or particulate matter will be reduced by 110,000 tons a year.

Diesel retrofit is a voluntary partnership program with State, local, and industry to reduce mobile source emissions by retrofitting diesel engines. Commitments made to retrofit over 130,000 diesel engines in trucks, buses, locomotives, and construction equipment will eliminate more than 200,000 tons of harmful pollution from the air.

The Clean School Bus Act USA: This new program highlights the Bush administration's commitment to reducing environmental health risks to kids. The program ensures that by 2010, every public school bus in America will be cleaner by encouraging the installation of effective emissions control systems on buses, replacing older buses with newer ones and eliminating unnecessary school bus idling. With community, industry and school district commitments, the program would deliver approximately 150,000 retrofit vehicles in more than 20 school bus programs.

Cutting emissions from nonroad, heavy-duty vehicles: This is construction, agricultural equipment, and industrial equipment. On April 5 of 2003, the EPA, under President Bush, issued a proposed rule that will result in dramatic pollution reductions from nonroad, heavy-duty diesel engines.

The nonroad program will prevent over 9,600 premature deaths, 8,300 hospitalizations, 16,000 heart attacks, 5,700 children's asthma-related emergency room visits, 260,000 respiratory problems in children, and nearly a million workdays due to illnesses.

Cleaner air through smart enforcement: The EPA and the Department of Justice recently settled environmental cases by using smart enforcement and compliance tools to address the most significant problems and achieve the best environmental results. Settlements included: Virginia Electric Power Company, they will spend $1.2 billion to reduce air pollutants, along with $13.9 million to offset the impact of past pollution activities.

The settlement with Archer Daniel Midland, which had quite a bit of public attention, will mean installing and implementing sweeping environmental improvements at their plants nationwide, totaling an estimated $335 million. Also, Archer Daniel Midland will spend $6.3 million on supplemental environmental projects, including retrofitting diesel school buses.

The ALCOA settlement commits them to installing pollution controls and will provide $2.5 million to fund environmental projects, including $1.75 million to the Trust for Public Lands.

Lion Oil Company will spend more than $21.5 million to install state-of-the-art pollution control technologies throughout its refinery. Additionally, the company will pay $348,000 in civil penalties and spend more than $450,000 on supplemental environmental projects.

It goes on and on.

These settlements that took place under the enforcement policies of President Bush far exceed those under the Clinton administration, in both numbers of settlements and the amount of money involved.

On the budget, the President's fiscal year 2004 budget proposal continues significant funding for cleaner air:

$617 million to improve air quality by meeting national ambient air quality standards, reducing air toxics, and acid rain—up $2 million from last year;

$326 million for the Coal Research Initiative on cleaner coal technologies, including $150 million for the President's clean coal power initiative. These funds will support public-private partnerships to research efficient clean coal technologies, which we need and can have and must have to keep America machine ready;

$7 million in new EPA funding for States to conduct air toxics monitoring;

$7.2 billion for mass transit, up $479 million from the previous year.

They are all up from the Clinton administration. People say President Bush doesn't have an environmental administration. Nothing could be further from the truth.

Federal energy score cards: Agencies documented their progress in meeting the various requirements on score cards submitted by the Office of Management and Budget in January 2002. The most relevant findings include: In fiscal year 2001, 10 agencies purchased 632 gigawatt-hours of electricity generated from renewable resources—that is what they are always talking about—which is more than 3 times the amount reported in fiscal year 2000.

In other words, the renewable resources reported by this administration are 3 times the last year of the Clinton administration.

Eleven agencies implemented renewable energy projects during fiscal year 2001, including 60 solar projects, 7 wind projects, and 9 geothermal projects.

In fiscal year 2001, agencies invested more than $130 million of direct expenditures in energy efficiency.

The President's fiscal year 2003 budget proposal continues significant funding for cleaner energy: $7.1 billion in tax incentives over 10 years for investments in energy-efficiency and renewable energy sources, including more than $3 billion for consumers to purchase hybrid and fuel cell vehicles.

A lot of criticism has come to this President, but he will push the fuel cell program because he has a commitment to it.

One hundred fifty million dollars is in the budget for a FreedomCAR research initiative, a new Department of Energy partnership with automakers and researchers, with a long-term vision of hydrogen-powered fuel cell vehicles; $1 million for the Department of Transportation to improve fuel economy standards.

That is $940,000 more than under the Clinton administration.

Cleaner water, protecting water supplies: In response to the terrorist acts of September 11, the Bush administration continues to work with States and local communities to protect America's 168,000 public drinking water systems and 16,000 public waste water systems from terrorist attacks.

You know, in the committee that I chair, Environment and Public Works Committee, we have passed out the nuclear security bill and waste water security, and last Thursday the Chemical Security Act. They will be coming to the floor and they will become a reality.

Under the President's leadership, we are doing our job. We can single out one thing the President has done that nobody else has been able to do, which is in the area of brownfields.

Fulfilling a campaign pledge, President Bush worked with us to enact historic, bipartisan brownfields reform legislation, which he signed on January 11, 2002.

The Small Business Liability Relief and Brownfields Revitalization Act enacted vital reforms that had been widely sought for years, giving States and local governments greater flexibility and resources to turn environmental eyesores into productive community assets. It reformed important elements of the law that had discouraged private investment in cleaning up and redeveloping brownfields.

You have brownfields in every American city. They are in the process of being cleaned up now, thanks to the policy of this President.

This legislation will significantly increase the pace of brownfields cleanups. President Bush's fiscal year 2004 budget proposal provides $210.7 million—more than twice the level of funding prior to the passage of this legislation—in support of the brownfields program, $180 million of which is for grants for States, tribes, local communities for cleanup, site assessments, and revolving loan funds.

The U.S. Conference of Mayors, the Trust for Public Land, and others endorsed the administration's brownfields proposal. In fiscal year 2003, the brownfields program has solicited grant applications and is in the process of reviewing more than 1,300 responses. The agency plans to reward these grants by the fall of 2003.

Again, nothing in the previous administration—the Clinton administration—even addressed brownfields. It was all done by this President.

Madam President, it goes on and on. I think the environmental enforcement record has been unprecedented.

The environmental extremists tie enforcement success to the amounts of funds collected, legal actions initiated, and enforcement office staffing positions, and cite a reduction of fines collected, a 40-percent drop in criminal prosecutions, a 25-percent drop in civil cases, and a reduction in enforcement office staff.

The success of the Bush environmental enforcement record can be measured in both the amounts collected in civil penalties and a number of criminal judgments, but also, and more importantly, in smart enforcement achieving actual environmental results through enforcement efforts focusing on significant noncompliers.

The fiscal year 2004 budget request includes $503 million for the EPA enforcement office. This is the largest amount ever requested for environment enforcement, and $21 million more funding than fiscal year 2003.

The EPA's 2004 budget proposes an additional 100 positions in the enforcement program above the administration's 2003 request.

So you can see that none of these accusations are true. It reminds me so much of what Hitler did prior to World War II—called the big lie. If you tell a lie and say it with conviction over and over again, sooner or later people will believe it. I think that is what has been happening.

Smart enforcement: Overall, in the last two fiscal years, EPA and the Department of Justice enforcement has obtained $8 billion in environmental remediation, state-of-the-art controls, and safeguards through enforcement of existing laws. This is the best consecutive 2 years of enforcement of any prior administration on record, including the Clinton administration.

In fiscal 2002, the EPA Compliance Assistance Centers provided environmental technical assistance to more than 673,000 businesses and individuals to help them comply with environmental laws.

Fiscal year 2002 saw a 26-percent increase of company self-disclosures of possible environmental violations.

From fiscal year 2000 to fiscal year 2001, the EPA and the Department of Justice enforcement nearly doubled the amount spent by violators on pollution controls and cleanups from $2.6 billion to $4.4 billion.

The POPS Program—persistent and organic pollutants—was an agreement the President was able to get. There are seven key types of pollutants under this program. The 12 chemicals in the POPS treaty, including DDT, PCBs, and dioxins, are some of the most persistent and dangerous chemicals ever manufactured. They are known to cause cancer, reproductive disorders, and immune system disruptions in both humans and wildlife. We nearly lost the bald eagle because of one of these chemicals. Because they are so mobile and accumulate in the food chain, absent international action, they will continue to be a risk to all.

This agreement will restrict and eliminate these chemicals, including DDT, PCBs, and dioxins, that are some of the most persistent and dangerous chemicals ever manufactured.

Again, President Bush announced his support for the Stockholm Convention on Persistent Organic Pollutants, and legislation has passed the committee. That was never addressed by any previous administration. That is just this administration. Environmental extremists and their liberal friends in the press have you believe this President does not have a good environmental record when he has the best record of any President in history. No President has ever been as good as George W. Bush.

Again, that should not even be a discussion right now, but due to the fact we have the nomination of Mike Leavitt coming up and they refuse to talk about his record and instead talk about the President's record, I thought it was necessary to tell the truth about that record.

It is also interesting, there are six holds—so people understand what we are talking about, a Senator can put a hold on a nomination to keep that person from being confirmed. Of the six holds, four of those people are running for President of the United States. That ought to tell you something about the political motivation.

Madam President, may I inquire as to the time remaining on this side?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. INHOFE. I was going to get into another subject, but I have been informed we have two or more speakers coming down who wish to use that 15 minutes. I was going to talk about what we are going to be dealing with this coming Wednesday—this hoax called global warming. I will not do that now, Madam 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. INHOFE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. INHOFE. Madam President, I would like to inquire as to our time remaining.

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. INHOFE. Madam President, I will yield our 8 minutes to the distinguished junior Senator from Texas, Senator CORNYN, but when Senator JEFFORDS comes in I am going to ask if we can borrow some of his time because we do have one more speaker.

For right now, if the Senator is prepared, I yield the remainder of our time to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I want to add a few words of my own to the debate about Governor Leavitt's nomination. I have here a chart that I think reflects my concerns about what we have seen happen with regard to the nomination of this highly qualified individual to be Administrator of the Environmental Protection Agency. It says:

Obstruction, it's not just for judges anymore.

I have the honor of serving on a number of committees in the Senate, one of which is the Judiciary Committee where, unfortunately, I have become somewhat accustomed to controversy and problems relating to unprecedented filibusters which have prevented an up-or-down vote when a bipartisan majority of the Senate actually stands ready to confirm President Bush's judicial nominees. So you can imagine my surprise and my consternation when, in fact, we have seen now the same sort of obstructionist tactics that have become, unfortunately, all too common in judicial nominations leak over into the deliberations of the Environment and Public Works Committee.

Sadly, rather than working with Governor Leavitt to ensure the EPA is doing all it can and should do to protect this Nation's environment, some in this Chamber have chosen this as an opportunity to score political points. They have turned to another good nominee as yet another proxy for personal and political battles. It is clear to me they seek to attack an extremely qualified and honorable man in order to score political points with various special interest groups.

Governor Leavitt's extensive experience and impressive environmental gains in his home State of Utah make him eminently qualified to serve. Indeed, when Governor Leavitt came before the Environment and Public Works Committee, many of my Democratic colleagues noted his qualifications. They said, for example, he was ''a person of principle.'' They held him in ''very high personal regard.'' They called him ''bright,'' and a ''hard worker,'' who is ''very good at building consensus'' and a ''man of integrity.''

Indeed, I agreed with those characterizations. But rather than treating Governor Leavitt as the qualified nominee he is, some on the other side of this aisle have seen fit to give his nomination no respect at all. The reality is obstructing Governor Leavitt's nomination only delays strong leadership where we need it dearly, and that is at the helm of the Environmental Protection Agency. Delaying a vote to confirm him only delays implementation of programs those of us who are in favor of a cleaner environment would like to see served. Unfortunately, many who claim to be pro-environment now find themselves in the very ironic position of being anti-environment, from the standpoint of opposing making sure the EPA has the kind of strong leadership it needs to navigate a very difficult job.

The truth is, political blackmail will not clean our rivers and our streams. Heated rhetoric will not improve our air quality. Jockeying for position during a Presidential primary at the expense of a nominee with a proven record will not protect our children from future environmental threats.

With the exception of greenhouse gases, all air pollutants have been declining for decades. I direct my comments now to the criticism that really seemed to go not so much to Governor Leavitt but at the administration, at the administration of President George W. Bush. In all of the attempts to try to discredit the President and the current administration on environmental issues, you might conclude—or someone who is perhaps not well informed might well conclude—pollution is running rampant in our country. In fact, the opposite is true. The truth, as I said, is, with the exception of greenhouse gases, all air pollutants that are tracked by the Environmental Protection Agency have declined dramatically over the past decades. They have declined under President Reagan. They declined under President George Herbert Walker Bush, and President Clinton, and they declined even more under President George W. Bush.

The EPA has done a study and found that thousands of monitoring stations across the country have shown a tremendous improvement in our environment over the last 20 years. Overall, aggregate emissions of the six principal air pollutants have declined by 48 percent since 1970, despite the fact that the American population has grown by 39 percent during that period.

Most people reading the newspaper and watching television could be excused if they had the impression that our environment was getting dirtier and dirtier, when the truth is it is getting cleaner and cleaner. Unfortunately, too many partisans have found it politically helpful to them to mischaracterize the facts.

Some critics have recently targeted the President's proposed reforms in the New Source Review concerning aging powerplants in the Midwest. But what they neglect to mention is emissions from these very same facilities have been declining at a steady rate, even as electricity production has increased. Emissions have declined by 40 percent since 1980. The old 1977 ideas behind New Source Review assume you get cleaner air if you impose tighter emissions regulations on newer plants rather than old ones. That kind of thinking might work with a car, because when cars get old, people replace them. But powerplants are different. Many old powerplants are still operating, and I believe we need to put common sense back into our environmental policies by reforming New Source Review rules. If your plant wants to reduce emissions and increase productivity, the Government should not stick you in the eye. It should pat you on the back. But it is not just air quality that has improved. All forms of water pollution have declined for decades as well.

In 1970, approximately one-third of lakes and rivers in the United States received the Clean Water Act definition of ''safe for fishing and swimming.'' Today, nearly two-thirds of lakes and rivers meet that standard.

Forested space has also been increasing in acreage—not declining—for more than a decade. Our forests continue to expand under President Bush, and trees continue to be one of our greatest and best managed renewable resources.

Finally, there is this simple fact: No animal species in the United States has fallen extinct since the full implementation of the Endangered Species Act in the late 1970s. Indeed, many important species are now experiencing positive population growth.

In the face of these facts, I find it very hard to believe the unfounded criticism of this President's commitment to environmental protection. The condition of the environment has improved since President Bush took office, and it will continue to improve as a result of his innovative reforms. It will continue to improve if our colleagues across the aisle will end the politics of obstruction and allow the confirmation of this highly qualified nominee who is a wise choice. I have no doubt that he will continue the great progress which this administration has made on environmental issues—seeking the goal of cleaner air and safer water for all of us.

The extremists in this debate are not seeking balance or commonsense solutions or, in fact, what is best for the American people. Instead, they see this as a zero sum game—a proxy for political interests, and they have chosen obstruction as one of their tactics.

Ultimately, this results in political blackmail that just makes victims of us all. Governor Leavitt's reputation falls victim to unwarranted and disrespectful attacks, a responsible Senate falls victim to vicious political blather, and the American people fall victim to politicians who are more attracted to serving special interests than the public interest.

If the President's critics on the environment are truly committed to protecting and preserving it, they should have put aside their political agenda and allowed the Senate to vote on Governor Leavitt's nomination. Obstruction won't clean the air, protect our rivers and streams, or preserve our environment for future generations.

I am sad to say but it is clearly true that when it comes to obstruction, it is not just for judges anymore. I urge my colleagues to reconsider their tactics, vote to invoke cloture, and allow the President's nominees to have an up-or-down vote and ultimately confirm this fine nominee, Governor Leavitt.

I yield the floor.

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

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

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. 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. JEFFORDS. Mr. President, I ask that the Senator from Florida be given 15 minutes of my time.

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

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I want to address the issue of the question of cutting off the filibuster with the motion for cloture which we will be voting on in a couple of hours.

I announce that I think the debate should continue, and I want to state why. I want the manager to know and to hear this directly.

I have just spoken to Governor Leavitt by telephone. He is in his home State. I told him of my policy concerns.

First of all, I clearly have indicated to him I have the utmost personal respect for him as a public servant, as someone who looks at the best interests of his people. I think he has served with distinction. I think the votes are probably here for the motion for cloture to prevail and for him to be confirmed.

But there are certain policy questions that ought to be addressed before the Senate that I think are very important. I am registering my frustration with these policies that are not being enacted; and in particular is the question of funding for the Superfund.

What is the Superfund? When I was in the House of Representatives, in 1980, we passed the Superfund law. It was a recognition that all over America are these toxic waste dumps. The most notorious, and one of the first, was the Love Canal.

Because of toxic waste invading the environment, often people are the victims, people who happen to live in the area. We happen to have today 51 of these toxic waste dumps in my State of Florida. In Florida, the health hazard and the environmental hazard is compounded because it is a State with very low elevation and a high water table. These toxic waste dumps that need to be cleaned up are allowed to continue to fester and invade particularly the source of drinking water in a place such as the State of Florida.

For example, there is a site about 10 miles west of Orlando—and this is a true statement—where a company used to brew DDT in a kind of witches brew, the byproduct of which they used for some chemical reason. The problem was, when they brewed this DDT, they let it overflow into a natural crevice in the ground.

Lo and behold, what did that crevice turn out to be? It turned out to be a sinkhole. And what does the sinkhole do? It goes down into the ground. And what does that do in a State such as Florida? It goes down into the Floridian aquifer.

In addition to spilling over the sides of the sinkhole, it would flow down in the natural contours of the land. And where did that go to? Into a little creek that then flowed into Lake Apopka.

We used to have an estimated 4,000 alligators in Lake Apopka.

Mr. INHOFE. Will the Senator yield?

Mr. NELSON of Florida. I will be happy to yield to the Senator. Let me finish. As you can see, I am really into this, and I want to get this picture painted. I will be glad to get into the questions of the policy, but let me complete my statement, if I may.

So it flowed down into this creek that flowed into Lake Apopka. The estimate of the number of alligators in Lake Apopka today is not 4,000, but 400. Some of those alligators they have captured they find are mutated.

Now did that come from this witches brew? I am not sure scientifically we can actually say that, but it is potentially a cause of environmental damage. For the people who live around that toxic waste dump site, there have been health problems cited for years. We cannot clean it up because we do not have any money. That is what we get back to: the money.

When I was in the House of Representatives, in 1980, we enacted the Superfund law and we said: We are going to provide a fund for these hundreds of toxic waste dumps all over the country that cannot be cleaned up because the owner of the dump has now gone bankrupt or has left town and there is no one financially responsible to clean up the dump.

The trust fund would be there so when we did not have a financially responsible party that could pay for cleaning up the toxic waste site, we would have a fund to which we could go. The fund has dwindled and the taxpayer has to pay more and more of the costs of cleaning up orphan Superfund sites. Congress-requested studies of the future needs of the program indicate that this Administration has not allocated the resources necessary to meet the needs of the Superfund sites and communities throughout the country. In the 1990s, the Superfund fee on petroleum, chemical feedstocks and corporate income lapsed. As a result, the only place we have now to go to replenish the fund is the general revenues of the U.S. Government. You realize how difficult that is to get the money required to address the many orphaned hazardous waste sites across the country, particularly when we are running deficits to the tune of a half a trillion dollars a year; that is, paying $500 billion more than we have coming in tax revenue so we have to go out and borrow the difference. Therefore, the funding of any program is more difficult.

It is that policy difference that I have with this administration and the White House. That is why I came to the floor to register my concern as we debate the nomination of Governor Leavitt as the new EPA Administrator. It has nothing to do with him as a person. I think he is a very fine person. It has nothing to do with the person-to-person meeting I had with him, asking him about setting forth his ideas on the Superfund trust fund I have just discussed. Of course, he can't contradict the White House. He cannot contradict the Vice President and the President who have already set their policy that they do not want to fill the trust fund, that they want to do it by general revenue appropriations. I think that is a serious mistake.

I had asked Governor Leavitt about a number of other issues affecting my State of Florida and I appreciate the response I received from the Acting Administrator as directed by Gov. Leavitt: EPA is moving the right way on arsenic-treated wood also called CCA, chromium copper arsenate, with regard to residential uses and playground uses.

I told Gov. Leavitt about two of the toxic waste sites in Pensacola. I told him about a concern with a phosphate plant and the health conditions people are reporting in East Hillsborough County. They have responded to all of those. But with regard to the main concern of the policy difference on the trust fund, I must register my protest.

Would the Senator from Oklahoma, who is my dear friend and who takes the opposite side on this issue, like to engage in some conversation on this? I would be pleased to yield.

Mr. INHOFE. I would like to ask my good friend from Florida: At the very beginning of his remarks, he said the money isn't there. I wanted to make sure he was aware, which I think he is, that the Bush request for 2004 is the second largest request since the date he mentioned being on the floor in 1980. I was not here until 1984. But right now his request is $1.38 billion. I first ask if the Senator is aware of that.

Secondly, as far as the tax is concerned, we have never left the idea of polluter pays. Right now, polluter pays. In 70 percent of the cases, if there is a polluter who can be identified, the polluter pays. The problem you are coming up with, when you talk about the tax—which expired in 1995 under the Clinton administration, and President Clinton did not ask for its reinstatement or for a tax—is that that is not polluter pays. That takes care of some orphan cases, either general funds or that tax.

Is that fair, to have businesses paying into a fund that pays for pollution cleanup that they didn't cause? That is a bad policy to do that. I wanted to be sure we were talking about the same thing.

Mr. NELSON of Florida. I thank the Senator from Oklahoma. He is my friend, and he knows I love him. We can engage in this kind of dialogue with a smile on our faces because we are personal friends. But I have a significant difference of opinion with the Senator from Oklahoma. This Administration has not devoted the resources necessary to clean up the many orphaned sites in Florida that depend upon the now almost bankrupt Superfund trust fund.

In each one of these cases I have indicated, two in Escambia County, one west of Orlando—I could take you through the other orphan sites in the State of Florida—the only source of revenue we will have to clean up these sites is the American taxpayer, unless we reimpose the fee that was part of the deal that was struck in 1980 with the oil companies.

I would just say in response to my good friend that if the administration is requesting additional general revenue, then I say hooray for the administration. But, that is not going to solve the problem of hundreds of these sites around the country. You have to have that source of revenue, particularly with the dire financial condition this country is facing, where this country is going into bankruptcy by our deficit financing each year to the tune of a half trillion dollars. We are just not going to be able to get the funds to clean up these sites that are so personal to the communities in which they are located.

Mr. INHOFE. I appreciate my friend, because he is my friend, yielding further. The point I want to get across is that according to EPA figures—this was true back in the previous administration also—70 percent of those cleanups are paid for by the polluter. It is inaccurate to imply that they are not doing it. When you let a tax expire, as they did in 1995—again, this is not a partisan thing because that happened during the Clinton administration—that is a tax on businesses that has nothing to do with polluters. These are not polluters who are paying this tax. They could be anyone out there. But the fact is that this administration is making the request for $1.38 billion and the fund is there.

You can talk about Florida all you want. I ask my friend from Florida if he is aware that the most devastating Superfund site in America is in my State of Oklahoma. No one else is even close.

The PRESIDING OFFICER. The time of the Senator from Florida has expired. The time yielded to the Senator from Florida has expired. Does the Senator from Vermont continue to yield?

Mr. JEFFORDS. I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator may continue.

Mr. NELSON of Florida. I will continue to yield to my friend. I want to respond to him.

Mr. INHOFE. No one is more concerned about devastating sites than I am. I would say this. We are going to correct it. We are in the process of cleaning it up. A lot of the funding is not going to be coming from the Superfund that is in place right now. Nonetheless, it is going to be cleared up. The point is this. It was a tax that expired during the Clinton administration. The Clinton administration did

not want to renew it and never made an effort to. This administration has never made an effort to renew it because it is wrong. It is bad public policy to pass a tax for people to pay for pollution cleanups that they didn't cause. It is as simple as that.

I thank the Senator for yielding for questions.

Mr. NELSON of Florida. It is my pleasure, of course.

This is what sharpens ideas, when you can throw ideas out and have them discussed in the marketplace of public discussion. I respond to my friend by saying, of course, he has heard of the sites that are known as orphan sites. These are toxic waste sites that do not have a financially responsible party that you can go to in order to get the money to clean it up.

Therefore, the whole idea of the 1980 Superfund law was to provide a source of funding for these orphan sites so that you can get them cleaned up, so that the community as a whole can be protected from a health standpoint. I cited just one site in Florida which was west of Orlando. I can cite another. For example, in Pensacola we have what is known as ''Mount Dioxin.'' It is a former wood-treating plant. The site of that old plant is so toxic that an entire neighborhood subdivision located next to it had to be evacuated. It is deserted; it is fenced off. Only now are we having to go back and appropriate additional moneys to get to the health department as they do an outreach to try to find the people who used to live in that neighborhood, to get them to come in for their health checks.

Believe it or not, in the flatlands of Florida—in this case, Pensacola—this turgid, infested soil called Mount Dioxin is exactly that. They have it piled up to the tune of about 40 feet high, with a tarpaulin strung over it, trying to contain all of this toxic waste. My goodness, can you imagine a major hurricane coming up the mouth of Pensacola Bay, straight for the city of Pensacola, and start tearing up Mount Dioxin, spreading that all over the city and Escambia County? Then you have another health hazard on your hands.

I don't want to wait, as the Acting Administrator of the EPA has done EPA's best in telling me next year they are going to come up with a plan to take down Mount Dioxin, to grade it to ground level, and try to figure out how they are going to dispose of it. It is another hurricane season we are going to have to go through. If we had a source of funding, EPA could so quickly and so much more efficiently go on about the task of cleaning up that site.

As you can see, I feel pretty strongly about this. I tried to register this with Governor Leavitt a few minutes ago in my conversation with him on the telephone. I tried to register it with him a couple months ago in my direct face-to-face conversation with him. But he is shackled because of the policy requirements of the White House; that is, that they not fund this trust fund with the original Superfund fee.

Mr. JEFFORDS. Mr. President, I commend my good friend from Florida for bringing the real world into our discussion here and letting the country and all of us recognize the tremendous problems that exist. His are some of the most astounding problems we have, but they are throughout the country.

If we don't do something, the lives of thousands of people are going to be affected; they are going to end up being dead or very ill. So that is what we are talking about today. It is incredibly important to find a solution, and I thank the Senator for his contribution.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I yield the Senator from Illinois 10 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I come to the floor with a genuine concern about this appointment by the Bush administration. When President Bush first appointed Gov. Christine Todd Whitman of New Jersey as the head of the EPA, many of us breathed a sigh of relief, realizing that she had an extraordinarily good record as Governor of New Jersey when it came to environmental issues, understanding that when she came to Washington, she would be up against some massive special interest forces who, frankly, believe that environmental law is too strong, wrong, and that the special interests should have a lot more say in the decisionmaking.

I voted for Christine Todd Whitman because I had hope she would bring balance to an administration that might be pushed too far toward the special interest groups. On many occasions, she lived up to that aspiration and hope on my part. I met with her several times, discussed important issues, publicly and privately. I was encouraged by the things she said.

But it became apparent after a while that, despite her strong credentials on the environment, they were no match to the force of special interests when it came to the Bush administration on environmental policy. Time and again, the EPA came down on the wrong side when it came to protecting the environment. The list is extremely long. I will not go through all of it in detail. But this was the first President—President Bush—to oppose polluter fees to pay for cleaning up toxic waste sites since Superfund became law. In Illinois and across America, Superfund waste sites are there still, today, creating toxic emergencies and public health hazards across America because President Bush doesn't want the polluting industry to pay to clean them up. That is a fact. That happened in the EPA with Christine Todd Whitman. It could have been one of the reasons she left.

This President slashed the EPA enforcement staff by over 100 employees. So there will be fewer men and women keeping an eye on toxic polluters in America. The administration also entered into arrangements crafting an energy plan rich with subsidies for the oil and gas industry and devoid of any fuel efficiency standards for America's cars and trucks. A recent GAO report found that President Bush's OMB is changing environmental regulations, often without disclosing these actions to the public.

The President has refused to act on global warming despite recent reports that ice levels in many parts of the world are low, threatening the polar bear and other species with extinction.

Now we have the successor of Christine Todd Whitman presented, Michael Leavitt of Utah. I have never met him, so I cannot say I have any personal knowledge of who he is or what he stands for. I can only look at his record as Governor of Utah. The record is not encouraging. In fact, with his administration, Utah recently tied for last place in Clean Water Act enforcement and ranked first in the Nation for toxic waste release. Imagine, the nominee for the EPA's top post is coming from a State that ranked No. 1 in the Nation for toxic waste release, and a State that tied for last place in the Clean Water Act enforcement. What does that tell you about his conscience and his concern when it comes to the environment? It doesn't give me a good feeling and hope that he will have any of the strength that Christine Todd Whitman had to stand up against the polluters and against the special interest groups and stand up for the environment in America.

That is a sad commentary on this nominee to this critically important position. At this point, many colleagues on the committee and others in the Senate have raised important questions, and many answers have not been given as to why the decision was made by the Republican leadership to move this through. Some say that timing has to do with a lawsuit on file in Utah. I have no idea why we have to do this today. That, frankly, is a decision made by the Republican leadership.

I will tell you that I think it is a sad commentary that a Republican Party, with distinguished and rich history leaders such as Teddy Roosevelt, who had the foresight to provide Federal protection to almost 230 million acres of land, is considering the appointment of a Governor of Utah to the EPA who has turned his back on the preservation of wilderness areas in his own home State. But that is a fact. That is a matter of record.

I urge my colleagues to consider this very carefully. If you believe the Bush administration's policy on environmental protection is a good one, vote yes for Governor Leavitt. If you believe they have moved forward in making America safer when it comes to clean water and less toxic ways, vote for Governor Leavitt. But if you believe, as I do, that this policy and this approach have been wrong—and, frankly, I believe this nominee has not presented us with evidence that he will

fight to change the Bush administration record on the environment. Sadly, his record as Governor of Utah is pointed in the opposite direction. For that reason, I am forced to oppose his nomination.

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

Mr. DURBIN. Yes.

Mr. INHOFE. I think I probably misunderstood the Senator. Did you say that the polluter pays policy has disappeared, is not in existence now?

Mr. DURBIN. Virtually gone.

Mr. INHOFE. Are you aware that 70 percent of the cleanups are paid for by the polluter today?

Mr. DURBIN. The Senator knows better than that I do that when you stop taxing the polluting industry, you stop creating a fund to clean up the sites. The Superfund toxic sites are, frankly, just sitting there. Nothing is being done because the money is not being collected in the Superfund for enforcement.

The reason is, this administration said we are going to have a hands-off policy when it comes to the polluting industry. Any money going into Superfund has to come from the general tax fund, and then as a consequence of their budget there is no money in the fund. So this Superfund approach is a dream come true for polluting industries. This is the first President, Democrat or Republican, to turn his back on the responsibility of polluting industries to clean up toxic waste and, frankly, it appears that Governor Leavitt wants to continue that policy.

Mr. INHOFE. Will the Senator yield further?

Mr. DURBIN. I would be happy to yield.

Mr. INHOFE. Is the Senator aware that the tax to which he is referring went out in 1995 during the Clinton administration; it was not requested to be renewed at any time during the remainder of the Clinton Presidency, nor has it since that time? Secondly, the reason is that the policy that you should pass a tax on business to pay for pollution cleanup that they had nothing to do with is not a fair policy.

Mr. DURBIN. I say in response, and my time is probably running out, there was an adequate balance in the Superfund to go forward during the Clinton administration because of the collections from these polluting industries. Now that that Superfund is virtually bankrupt and without funds, what the Bush administration has said is we would not dare ask the polluting industries. Instead, we ask every taxpaying family and business in America to pay for Superfund cleanup. That is fundamentally unfair.

Why should ordinary taxpayers face the responsibility of pollution and toxic waste created by an industry? The Superfund, which has been supported by Democratic and Republican Presidents, and rejected by this President, I think was a fair approach. Because this President will not fund it and because he will not come back and ask for the polluting industries to pay, there is no money for the Superfund cleanup.

What do we have left? We have the stern policy from the administration and a new administrator who says he supports it. The result of it? More toxic waste sites in my State, perhaps in the Senator's, that are there to endanger public health. How can that possibly be in the best interest of America?

Mr. INHOFE. If the Senate will yield further?

Mr. DURBIN. I would be happy to yield.

Mr. INHOFE. The policy is what I was trying to get to. First, it is a fact that the tax ran out during a Democratic administration, that of President Clinton. Secondly, the policy to say let's pass a tax on any business out there, or any industry out there, whether or not they pollute anything, and they have to pay for whomever is polluting, when today 70 percent of the cleanup—these are the figures—are being paid for by those who are polluting, it is a polluters' pay policy that is working today.

Mr. DURBIN. I will reclaim my time and say to the Senator, if I am not mistaken, the period of time when the tax was not reinstated was a period of time when the Republicans were in control of Congress.

Stepping aside from that for a moment, the Senator from Oklahoma is gifted in this area, understands it better than most and understands how little is being done today because there is no money in the Superfund to pay for the toxic cleanup. So as a consequence, this administration neither puts the revenue in the budget nor reinstates the tax on polluters and basically says we are going to turn a blind eye to toxic waste sites across America, which endanger the water supply of communities all across the board.

How can that be right for our children or the families who are unwittingly being exposed to this kind of pollution? That is the kind of policy which we need to oppose and, frankly, it is the kind of policy which I am afraid Governor Leavitt supports and that is why I cannot support his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator has used 10 minutes.

The Senator from Vermont controls the time.

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

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

Mr. JEFFORDS. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 34 minutes 10 seconds.

Mr. JEFFORDS. Mr. President, I yield to the Senator from New York as much time as she may consume, up to the max.

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

Mrs. CLINTON. Mr. President, I thank the ranking member of the EPW Committee, my friend and colleague, Senator JEFFORDS, for his leadership on these environmental issues that we are considering today. I am also very appreciative of the opportunity to speak to the nomination of Governor Leavitt to be the Administrator of the EPA on a particular issue of grave concern to me and to my constituents.

On August 21, 2003, the inspector general of the EPA issued a report which raised serious questions about the EPA's response to the collapse of the World Trade Center buildings on September 11. In that report—I have a copy here—the EPA IG concluded that the White House had modified several EPA press releases regarding air quality in New York that made them overly reassuring to the public.

Second, the IG raised a number of questions about the adequacy of the EPA's testing and cleanup program to address indoor air quality concerns in New York.

These findings, as my colleagues know, were very disturbing to New Yorkers, the people I represent, who went through so much on September 11 and performed so magnificently, not only in the heroic responses by our firefighters, our police, our EMTs, and others, but also in the resilience and the extraordinary reactions of so many citizens—the construction workers who dropped their tools in one borough in uptown Manhattan to rush down to help, the utility workers, the volunteers, the transit workers, the people who got the stock exchange up and going. It was just an extraordinary demonstration of the spirit and courage of the people of New York and America.

So it was troubling when New Yorkers had to ask themselves: Can we trust our Government? Can we rely on the information we are given when it comes to matters of such critical importance as the air we breathe?

It was especially troubling because we already knew that hundreds and hundreds and hundreds of the first responders who came to the Towers, who stayed at the pile, who worked day after day, were suffering from what was called the World Trade Center cough, which really was asthma or bronchial problems or pulmonary distress or RADS, which is the reactive air disorder syndrome.

Then we began hearing about people who had gone back to work and people who had returned to their homes in the affected area who were similarly suffering. So it was a very troubling report. It raised a number of questions to which I and others sought answers.

So on August 26 I wrote to the President, along with my colleague, Senator

LIEBERMAN, because Senator LIEBERMAN had been the chairman of the appropriate subcommittee of the environment committee that permitted us to hold a hearing in lower Manhattan in February of 2002 to try to begin to get answers to these issues long before the inspector general talked about them. Senator LIEBERMAN and I joined together to write a letter to the President, asking for answers to the questions raised by the IG report. In particular, we wanted more details about what was claimed in the IG report to constitute interference by the White House with the EPA over the public information that was made available to the people of New York and the surrounding area.

We also wanted some reaction about the recommendations the IG made.

For people who are watching at home, IG stands for inspector general. Government departments have these offices. They are independent of whatever political administration is in power at the time, and they are supposed to look after the public interest and keep an eye on the people who are in government positions.

So the EPA Inspector General had raised all of these questions about the adequacy of the cleanup which the EPA had carried out, and, frankly, recommended some additional steps be taken.

On September 5, I received a reply from the EPA acting administrator. Frankly, it did not respond to the concerns we raised. It was quite defensive in tone, which I regretted because I think we are all in this together, trying to figure out how we get the best information to take the most appropriate actions to protect the health of people. The letter on September 5 was basically a recitation of all the positive actions the EPA had taken, many of which I agree were positive actions. But that was not what was at issue.

On September 5 of last month, we got that response. Then we quickly wrote again to the President, reiterating the demand for answers and actions. But still we got no response. I regretted that because I think this is an issue larger than even the horrors of September 11 and the aftermath. It really went to the heart of how we can trust the information and the reliability of the information we receive from our Government, especially in times of crisis.

When Governor Leavitt was nominated for the position of Administrator of the EPA, I made it clear to Governor Leavitt, to my colleagues on the Environment and Public Works Committee, and to the public I would put a hold on Governor Leavitt's nomination. At that moment it was the only means available to a single Senator to get the attention of the White House and to demonstrate the seriousness I believed these issues demanded.

I met privately with Governor Leavitt, whom I have known for quite some time. I have a high regard for him. I have known both the Governor and his wife Jackie for a number of years. I knew from my conversations with him that he listened very carefully and was quite sympathetic with the concerns I was raising. Obviously, as a nominee he had no authority to commit the administration to doing anything. But I did believe he was open to the arguments I was making and the findings of the inspector general.

Because of the hold I placed on Governor Leavitt, and the conversations I had with the Governor and the White House personnel assigned to shepherd his nomination through the Senate, I began negotiations with the White House Council on Environmental Quality. CEQ it is called. CEQ is the office within the White House that tries to ride herd over environmental policies, to advise the President on these issues, and to work with the EPA. We learned because of some documents requested by Senator JEFFORDS that it was the CEQ, the White House Council on Environmental Quality, which had indeed made the recommendations and issued the orders to the EPA to change their press releases in the immediate aftermath of 9/11. That was the entity within the White House that made those determinations.

I appreciate Senator JEFFORDS' efforts to obtain those documents because they answered my questions. I didn't get answers from the EPA or the White House directly, but indirectly because of the excellent work of Senator JEFFORDS and his staff I did get my questions answered.

It is very clear there were some quite tense conversations, including some real shouting matches between the CEQ White House personnel and the EPA personnel over what should or shouldn't be in those press releases.

When I met with the head of the Council on Environmental Quality, a gentleman by the name of Jim Connaughton, I raised my concerns about the process that was underway in the aftermath of 9/11, that we needed to learn some lessons from that process; it didn't work; and I understand very well how there can be competing tensions between the White House and a government agency, but I think we need to learn from that. I was heartened by Mr. Connaughton's openness and his willingness to frankly admit this was unprecedented. We didn't know how we were going to behave in the face of such a horrific attack. Thankfully, it never happened again, and we hope it will never, ever again. But we have to be better prepared.

To the first part of my inquiry about answers I wanted about who in the White House did this and how it all unfolded, we were able to obtain quite a bit of information. Clearly the Council on Environmental Quality, working with the National Security Council and others in the White House, made some calls that may not have been the best judgment calls. But now we can take a look at those in sort of a calmness of some distance and realize we have to change that process. We should not be interfering with information that goes directly to the public and which will enable members of the public to make decisions that are right for them. The answer part of who did what and how this all happened we began to be able to piece together.

We also started discussions with the White House concerning the additional steps that need to be taken. Here we wanted to try to get a process started that would look at the inspector general's recommendations and implement them, and go even further to try to determine what we know, what we don't know, and what actions we should take to get to the bottom of this very thorny question of indoor air contamination. This is a new issue for most of us. We have been focusing on cleaning up the air on the outside. But increasingly what I am hearing from so many people in New York and around the country is we have to do more on indoor air.

What happened after 9/11 is the EPA originally said, This is not within our responsibility. We are not responsible for following up on indoor air. That is the city's responsibility. The city of New York said they did not know what they were supposed to do on indoor air. In fact, before the hearing Senator LIEBERMAN and I held in February of 2002, a witness appeared from the city who was very candid, and said, We were given this responsibility for indoor air. We don't do indoor air.

Through a long process of negotiations, finally in June of 2002 the EPA took responsibility for running the testing to determine if there was continuing contamination of the indoor air in residences and workplaces. Unfortunately, because this had never been done before, there were a lot of holes in the process. There were a lot of missteps in the process.

Again, I think that is something we should learn from. I give great credit to my colleagues who represent Lower Manhattan—Congressman JERRY NADLER, who was just absolutely focused day in and day out in trying to get the EPA first to do this indoor air testing and then to do it right. All along Congressman NADLER said this is not being done right. We are going to find out after they go home and they say they have done what they are supposed to do that there are still all kinds of contamination that have been left and that is going to have an increasing impact on people who live and work in these buildings.

Sure enough, the testing that went on demonstrated the cleanup was not adequate and, unfortunately, because it was sort of haphazard and random, one apartment would be cleaned up but the apartment next door wouldn't be, or the apartments would be cleaned up in the building but the heating and air conditioning wouldn't be. So it never really got the attention and the standardization that it needed. That is why

the inspector general recommended a number of additional steps to be taken.

So we began this process of negotiating with the White House over what would or should be done, and I must say it was a very positive process. My staff, Senator LIEBERMAN's staff, the White House Council on Environmental Quality, the EPA, and others have been working together now for several weeks.

Mr. REID. Will the Senator withhold for a unanimous consent request?

Mrs. CLINTON. Yes.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. As I understand it, the distinguished minority floor manager wants to have a UC.

Mr. REID. Mr. President, we need to advise Senators of what is going to take place at 5:30. There has been a change in the schedule to be announced shortly by the Senator from Oklahoma. It is my understanding that following the statement of the Senator from New York, the Senator from Utah wishes to speak for up to 5 minutes on the Leavitt matter.

Mr. HATCH. Mr. President, if I could have 5 minutes to speak before the vote on the judge this evening.

Mr. REID. Will the Senator from Oklahoma go ahead with the UC?

Mr. HATCH. Could I ask the distinguished Senator from New York if she would finish so I would have at least 5 or 6 minutes before the vote?

Mr. REID. If we have to extend the vote on the judge for a couple minutes, we can do that.

Will the Senator go ahead with the UC? We will make sure everybody is covered.

Mr. INHOFE. Mr. President, it is my understanding that the Senator from Utah reserved the right to object. I ask if he is objecting.

Mr. HATCH. No, I am not objecting, with the understanding that I ask unanimous consent that before the vote on the judge this evening, I be given 6 minutes to speak.

Mr. REID. How long?

Mr. HATCH. Six minutes.

Mr. REID. The Senator from New York has the floor.

I say to the Senator from New York, we are in no way trying to speed up your speech. How much longer do you anticipate speaking?

Mrs. CLINTON. I will end my remarks so that the Senator from Utah will have 6 minutes prior to the 5:30 vote.

Mr. HATCH. That is acceptable. I modify my unanimous consent request.

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

Mr. INHOFE. Mr. President, I ask unanimous consent that the scheduled cloture vote be vitiated and, further, that at 9:30 tomorrow morning the Senate resume consideration of the Leavitt nomination and there then be 60 minutes equally divided between the chairman and the ranking member or their designees, with 20 minutes of the minority time under the control of Senator LAUTENBERG. I further ask consent that following that debate, the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate, provided that following that vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

I also ask unanimous consent that this evening at 5:30 the Senate proceed to a vote on the confirmation of Calendar No. 424, the nomination of Dale Fischer to be U.S. District Judge for the Central District of California; further, that following that vote the President be immediately notified of the Senate's action and the Senate then resume legislative session.

Mr. REID. Mr. President, I want to make sure this includes Senator HATCH's request for 6 minutes before the vote on the judge. I would also ask, Mr. President, if Senator LEAHY wishes to speak for up to 2 minutes prior to the vote on the judge, that he be allowed to do so, along with 2 minutes for the Senator from Utah, the chairman of the committee.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The Senator from New York.

Mrs. CLINTON. Thank you, Mr. President.

Mr. President, over the last several weeks we have been in negotiations with the White House over the serious matters concerning the cleanup and the continuing threat of contamination in residences and workplaces in Lower Manhattan.

Today, we have reached an agreement and I have received a commitment to action from the White House to address these indoor air quality concerns.

Now, this is not everything I would have wished for. It is not exactly what the inspector general has recommended. And I will continue to work with the White House and the EPA to make sure we go wherever the evidence leads us and that we have independent, outside validation of whatever it is the EPA does. But we have reached agreement with the White House for additional testing to verify that residences that have been cleaned have not been recontaminated.

In addition, the White House has committed to forming an expert panel consisting of both Government experts and outside experts to reevaluate a range of issues raised by the inspector general's report.

I believe this is an important step forward in addressing the concerns raised by New Yorkers about the safety of the air we breathe. It is not enough—I want to make that absolutely clear—it is not enough, but it is a step forward, and I believe it will provide a venue in which all of our concerns can be addressed.

In the spirit that led us to this agreement reached by my office with the White House Council on Environmental Quality, I will be voting for Governor Leavitt when his nomination comes before the Senate because I intend to work closely with him as we implement this agreement on which the White House has signed off.

I know there are many who will say: but it is not everything we should have gotten. And I agree with that absolutely. If I could have written it myself, I would have adopted all of the inspector general's recommendations. But on the other hand, we now have a process and a venue in which to discuss these matters and to try to make progress together.

I thank Senator LIEBERMAN for working with me on this effort. I also thank Senator VOINOVICH for being very understanding and sympathetic about this issue and working with me on important legislation that, under our chairman, the Senator from Oklahoma, we have passed out of the committee which I hope will receive favorable floor action sometime in the next several weeks because it will help to avoid these problems in the future.

One of our big problems was nobody was quite sure who was in charge of indoor air. There had been an Executive order signed a couple years before which seemed to suggest the EPA was, but that was not statutorily clear. We needed to figure out where the State and the city fit.

So what Senator VOINOVICH and I have done is to put together, in legislation, the authority for the President to make these decisions, and to be clear about them, so we do not end up with all of these concerns about who is responsible and who have to be the front people and who does the testing. We should put that behind us. I hope we can act on the legislation Senator VOINOVICH and I have put forward.

I also thank Senator REID, who is a long-time friend of the Leavitt family and who shares my hope that Governor Leavitt will be the kind of Administrator of EPA with whom all of us on both sides of the aisle can work, and that we will see the EPA once again being the agency in the Government that sets and implements environmental policy.

Again, I thank Senator JEFFORDS for his leadership and his deep concern about these issues.

I also thank my colleague, Congressman JERRY NADLER, for his vigorous advocacy on behalf of New Yorkers and on making it clear every step of the way what the shortfalls and the inadequacies in the process adopted by the EPA turned out to be. Congressman NADLER has been a very staunch ally in this effort to get to this point.

Just a few minutes before I came to the floor, I received a letter from the Executive Office of the President, Council on Environmental Quality, signed by James L. Connaughton. I ask unanimous consent that the letter be printed in the RECORD, Mr. President.

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

EXECUTIVE OFFICE OF THE PRESIDENT, COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, DC, October 27, 2003.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

Hon. JOSEPH I. LIEBERMAN,
U.S. Senate, Hart Senate Office Building, Washington, D.C.

DEAR SENATORS CLINTON AND LIEBERMAN: I appreciate the opportunity to respond to your September 9th letter, building on the subsequent constructive discussions that I have had with Senator Clinton and that our respective staffs have had concerning your questions about lower Manhattan air quality in the aftermath of the September 11th attacks and subsequent efforts the government has undertaken to further assure public health and safety. This letter sets out our understanding following those staff discussions.

The tragedy of September 11th was unprecedented in its scope. The complexity of the situation facing the local, state and federal governments in responding to this terrorist attack was immense—the work by all was heroic.

The Environmental Protection Agency working with the Council on Environmental Quality, OSHA and the State and City of New York, did their utmost to communicate the best available information accurately, and in a timely fashion to meet the needs of lower-Manhattan residents, workers and businesses. Their safety, health and well-being were our greatest concerns, and remain so today. The information was communicated through a variety of methods, including press releases, direct communications with residents and media interviews with federal, state and local officials. We continue to stand by the information distributed in press releases regarding potential long-term health risks. The EPA Inspector General reported that the experts her office spoke to generally confirmed that EPA's draft risk evaluation tended to support EPA's statements on long-term health effects.

As we discussed, the federal government's communications in September of 2001 were conveyed real-time in complex and fast-moving circumstances. In all instances, we acted with the best available data at the time, and updated our communications and actions as new data was coming in. We all learned a great deal in the aftermath of September 11th, including how to improve our response and communciations efforts. Given a situation with the uncertainty and emotions such as followed the World Trade Center attacks, we recognize that we can communicate best through a focused, civil, and collaborative effort. After September 11th, EPA conducted a ''lessons learned'' exercise and, in conjunction with the new Department of Homeland Security, improved its emergency response and crisis communications system, improvements that were successfully put to test in the swift and well-coordinated response to the space shuttle Columbia tragedy in February.

In her prior letter to you, Acting Administrator Horinko outlined many actions the EPA is continuing to take in response to this tragedy. Ms. Horinko described the substantial amount of monitoring, cleaning and re-cleaning already conducted, the coordination between EPA, FEMA and OSHA on indoor cleanup, OSHA's commitment to continue to investigate complaints of dust exposure from workers in commercial establishments, and EPA's ongoing focus on residences.

In my meeting with Senator CLINTON, we discussed at length the process of coordination following the attacks, including CEQ's role. We have since shared with your staffs a compilation of federal air quality and related health studies conducted in the vicinity of Ground Zero which the Office of Science and Technology Policy completed in December 2002, as well as asbestos monitoring data for workers OSHA provided to the EPA. As you know, of the more than 4,100 residential units in Lower Manhattan examined as part of EPA's indoor air quality and cleaning program only about 1 percent were found to have asbestos at levels exceeding the health-based standard for long-term risk. We hope this exchange has provided a clearer understanding of the interagency coordination process and a greater knowledge of the breadth of activities undertaken by the federal government immediately following September 11th and since.

To provide greater collaboration in ongoing efforts to monitor the situation for New York residents and workers and assure them of their current safety, we will be undertaking the following activities: (1) extend the health follow-up associated with the Agency for Toxic Substances and Disease Registry's (ATSDR) registry of residents and workers; and (2) convene an expert technical review panel to help guide the agencies' use of the available exposure and health surveillance databases and registries to characterize any remaining exposures and risks, identify unmet public health needs, and recommend any steps to further minimize the risks associated with the aftermath of the World Trade Center attacks. EPA would organize and lead this group of experts, with representation from the federal agencies directly involved in the air quality response and monitoring, the New York City Departments of Health and Environmental Protection, and outside experts. The panel would review the following:

Within 3–6 months:

Post cleaning verification sampling to be done by EPA in the residential areas included in EPA's Indoor Air Cleanup to verify that re-contamination has not occurred from central hearing and air conditioning systems;

The peer reviewed ''World Trade Center Indoor Air Assessment and Selection of Contaminants of Concern and Setting Health-Based Benchmarks,'' which concluded asbestos was an appropriate surrogate in determining risk for other contaminants.

Within 18–24 months:

Identification of any areas where the health registry could be enhanced to allow better tracking of post-exposure risks by workers and residents.

Review and synthesize the ongoing work by the federal, state and local governments and private entities to determine the characteristics of the WTC plume and where it was dispersed, including the geographic extent of EPA and other entities' monitoring and testing, and recommend any additional evaluations for consideration by EPA and other public agencies.

We look forward to working with you. Clearly, we are agreed that the health of New York's residents and workers is paramount. By working together, we can ensure their needs are met.

Sincerely,

JAMES L. CONNAUGHTON.

Mrs. CLINTON. This letter, which does give us the basis for further efforts to try to get to the bottom of these issues concerning indoor air, is a very welcome step forward. Again, although it is not enough, it is not what the inspector general had in mind, it does give us that venue, that process, that opportunity to keep working together to get these answers.

The reason this is so important goes far beyond my constituents in lower Manhattan. It goes to the heart and soul of what we can expect from our Government, how reliable the information is, and whether we are prepared to look at new problems caused by unforeseen, unprecedented events such as what occurred on 9/11.

That is not the only area where we need to be focused on cleaning up indoor air and being conscious of continuing contamination. This morning I was in Endicott, NY, outside of Binghamton, where there was for many years a very large IBM plant, a very successful plant. In 1979, there was a spill, a toxic spill, 4,100 gallons, at least, that went into the aquifer and then went into the ground water. Now what we are finding is that this plume of toxic material in the water underneath this town, 350 acres through which it has spread—that the fumes from this plume are now seeping up through the ground into the residences of the people in Endicott, NY.

So this indoor air issue is not just about post-9/11 and New York City. It is a new issue that we must face in this Congress because the vast majority of people are totally unable to figure out what to do about this issue.

I am pleased that we have come to this point, that we have made this progress with the White House. I look forward to working with Governor Leavitt in trying to resolve these matters. I hope this spirit of cooperation is an indication of a new attitude in the administration toward the environment and toward working with us to try to solve the health and safety problems that affect our constituents.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, in accordance with the UC request, I yield 6 minutes to the distinguished Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague from Oklahoma. I express my gratitude to the Democrats and, of course, our two leaders on the committee for being willing to vitiate this cloture vote and end what some perceived was a threatened filibuster of Governor Leavitt. I am very appreciative that they will allow a vote up or down tomorrow morning on Governor Leavitt's nomination as Administrator of the Environmental Protection Agency. That is what should be done.

Governor Leavitt is one of the finest public servants in this country. He has served our State long and well, but he has served the whole country in a variety of ways which I will mention.

It goes without saying that this is not a job Governor Leavitt has asked for or aspired to. But he has accepted the President's nomination, first of all because the President has asked him to, and second, because it's a job of critical importance for our Nation.

Other than our people and our values, our Nation's environment and natural resources are our greatest asset. We in Utah understand that better than most.

And in spite of what some critics of President Bush would have us believe, our Nation has been steadily getting cleaner and safer every year of his presidency. Already, President Bush has signed the Persistent Organic Pollutants Treaty. He has proposed and begun implementing ground breaking legislation to greatly accelerate the clean up of our Nation's brownfield sites. He has announced his plan to reduce off-road diesel emissions by 90 percent.

Although his critics refuse to believe it, President Bush's Clear Skies initiative will, in fact, lead to quicker reductions in air pollution across the board than would otherwise be accomplished. Under President Bush, powerplants will be updated and become cleaner than ever before. Under President Bush our forests and other natural resources will become better managed, and the threat of forest fires will be reduced—something that has not been done in the past.

Most important, our President is accomplishing these environmental goals without a dramatic increase in Federal mandates. He is doing it without pitting the environment against human needs. He is doing it without pinning the ''polluter'' label on our industry, as the past administration was so apt to do. President Bush has shifted the environmental debate from one about process and control to one about outcomes and results.

Governor Leavitt has a similar record for improving the environment in Utah. Before Governor Leavitt came to office, Utah often failed to meet national clean air standards. In large part this was because most Utahns live on a valley floor surrounded by mountains. Through hard work and consensus building, though, Governor Leavitt helped Utah to overcome our air quality obstacles, and our State now is in consistent compliance with the EPA's air quality standards.

Governor Leavitt also has been a leader in finding solutions to regional air problems. He helped to begin the Grand Canyon Visibility Transport Commission and the Western Regional Air Partnership, which established a wide sweeping collaborative approach to reducing haze over our national parks and public lands on the Colorado Plateau.

When Governor Leavitt took office, about 60 percent of Utah's streams met Federal water quality standards. This represented the current national average for States. Under his leadership, though, 73 percent of Utah's streams now meet the Federal standards, which is well above the national average. With his oversight, Utah developed a collaborative approach to meeting the Concentrated Animal Feeding Operations regulations. His approach was so successful that the U.S. Department of Agriculture has adopted it as a model.

Governor Leavitt has also led initiatives in our State to preserve our open space, improve fisheries, upgrade sewer systems, and clean up 5,000 underground gas storage tanks, thus preventing their contamination of Utah's water supply. Thanks to Governor Leavitt's careful stewardship, Utah's natural resources have not only survived a period of intense economic and population growth but have been improved across the board.

Is it any wonder that President Bush looks to Governor Leavitt to lead the charge on this very important front, when the Governor has so successfully pursued a collaborative approach to improving the environment?

To anyone who questions Michael Leavitt's commitment, I say: Look at the record; it speaks for itself. We can also look at Utah's budget during his administration.

In his 10 years as Governor, Mike Leavitt won a 41 percent increase in spending on environmental protection, and that's after adjusting for inflation. According to the Environmental Council of States, the average per capita spending on the environment is $51.80. Under Michael Leavitt, however, Utah surpassed that average, spending $62.31 per capita on the environment. The average State spends about 1.4 percent of its budget on the environment. Under Governor Leavitt's leadership, Utah now spends 2 percent of its budget on the environment.

The record proves that Governor Leavitt is a champion of the environment. But the record also informs us that he is one of the finest public managers in the Nation. The Governor has worked tirelessly for our State. Yet, he has found the time to serve as the chair of the Council of State Governors, the Republican Governors' Association, the Western Governors' Association, and the National Governors' Association. You don't get there without being one of the best, if not the best.

In 5 of Mike Leavitt's 10 years as Utah's chief executive, our State has been ranked the best managed State. USA Today recently called Utah the best fiscally managed State in the country. Even after the extremely tough financial times faced by our States in recent years, under Governor Leavitt, Utah has maintained its Triple A bond rating.

How could President Bush have found a better candidate to head up the Environmental Protection Agency? The answer is he couldn't have.

And how does holding up Michael Leavitt's nomination help our environment or our nation? We finally concluded it doesn't. The obvious answer is: it doesn't. Clearly, confirming this nominee is in the best interest of our environment and our Nation.

Finally, let me just say that I have known Mike Leavitt and his wonderful wife Jackie for nearly 30 years. No one I know works harder, is more fair and honest, is more capable, and is more sincere than my good friend, the Governor of Utah. I urge my colleagues to join me in confirming Michael Leavitt to fill one of the most important jobs in government, the Administrator of the Environmental Protection Agency.

I thank all of those who are making this possible with an up-or-down vote tomorrow morning.

The PRESIDING OFFICER. All time has expired.

NOMINATION OF DALE S. FISCHER TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. The clerk will report the pending judicial nomination.

The legislative clerk read the nomination of Dale S. Fischer, of California, to be United States District Judge for the Central District of California.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise today to speak in support of the nomination of Dale Susan Fischer for the U.S. District Court for the Central District of California.

Judge Fischer is a Harvard Law graduate. She was a practicing attorney for 17 years before her appointment to the Municipal Court of California, Los Angeles Judicial District, in 1997. Three years later, she became a judge of the Superior Court of California, Los Angeles County, where she currently sits.

Judge Fischer has more than 20 years of legal experience. She will be a fine addition to the Federal bench.

We are proud to support her nomination. I recommend that my colleagues vote in her favor.

Mr. LEAHY. Mr. President, with the judicial confirmation today, in less than 3 years' time, President George W. Bush has exceeded the number of judicial nominees confirmed for President Reagan in all 4 years of his first term in office. Senate Democrats have cooperated so that this President has now exceeded that record. Republicans acknowledge to be the ''all-time champ'' at appointing Federal judges. Since July 2001, despite the fact that the Senate majority has shifted twice, a total of 167 judicial nominations have been confirmed, including 29 circuit court appointments. One hundred judges were confirmed in the 17 months of the Democratic Senate majority and now 67 have been confirmed during the comparative time of the Republican majority.

One would think that the White House and the Republicans in the Senate would be heralding this landmark. One would think they would be congratulating themselves for putting more lifetime appointed judges on the Federal bench than President Reagan did in his entire first term and doing it in three-quarters of the time. But Republicans have a different partisan

message and this truth is not consistent with their efforts to mislead the American people into thinking that Democrats have obstructed judicial nominations.

Not only has President Bush been accorded more confirmations than President Reagan achieved during his entire first term, but he has also achieved more confirmations this year than in any of the 6 years that Republicans controlled the Senate when President Clinton was in office. Not once was President Clinton allowed 67 confirmations in a year when Republicans controlled the pace of confirmations. Despite the high numbers of vacancies and availability of highly qualified nominees, Republicans never cooperated with President Clinton to the extent Senate Democrats have. President Bush has appointed more lifetime circuit and district court judges in 10 months this year than President Clinton was allowed in 1995, 1996, 1997, 1998, 1999, or 2000.

Last year, the Democratic majority in the Senate proceeded to confirm 72 of President Bush's judicial nominees and was savagely attacked nonetheless. Likewise, in 1992, the last previous full year in which a Democratic Senate majority considered the nominees of a Republican President, 66 circuit and district court judges were confirmed. Historically, in the last year of an administration, consideration of nominations slows, the ''Thurmond rule'' is invoked and vacancies are left to the winner of the Presidential election. In 1992, Democrats proceeded to confirm 66 of President Bush's judicial nominees even though it was a Presidential election year. By contrast, in 1996, when Republicans controlled the pace for consideration of President Clinton's judicial nominees, only 17 judges were confirmed and not a single one of them was to a circuit court.

In fact, President Bush has now already appointed more judges in his third year in office than in the third year of the last five Presidential terms, including the most recent term when Republicans controlled the Senate and President Clinton was leading the country to historic economic achievements. That year, in 1999, Republicans allowed only 34 judicial nominees of President Clinton to be confirmed all year, including only 7 circuit court nominees. Those are close to the average totals for the 6 years 1995–2000 when a Republican Senate majority was determining how quickly to consider the judicial nominees of a Democratic President. By contrast, with today's confirmation, the Senate this year will have confirmed 67 judicial nominees, including 12 circuit court nominees, almost double the totals for 1999.

These facts stand in stark contrast to the false partisan rhetoric that demonize the Senate for having blocked all of this President's judicial nominations. The reality is that the Senate is proceeding at a record pace and achieving record numbers. We have worked hard to balance the need to fill judicial vacancies with the imperative that Federal judges need to be fair. In so doing, we have reduced the number of judicial vacancies to 41. More than 95 percent of the Federal judgeships are filled. After inheriting 110 vacancies when the Senate Judiciary Committee reorganized under Democratic control in 2001, I helped move through and confirm 100 of the President's judicial nominees in just 17 months. With the additional 67 confirmations this year, we have reached the lowest number of vacancies in 13 years. There are more Federal judges on the bench today than at any time in American history.

The nominee we vote on today is particularly suited to being the 167th judicial nominee confirmed, for Judge Dale Fischer was nominated after recommendation from a bipartisan selection commission in California. When we can work together on consensus nominations, they move quickly and successfully to confirmation. The nominee has the support of both home-State Senators, both Democrats, and has earned the unanimous support of all 19 Senators who are members of the Judiciary Committee, both Republicans and Democrats. She has significant judicial experience and received the highest peer review rating available. I am happy to support this nomination and congratulate the nominee and her family on her confirmation. I also comment Senator FEINSTEIN and Senator BOXER on maintaining a bipartisan selection process.

Mrs. BOXER. Mr. President, I am pleased to offer my support for the nominee for the Central District Court of California—Judge Dale Susan Fischer. Judge Fischer is well regarded by those who know her work.

I want to emphasize the excellent process that we have in place to select District Court nominees in California.

In a truly bipartisan fashion, the White House Counsel, Senator FEINSTEIN, and I worked together to create four judicial advisory committees for the State of California, one in each Federal judicial district in the State.

Each committee has a membership of six individuals—three appointed by the White House and three appointed jointly by Senator FEINSTEIN and me. Each member's vote counts equally, and a majority is necessary for recommendation of a candidate.

This nominee was reviewed by the Central District Committee and strongly recommended for this position. I continue to support this bipartisan selection process and the high quality nominees it has produced.

Judge Fischer has an impressive background and has served the people of California with distinction for several years. She is a graduate of Harvard Law School and the University of South Florida. She had extensive civil experience as a private attorney before she was appointed to the Los Angeles Municipal Court in 1997. She currently sits on the Los Angeles Superior Court where she is well regarded for her knowledge of bail issues. She also serves as Chair of the Los Angeles Superior Court's Temporary Judge Committee, training and monitoring approximately 1000 temporary judges in Los Angeles County.

The Central District will benefit greatly from the exemplary service of Judge Fischer, and I fully support confirmation of this nominee.

Mr. HATCH. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Shall the Senate advise and consent to the nomination of Dale S. Fischer, of California, to be United States District Judge for the Central District of California?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Virginia (Mr. ALLEN), the Senator from Kentucky (Mr. BUNNING), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote ''yea.''

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Maryland (Ms. MIKULSKI), are necessarily absent.

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

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

The result was announced—yeas 86, nays 0, as follows:

[Rollcall Vote No. 411 Ex.]

YEAS—86

Akaka	Collins	Grassley
Alexander	Conrad	Gregg
Allard	Cornyn	Hagel
Baucus	Craig	Harkin
Bayh	Crapo	Hatch
Bennett	Daschle	Hollings
Bingaman	Dayton	Hutchison
Bond	DeWine	Inhofe
Boxer	Dodd	Jeffords
Breaux	Dole	Johnson
Brownback	Domenici	Kennedy
Burns	Dorgan	Kyl
Byrd	Durbin	Landrieu
Campbell	Ensign	Leahy
Cantwell	Enzi	Levin
Carper	Feingold	Lincoln
Chafee	Feinstein	Lott
Chambliss	Fitzgerald	Lugar
Clinton	Frist	McCain
Cochran	Graham (FL)	McConnell
Coleman	Graham (SC)	Miller

Murkowski	Roberts	Stabenow
Murray	Rockefeller	Stevens
Nelson (FL)	Sarbanes	Sununu
Nelson (NE)	Schumer	Talent
Nickles	Sessions	Voinovich
Pryor	Shelby	Warner
Reed	Smith	Wyden
Reid	Snowe	

NOT VOTING—14

Allen	Inouye	Mikulski
Biden	Kerry	Santorum
Bunning	Kohl	Specter
Corzine	Lautenberg	Thomas
Edwards	Lieberman	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action.

LEGISLATIVE SESSION

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

The Senator from Kentucky.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators entitled to speak for up to 10 minutes each.

Mrs. BOXER. Mr. President, reserving the right to object, I did not hear what the unanimous consent request was.

Mr. MCCONNELL. I was just asking unanimous consent that the Senate proceed to a period of morning business, with Senators entitled to speak for up to 10 minutes each.

Mrs. BOXER. Fine.

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

The Senator from California.

CALIFORNIA FOREST FIRES

Mrs. BOXER. Mr. President, I rise today with great anxiety about what is happening in my State. You can see here behind me the view of one of the fires that is burning from the vantage point of a fireman. These fires have become the worst wildfires Californians have seen in decades. In less than 1 week they burned nearly twice as many acres as are burned statewide in the average fire year.

The numbers in my statement today may already be obsolete. Things are moving that fast in terms of property damage, homes destroyed, and so on. The wildfires range from as far south as the Mexican border to as far north as Los Angeles and Ventura Counties. They have consumed a total of more than 400,000 acres or 625 square miles. To put that in perspective, that is three times the size of Chicago. The fires are devouring businesses and homes and sometimes entire neighborhoods. More than 900 homes have already been destroyed and perhaps 30,000 more are in danger. I know people are without electricity in areas throughout the State. Many are escaping with only the clothes on their backs, and families have had no time to gather anything other than their loved ones as they flee from an inferno that engulfs everything it touches.

More than 50,000 people have been evacuated and the numbers continue to climb. Thirty-six evacuation centers have already been set up in the five county areas. I spent pretty much all of yesterday speaking to mayors and council members and county supervisors and to Governor Davis. I talked three times to the head of FEMA, and I spoke with Andrew Card, the President's chief of staff, who was most helpful. The message I had for the President, through Mr. Card, was: Please, move quickly, as quickly as you can, to declare a national disaster because without that, we simply cannot get these fires under control. It has taken a while, but in the last couple of hours we had our declaration.

This is very important because it means the Forest Service can now go beyond its budget, because its budget is limited, and contract with departments all over the country to bring in the help we need.

I have been through a lot of disasters in my State. I served on the board of supervisors of Marin County. I have seen fires and floods and earthquakes, and then, as a 10-year Congresswoman, I have seen all this. I have not seen anything to this degree where we still don't have our arms wrapped around this problem. We don't have the problem contained, whereas usually when we have these disasters, we are up here saying we need to set up the FEMA agencies where we can now go and have people get repaid and get loans for their businesses and homes, and we will do that in time. That is very important. But right now we need to put out the fires.

I thank Nevada and Arizona. They have helped. They have sent between 25 and 50 firetrucks with personnel to our State.

I will give you another look at San Diego. This is the harbor. You can see it just has the eeriest look to it. You can see the flames in the background.

We also want to say that we have received 50 tanker trucks, and 12 air tankers are coming tomorrow. This is all good news for the people of San Diego. Supervisor Jacob was at her wit's end yesterday because she was not getting enough help. The other areas, the mutual aid, seem to be working better, but San Diego came along afterwards, and I have been very worried about them.

The crown jewels of California's beautiful landscape, our beautiful forests, have been hurt. We are going to have legislation that will in fact allow us to do fuel reduction close to communities. It is very important, when we have a bill that relates to our forests, that we put the money where it is needed, which is near the communities, and that we make sure that what we do will in fact help the communities.

The bill we are talking about is the Forestry and Community Assistance Act, written by Senator LEAHY and myself. There are other proposals. I hope we can come to an agreement that the time is now to help our communities and to provide the resources to help them, not the big logging people, because that is the fight we are always waging.

Air traffic across the Nation has been disrupted by these fires. Hundreds of flights in and out of southern California have been canceled or suspended. Our brave firefighters, more than 7,000, are frantically working in conjunction with the California Department of Forestry, the U.S. Forest Service, California Highway Patrol, the Red Cross, and now, happily, FEMA, which are very much involved to contain these fires.

Many are still raging out of control. I want to be back here as soon as I can to talk about how we can rebuild our communities. But today we are talking about fires that are raging out of control.

I thank White House Chief of Staff Andrew Card. I thank FEMA Director Michael Brown. I did try to call Tom Ridge. Unfortunately, he was out of the country, but I spoke with his people and again with many of the local people.

In closing, let me say that my heart is with the people of San Bernardino County where two major fires are burning: The Old fire—by the way, we think arson was to blame for that fire. I have written to the Attorney General and will call him in the hope that he will invite in the FBI to get to the bottom of who would do such a deed. The other fire in San Bernardino is the Old Fire, 24,000 acres. The Grand Prix is 52,000 acres. In San Diego, there were three major fires. Everyone is struggling to make sure they don't merge.

We do have 48,000 customers without power in San Diego. In Otay, 35,000 acres are burning. The Cedar Fire in San Diego has been the deadliest one: 9 deaths, 300 homes destroyed, 150 in Scripps Ranch. The Paradise Fire in San Diego: 160 structures were destroyed, 75 cars, 2 deaths, and so far not contained. In Los Angeles County, it is the Verdale Fire, 9,000 acres. In Ventura, there are two major fires, Simi Valley and Piru. We are very worried about those. And at Riverside, there is one major fire. The Governor has not yet asked for an emergency declaration in Riverside, but it may come to that. If it does, I am very hopeful that the President will act on that request as well because we have lost six homes in Riverside, and the size of the fire there is 11,000 acres.

This declaration by the President is welcome news for us.

We need to put aside all politics now. We have an outgoing Governor. We have an incoming Governor. We all have to just join hands in this because our people are scared. They are filled with anxiety. They want this over. They want to go on and rebuild their lives. I join with my colleague in expressing my condolences to those who

have lost family. My deep hope is that we will contain these fires. We will save additional lives, we will shelter those who have been displaced, and we will rebuild.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I join with my colleague, Senator BOXER, with some remarks about the fire. This fire is actually far more serious than any fire I have seen, and I have spent some time now becoming familiar with forestry practices and fires.

Before a fire is under control, it has to be contained, and virtually no aspect of these 10 fires are contained tonight. As my colleague said, they have taken 13 lives; they have destroyed 1,100 homes; they have burned over 400,000 acres, and that is two-thirds the size of Rhode Island. Virtually no fire is contained and firefighters must conduct an evacuation to move people out.

Senator BOXER gave you the latest figures on some of these fires. But there is one fire I wish to point out and that is the fire heading toward San Diego. Mayor Murphy of San Diego said to me last night that the fire is pointed like a spear into the heart of San Diego. It is running through housing projects, crossing freeways, and it is extremely dangerous. These fires are virtually all over—from Los Angeles down to the Mexican border. I will soon print in the RECORD the specific statistics about each one.

Like my colleague, I spoke four times with Mike Brown. He was in Albuquerque. I am pleased that he is headed to southern California. He has cut redtape, brought in 22 additional engines, 3 strike teams, firefighters from northern California are headed to the south, and teams coming in from surrounding States. We are very grateful for that.

I am also grateful to the President for declaring a Federal state of emergency for San Bernardino, San Diego, Ventura, and Los Angeles Counties.

The State declaration has also been called by Governor Davis, and Federal disaster assistance will now include aid to individuals and households, aid to public agencies for emergency services, and repair or replacement of disaster-damaged public facilities, and funding for measures designed to reduce losses to property. The Federal Government has already provided fire management assistance grants for at least eight wildfires in southern California. These grants reimburse the State for 75 percent of the cost of fighting the fire.

My sadness and concern about these wildfires are not confined to those who lost their lives and their properties, but it is also the reality that they were entirely predictable, and new ones will also burn across my State.

I believe we must take steps now to reduce the harm of forest fires. These conditions are all familiar to us—drought, densely packed forests, unhealthily crowded with little trees. For decades, we have put out the ground fires that would otherwise clear out the brush. The result is huge fuel loads of small trees and brush, which is perfect kindling for a catastrophic fire. In areas such as San Diego County, where there is more brush than forests, fire suppression has likewise created such a tangle of brush that fires often cannot be stopped.

The Santa Ana winds are another factor. These hot, dry winds blow often in the fall, and they don't just occur in southern California. The 1991 fire in Oakland and Berkley was fanned by similar devastating winds. They come every year. We know they are coming, yet we have not adjusted our forest practices to deal with them.

Hundreds of thousands of dead and dying trees from infestation, such as the bark beetle, remain untreated, trees unremoved, with as many as 90,000 people living in bark beetle-infested forests in San Bernardino County, with only one-leg roads to get them out in case of catastrophe.

With all these conditions for disaster in place, I have feared for some time now that California could face a devastating season of wildfires, and that seems to be just what is happening right now. So I believe we need to take action now, not just to correct our mismanagement of the forests and the brush but for a more basic reason.

We need to act in advance because of the terrible fact that most of the deaths that occurred in these fires did so because people had too little time to escape. At least seven people, so far, have died as they tried to escape the cedar fire in the narrow Wildcat Canyon area near the Barona Ranch Indian Reservation in San Diego County. People died on foot, people died in their cars, people died still trapped in their homes. At least two children died while trying to escape with their parents.

The fires travel just too quickly, and hillside roads are too narrow and too winding to count on people being able to get out.

Let me give you one story. Violet Ingrum lived in San Diego's Scripps Ranch neighborhood. She went to bed Saturday night worried mainly about her daughter, who lives in Hollywood, and the danger of potential wildfires to her daughter's home. Only a few hours later, she woke up to a howling wind and the horrifying sight of flames beyond her back fence and debris falling into her swimming pool. She only had time to grab her two cats and two photo albums, and one of her cats jumped out of the car before she could get away. But she was a lucky one. So I believe very deeply that we need to act now to reduce the threat from these wildfires and to give our firefighters a better chance to defend our communities.

We were able to get Congress to approve $30 million last month in fiscal 2003 funds to help battle the bark beetle, and I am urging the Forest Service to put those funds to work immediately. That is an important step forward, but we need broader measures to reduce the threat from our forests.

I am delighted that the chairman of the Agriculture Committee is on the floor tonight, Senator THAD COCHRAN, because we have worked with him to produce a compromise bill that I hope will be on the floor of the Senate soon. I hope it will be passed because this bill, which can get 60 votes, is the only chance that this Congress has an opportunity to pass a hazard fuels mitigation program this year.

The fact is, there are 57 million acres of Federal land at the highest risk of catastrophic fire, including 8.5 million acres in California alone. In the past 5 years, wildfires like the ones going on today have raged through 26.9 million acres, including over 2 million acres in California.

In response to these threats, an agreement has been reached by a bipartisan group of 10 Senators to protect our forests from catastrophic fire by expediting the thinning of hazardous fuels and, at the same time, provide the first legal protection for old-growth trees in our Nation's history. Those who have participated, along with myself, in the lengthy negotiations—2 years now—leading up to this agreement include Senators THAD COCHRAN, RON WYDEN, LARRY CRAIG, MIKE CRAPO, PETE DOMENICI, JON KYL, BLANCHE LINCOLN, JOHN MCCAIN, and MAX BAUCUS.

Legislation implementing the agreement as a proposed substitute amendment to title I of H.R. 1904, the House-passed Healthy Forest bill, was filed by Senator COCHRAN, chairman of the Agriculture Committee, on October 2. Yet there have been objections raised to proceeding with this bipartisan substitute amendment.

I urge my colleagues in the strongest possible terms to support this legislation so we can defend our communities and protect our forests.

I wish to take a few moments because if ever there is a time to look at this kind of legislation it is now. I wish to spend a few moments and describe exactly what the legislation would do.

It would establish an expedited process so the Forest Service and the Department of Interior can get to work on brush-clearing projects to minimize the risk of catastrophic wildfire. Up to 20 million acres of lands near communities, municipal watersheds, and other high-risk areas are included in our project. This includes lands that have suffered from serious wind damage or insect infestations, such as the bark beetle.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mrs. FEINSTEIN. I ask unanimous consent for another 8 minutes.

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

Mrs. FEINSTEIN. A total of $760 million is authorized. That is a $340 million increase over current funding. At least 50 percent of the funds would be

used for fuels reduction near communities. That is what we do not have in this catastrophic wildfire that is taking place right now.

The legislation also requires that large fire-resilient old-growth trees be protected from logging immediately. It mandates that forest plans that are more than 10 years old and most in need of updating be updated with old-growth protection consistent with the national standard within 2 to 3 years. Without this provision in the amendment, we would have to wait a decade or more to see improved old-growth protection. Even then, there would be no guarantee that this protection against the threat of both logging and catastrophic fire would be very strong.

In California, the amendment to the Sierra Nevada framework that is currently in progress will have to comply with the new national standard for old-growth protection. We have also tried to expedite, shorten, and improve the administrative review process to make it more collaborative and less confrontational.

It is critical that the Forest Service spend its scarce dollars by doing work on the ground rather than being mired in endless paperwork. The legislation we submitted preserves multiple opportunities for meaningful public involvement. People can attend a public meeting on every project. They can submit comments during both the preparation of the environmental impact statement and during the administrative review process. I guarantee that the public will have a meaningful say in these projects.

It does change the environmental review process so that the Forest Service still considers the effects of a project in detail but can focus its analysis on the proposal, one reasonable alternative that meets the project goals and the alternative of not doing the project, instead of the five or nine alternatives that are now often required.

This is not the siting of a freeway where one may want five or nine alternative projects. We know where the project is going to take place. The question is, Should it be mechanical? Should it be by burning? What are the problems with the area? Is there a better way of doing it?

So this legislation replaces the current Forest Service administrative appeals with a review process that will occur after the Forest Service finishes its environmental review of a project but before it reaches its decision. This new approach is similar to a process adopted by the Clinton administration in 2000 for a review of forest plans and amendments to those plans. The process will be speedier and less confrontational than the current administrative appeal process.

There is a great deal of misconception both about the appeals process and the judicial review process. I will quickly take a minute and tell my colleagues what we have recommended with respect to judicial review. First, parties can sue in Federal court only on issues raised in the administrative review process. This is common sense that allows agencies the opportunity to correct their own mistakes before everything gets litigated. Lawsuits must be filed in the same jurisdiction as the proposed project. This also makes common sense. Courts are encouraged to resolve the case as soon as possible, and preliminary injunctions are limited to 60 days. They can be extended, but the individuals making the claim have to go back to court and justify why they need another preliminary injunction.

The court must weigh the environmental benefit of performing a given project against its environmental risk as it reviews the case. This is the balance-of-harms language.

I deeply believe this amendment is much preferable to the House bill which has passed. There are many ways in which we improve on the House-passed bill. First, we focus on the highest priority lands, where we need to undertake brush-clearing projects to restore forest health and prevent forest fire. These include the wildland urban interface as defined by the communities needing protection. It includes lands where fires would threaten municipal water supplies and lands significantly harmed by insects.

Secondly, we have protected both old-growth stands and large trees across the landscape. The projects expedited by this act will restore forest health.

Finally, the Senate agreement removed a provision of the House-passed bill that could have threatened the fair and impartial judicial review of Forest Service actions. This provision would have tilted the playing field in forestry litigation by requiring a court to defer to the Federal Agency's views in deciding whether to issue an injunction. So we have seriously improved the House bill.

In closing, I say to my colleagues that if ever there is a case in point as to why we have to spend more time on the ground with forest actions rather than debating them here, it is the 10 fires that are now taking place in California. They are catastrophic. In fact, they are wreaking human devastation and degradation on a level seldom seen. It is time for this body and this Congress to act.

Both Senator WYDEN and I, and Senator COCHRAN as well, have asked the administration for a statement of administrative policy that they will, in effect, support this legislation in conference. This is critical to our agreement. I have written to the White House. We have called the White House. We have not had a response.

So the action and the ball is really in the White House's court at this time. We need to hear from them. We need to know whether, in fact, this bill, which we believe can garner 60 votes in the Senate, will, in fact, have strong White House and administration support when it goes to conference, because if it does not, and if the vehicle is not this bill, there will not be a bill. I think that is the truth as many find it.

So to all of those in California who have suffered such grievous loss, I join my colleague in sending our deepest condolences. I have asked all my staff to go to southern California to be available to receive calls from people to try to hook them up with whatever help or aid they need. FEMA will shortly be making announcements as to what numbers to call, where to go to fill out the applications, and we will do everything we can to help facilitate that process.

This is truly one of the great tragedies of human life. Can my colleagues imagine children and parents being burned fleeing from this kind of a fire and over 1,000 families losing everything they have worked a lifetime to build?

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. I ask unanimous consent that I may proceed for 1 minute as in morning business.

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

Mr. COCHRAN. Mr. President, I rise to commend my friend, the distinguished Senator from California, for her active involvement and effective work in reaching this agreement that has been reported out of the Senate Agriculture Committee, the Healthy Forest Restoration Act. It is the vehicle that we can use to truly bring relief to the citizens of America from disasters like this one that has befallen the citizens of California.

I must say I have been worried, as has she and others in the Senate, that this kind of tragedy could happen. It could happen in many other States. It is time for the Senate to act now. The only thing I disagree with about the remarks of the Senator is she says the ball is in the White House's court.

The ball is in the Senate's court. This bill is pending here in the Senate. We have asked unanimous consent to go to the bill and that amendments be limited to those that are relevant to the bill and that amendments to the amendments be relevant to those amendments to which they are offered. That is the only condition under which the Senate has asked to proceed to consideration of this bill, and objections have been raised on the Democratic side of the aisle to proceeding.

It is time for those who are obstructing the consideration of this bill to reconsider their position, particularly in light of the destruction in California. It is unconscionable that the Senate will not take action on this matter and pass the bill. Let's go to conference with the House. Let's try to prevail in conference. Then it is the turn of the White House to sign or veto the bill. I predict the White House would sign the bill and we will get a good bill in conference that the White House can sign.

Mrs. FEINSTEIN. Will the Senator yield?

Mr. COCHRAN. I am happy to yield to my friend if I have any time.

Mrs. FEINSTEIN. I thank the Senator for those comments. I have just been told we are clear on our side. We can go to the bill. Obviously, there is a request to have amendments and I think we should hear the amendments out and vote on them. I think those of us who participated in this are really dedicated to get this bill passed. We worked for 2 years with your help——

Mr. COCHRAN. Mr. President, let me reclaim the time. I asked unanimous consent on this floor to do just that and there was an objection by the acting leader for the Democratic side, Mr. HARRY REID. If there has been a change in position, that ought to be communicated to the leader. That would be good to know.

Mrs. FEINSTEIN. As a point of clarification, Senator, if I may, I am told there is no objection to going to the bill. There was an objection on the limitation of amendments.

Mr. COCHRAN. Mr. President, there was no limitation of amendments. The provision in the unanimous consent request was that any amendment offered to the bill would be relevant to the bill and any amendment to an amendment be relevant to the amendment to which it was offered. There was no limitation requested in that unanimous consent request.

Mrs. FEINSTEIN. If I may say, through the Chair, for just a moment to the Senator, then I believe we can move to the bill. Because, as I understand it, what you have just stated is exactly the position of this side.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Alabama.

AIDS IN AFRICA

Mr. SESSIONS. Mr. President, as the Senate considers the Foreign Operations bill, we are considering President Bush's proposal to spend $15 billion to deal with the crisis of AIDS in Africa. It is something I believe is a necessary thing. I supported the President on this. It is a tremendous amount of money, but it is a tremendous problem.

There are many aspects of the problem. Not everybody agrees on every single part of it. I would just say I have done some work on it and I have looked at a number of the issues. I believe strongly that there are some things we can do. If we do them correctly and promptly and effectively, we can dramatically impact the transmission of AIDS in Africa and prevent people from becoming infected and thereby serve a great and noble purpose.

I think this: We know thousands of people are infected in Africa every year. According to conservative numbers generated by the World Health Organization, 250,000 to 450,000 Africans each year contract AIDS, a death sentence ultimately, through healthcare routes. They contract that not from dangerous activities, but from seeking to improve their own health by going to a hospital, a doctor's office, a clinic, and getting a shot or receiving a transfusion. One thousand a day at a minimum are infected by these procedures. It is totally preventable. It goes beyond just policy, and it is in my view a moral imperative. There is no doubt we can reduce this problem in Africa. We can do it by good policy and strong leadership and I believe we need to speak as a Congress on this issue.

In March of this year I had occasion to read a newspaper article that was in the Washington Times. It quoted a published article in the International Journal of STD and AIDS, a publication of the British Royal Society of Medicine, that presented evidence that the reuse of needles and syringes has played a major role in the HIV/AIDS epidemic in Africa.

At the time, the article challenged conventional wisdom and the belief in the international public health community that heterosexual sexual contact was the primary route of transmission for HIV in Africa and that medical transmission of the disease did not require the foremost attention of health care specialists.

Dr. David Gisselquist pointed to a number of pieces of evidence supporting his conclusion that medical exposures account for a large proportion of HIV transmissions. He conducted an extensive review of refereed journal articles on the epidemiology—that is the history of the transmission, the people who get it—in the African HIV epidemic. A careful analysis of the data behind these studies enabled him to identify the following trends:

No. 1, multiple studies he reviewed found HIV-infected children whose mothers test negative for the virus. Many of these children are far too young to have contracted the HIV virus through sexual practices or drug use, leaving their infections unexplained by conventional assumptions about the spread of the disease. It was found, however, that these children bearing the HIV virus had, on average, received nearly twice as many injections of vaccines and medicines than their uninfected peers, leading researchers to conclude that there was a strong correlation between the number of injections a child received and that child's chances of contracting HIV.

As we looked at the issue, we found it was not a newly discussed matter but in fact had been out in the field for some time, unfortunately not receiving the kind of attention it should, in my view, have received from the people who were required and authorized to participate in the treatment and prevention of the disease.

Let me just show this article, a blowup from the San Francisco Chronicle dated Tuesday, October 27, 1998, 5 years ago this date. The title of it is ''Fast Track To Global Disaster.''

The subheadline under the top is ''Deadly Needles.'' This is what the subheadline said:

> For decades, researchers have warned that contaminated syringes could transmit deadly viruses with cruel efficiency, but efforts to defuse the crisis failed, and today, it has become an insidious global epidemic, destroying millions of lives every year.

You ask why, perhaps, did we not deal with that back in 1998 when these matters were being raised. Apparently, there was a debate and a concern that panic would ensue and maybe people wouldn't seek medical care, or that it would deflect attention from WHO's primary view that sexual transmission was the way AIDS was transmitted.

I note this statement by Mike Zaffran of the World Health Organization. You can tell they were wrestling with it, although they did not take action. The subject quote is:

> We want to avoid creating a panic. But maybe there is a need to create that panic to solve this problem.

According to WHO, 10 percent of the AIDS transmissions in Africa come from reused needles or contaminated transfusions, both of which are totally preventable, as I will discuss shortly. But I just want to say right now that there is evidence to suggest that the true figure is far larger than 10 percent. Remember, people who contract AIDS and who have no reason to believe they have AIDS are then in a position to unwittingly transmit that disease to their spouses and to others with whom they come in contact. Those who ultimately pass the disease by those contacts may not have done so had they known they had been exposed. I think it has a multiplier effect on the crisis in Africa, clearly affecting and involving the infection of millions of Africans.

I have hosted two hearings in the Health, Education, Labor, and Pensions Committee on this issue. We have had witnesses from the World Health Organization, from USAID, and from private groups such as Physicians for Human Rights. They have presented evidence. At the conclusion of that testimony, I am even more concerned that the numbers the WHO has acted on or not acted on are low, that more than 10 percent of these HIV cases are being transmitted through unsafe healthcare. Certainly, that is the conclusion Dr. Gisselquist reached after extensive study.

Let me talk about a couple of things: The good news and the bad news.

Injection safety is a critical issue in America. Our health care community has long recognized the risks associated with unsafe injections.

At the outset of the HIV epidemic in America, one of the top priorities in this country was to quickly ensure that patients and health care workers were educated about these risks and that steps were taken to provide ample supplies of single-use syringes—syringes that could not be used again—with safety features to ensure that

both patients and providers were protected.

In fact, one thing we dealt with in this Congress was the Ryan White Act that was passed in response to the infection of young Ryan White as the result of a tainted blood products that he received to treat his hemophilia. In fact, long before the HIV virus emerged as a significant epidemic in the United States, health care workers and policymakers were well aware that unsafe injection practices could spread many dangerous diseases and posed a public health hazard. There was ample evidence that unsafe practices can kill.

From the 1950s through 1982, the Egyptian Government carried out an ambitious program to eliminate schistosomiasis, a serious parasitic disease. Infected Egyptians received multiple injections to kill this parasite—up to 16 injections over 3 months. The needles used in these campaigns were rarely sterilized sufficiently to kill viruses such as hepatitis C.

By the 1980s, it became clear that Egypt was in the grip of a tremendous epidemic of hepatitis C, a disease that frequently leads to liver failure, cancer, and death. In a country of 67 million people, it was estimated that 20 percent of the population had been exposed to hepatitis C. Neighboring Sudan, in comparison, had a rate of less than 5 percent.

This is still thought to represent ''the world's largest iatrogenic transmission event.'' The World Health Organization's data suggests that unclean needles contributed to an appalling 18.9 percent prevalence rate of the deadly hepatitis C virus in the Egyptian population. Altogether, over 12 million people were exposed to this virus and 7.2 million infected. Those are stunning numbers, and they are the result of using dirty needles.

One of the University of Maryland researchers who chronicled this disaster stated emphatically that the practice of reusing inadequately sterilized or unsterilized syringes ''before the danger of exposure to blood was so well known, and before the availability of disposable needles and syringes provided a very potent means for the transmission of blood-borne infections.''

That is something we don't doubt in America today. Unfortunately, however, the same conditions that permitted this tragedy to occur continue to exist in Africa and other areas of the world, and these unsafe practices spread not only hepatitis but also the HIV virus, leading to AIDS and leading to death.

Health care workers around the world continue to devote time and resources to treating medically transmitted infections, many of which remain incurable even by the best medical science.

Since the recognition that unsafe injections pose an unacceptable risk in vaccination campaigns, international vaccination programs now almost universally include adequate injection safety training and supplies. These limited efforts are commendable but much more needs to be done.

To understand the proportion of the problem that remains to be addressed, one must note the distinction between injections given for vaccination and therapeutic injections, or injections given for the purpose of treating infections or other diseases.

It has been estimated that worldwide, therapeutic injections outnumber vaccinations by 9 to 1, totaling approximately 12 billion injections administered each year in the developing world, including the African nations of the Global AIDS Initiative.

Despite this fact and the demonstrated risks associated with unsafe injections, researchers and leaders in the field of HIV prevention have warned that ''little attention has been paid to the systematic correction of widespread unsafe practices resulting in disease transmission through therapeutic injections''—the very problem referenced in this chart where, at the beginning, it says ''Deadly Needles''—dated October 27, 1998—5 years ago today.

At the outset of the AIDS epidemic in the United States, our Government and the public declared that blood supplies must be absolutely safe. The Federal Government and the public health community moved rapidly to ensure that every single unit of blood donated in this country is tested for the HIV virus before it is given to any person.

It is estimated—get this number—that 25 percent of the blood donated in Africa is never tested for HIV—75 percent is but 25 percent is not—and that up to 80 percent of the blood is not tested for hepatitis. It is estimated by the respected group, Safe Blood For Africa—their name indicates their concern about this problem—that as a consequence of this breakdown, approximately 15 percent of the sub-Saharan African blood supply is infected with HIV and 20 percent with hepatitis. Fifteen percent of the blood supply in sub-Saharan Africa is infected with HIV, a deadly disease. People go there and they get transfusions on a regular basis. The World Health Organization estimates that up to 10 percent of new HIV cases in Africa are due to contaminated blood transfusions.

Once again, it is clear that transfusions of contaminated blood represent yet another hidden source of transmission of this disease, fueling the epidemic.

Seventy percent of the recipients of these high-risk transfusions are women and children, making blood safety a critical component of our larger effort to fight HIV/AIDS and to protect the mothers and children. I will repeat that: 70 percent of the recipients of these high-risk transfusions—15 percent of which is contaminated with HIV—are women and children.

So what does that mean? That means that 15 out of every 100 women who go to get a transfusion in Africa—and many of them get transfusions because malaria leads to a lot of transfusions, really more than is needed to be performed but they are performed—and from those transfusions, thousands come home with AIDS. Instead of being healed and cured, they are infected with a deadly disease.

It is important to recognize, too, that in the treatment of anemia, which is related to problems such as malaria, best medical practices would dictate that many of these transfusions are not necessary. So the combination of reducing the number of transfusions is the first step, along with making sure every blood unit that is utilized in Africa is tested for AIDS before being used in a blood transfusion.

We have an HIV rate in the United States of less than 1 percent, and we test our blood supply. In some countries in Africa, the HIV prevalence rate is as high as 40 percent. Every blood donation in the world, and particularly in Africa, should be tested before we do transfusions. This is one more example of the potential ways in which we can reduce the risk of this deadly disease.

I would also like to share some thoughts about why I think this is not just a public policy issue for discussion but why it is a moral imperative.

We will be spending $15 billion over 5 years, on average $3 billion a year. I know there is debate whether we should have the full $3 billion this first year. I have my doubts the money can be assimilated, but we are going to be spending that over 5 years.

Let me talk to you about the cost of completely fixing the medical transmission problem. One of the most startling facts and best news about health care transmissions of HIV in Africa is the fact that injection safety and blood safety have been specifically singled out by researchers as the most cost-effective means of preventing the spread of HIV.

A study by the World Health Organization, in 1999—a year after the San Francisco Chronicle article—suggested that addressing the problem of unsafe injections might well result in actual savings for the governments and organizations financing the fight against AIDS. It can actually save them money. These savings would be generated both by a reduction in the number of unnecessary injections and transfusions, which, amazingly, may account for a majority of the therapeutic injections actually given—and a majority of the therapeutic injections in Africa are probably not necessary and could be handled without any shots or with a pill—and by avoiding the tremendous financial drain that occurs as a result of these infections, including hepatitis.

In testimony before the Health, Education, Labor, and Pensions Committee at a hearing which I chaired in July, one of the leading World Health Organization researchers confirmed both his own conclusion that ending unsafe injection practices would be eminently

cost effective and his projection that blood safety efforts would prove to be similarly cost effective.

In fact, on a day when we are discussing $15 billion for Global AIDS, the benefits of an additional $1 billion here or $289 million there—I think you would all be stunned at the numbers involved in solving this problem. These estimates I am going to give you were provided by the World Health Organization.

Clean, new needles and syringes for every injection, given by medical personnel educated in the proper use of injections in Africa would cost $24 million for all 12 nations included in the Global AIDS initiative. Just $24 million would provide safe and clean needles for every necessary injection in Africa.

Clean, safe blood transfusions, administered by medical personnel trained in the proper indications for transfusions—$46 million for all 12 nations. So for $46 million, we can completely eliminate the problem of transfusions, which WHO admits could be 10 percent of the problem of all the problem of AIDS in Africa.

There are so many tragic aspects to this problem.

Hard-working frontline doctors and nurses inadvertently contribute to the spread of the very diseases they are struggling to prevent.

At the HELP Committee hearing, it was very encouraging to hear the testimony of Dr. John Ssemakula, a physician from Uganda, who was able to describe the great strides his country has made in cleaning up injection practices.

Dr. Ssemakula was also able to convey the plea of the dedicated men and women on the frontlines of health care in Uganda, that they be provided with the equipment they need to provide safe injections.

These are intelligent, educated, well-intentioned people, and they simply want enough syringes to provide patients with safe health care.

The health care system in developing nations frequently does not provide either necessary education in proper injection procedures or, for those providers who are striving to follow model practices, the relatively inexpensive supplies necessary to succeed.

We are dealing with, frankly, with our health care providers worldwide, a double standard that is indefensible. You are tempted to say, it is an immoral double standard. Let me tell you about this troubling aspect of the problem. In developed nations, the general public has been made aware of the risk associated with unsafe medical care. We know in America you want safe health care. We insist on it. We spend what it takes to do it. We have needles that are safe to protect nurses and doctors from accidental pricks, much less the patient who goes to get a shot.

When the use of contaminated blood and blood products results in the spread of HIV here, we act. The health community, the Federal and State regulators, and the American public immediately demand guaranteed safety, and very quickly we see that they get this. The safety of blood and blood products is now something Americans take for granted.

Every unit of blood in this country is screened for HIV, hepatitis B, and hepatitis C. When it became clear that the reuse of contaminated needles put patients at risk, we acted. It is clear that many developing nations, including those in Africa within the President's Global AIDS initiative, have not yet been able to achieve similar results.

This is where a disturbing double standard arises. The World Health Organization, the U.S. Government's Centers for Disease Control, and other organizations with employees in the developing nations openly caution their travelers to these areas, including their own workers, that blood is likely unscreened and needles likely reused. This is described as posing a risk of infection of hepatitis B, C, and HIV.

Numerous workers, including our own embassy employees and AIDS workers in Africa, can tell of being instructed to ask for plasma expanders rather than dangerous blood transfusions or being cautioned to purchase and provide their own new, clean syringes when they go to the doctor.

When formulating public statements and policy for these very same African nations, however, many of these organizations continue to maintain that contaminated blood and reused needles are not significant problems and do not pose substantial health risks to African patients.

We have made some progress. We have had a number of hearings on this subject. I have become more convinced than I was when we started that this is an unacceptable practice. It is an unacceptable situation in Africa and one that can be fixed for less than $100 million a year. We can provide tested, safe blood for every transfusion in Africa, and we can provide clean, unused needles for every injection at a cost of less than $100 million a year. That is tremendous news. We are on the road to making some progress.

I have talked to top officials in the World Health Organization and the U.S. Government. We believe that with Director Tobias' new position in the State Department as sort of an American global AIDS czar that he is attuning himself to this issue, that the CDC, at my request, is conducting research to develop a plan to attack this problem. Health and Human Services is conducting a study which we expect to receive back in a matter of weeks that will review independently all the other existing studies of AIDS transmission in Africa to attempt to determine just how big a problem this really is. And now we are at a point where we are putting this new money into the program.

I urge my colleagues to act now to ensure that a certain amount of this money—it would be less than 5 percent, probably closer to 2 percent—be dedicated to dealing with the medical transmission problem. We need to do that. Sure, they can spend more than that if they want to, but this is the minimum amount that virtually guarantees tremendous success against medical transmissions.

Let's do that as part of our legislation. We can go home and know that we made a difference.

Some say: Well, JEFF, we are picking up on this issue. We really don't need any direction on how to spend our money. Just give it to us, and we will spend it like we want. I generally am sympathetic to agencies not being micromanaged. But with the resistance we continue to see from the World Health Organization and American organizations that deal with this issue, we need to ensure that this much money gets spent.

There was a conference in September in Africa. Thousands of people attended who deal with the AIDS epidemic. The WHO entity issued a press release after that meeting—again just a matter of weeks ago—WHO issued a news release dismissing the significance of medical transmission. This caused a group of scientists who were at the meeting to issue a statement of their own contracting it. They said in effect, WHO continues to reject evidence that stopping HIV transmission through unsterile health care could slow the spread of disease.

So we have a continuing problem, continuing to stick with numbers that do not appear to be justified and policies that need to be changed. It is time for us to take a step to save lives. The very thought that we could knock down maybe in 18 months' time, instead of 1,000 people being infected a day by the health care transmission of HIV in Africa, why it could be down to 200; and then in 2 or 3 years down to virtually zero? That is possible. Which would we rather do? Prevent the contraction of a deadly disease or try to deal with the consequences of the disease once a person is infected?

This is the right step. I thank Senator MCCONNELL for his interest and the President for his leadership.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HABITAT FOR HUMANITY

Mr. DASCHLE. Mr. President, 13 years ago, Habitat for Humanity International, HFHI, decided to expand its services to include projects in my State. Today, I would like to congratulate HFHI's 14 South Dakota affiliates

on the occasion of the 200th Habitat home constructed in South Dakota since 1990. I believe I speak for all South Dakotans when I say that their services have been invaluable to many families in our State.

The lack of affordable housing for the lowest income households is a serious problem across the country. According to the 2003 State of the Nation's Housing report issued by the Joint Center for Housing Studies of Harvard University, three in 10 U.S. households have housing affordability problems. More than 14 million households spend more than half of their income for housing, and 75 percent of them are in the bottom 20 percent of the population by income.

Having to pay a disproportionate share of income for housing frequently leads to other problems and tensions for many families. Too often, the available housing is substandard, and overcrowded. Many of these families live on the edge, financially, and live in fear of eviction or foreclosure. Families may have to sacrifice spending for other basics, including food and utilities. Children in these families also tend to pay a price. They suffer when their parents have to work two or more jobs, or odd hours, sacrificing family time. Unstable housing arrangements and frequent moves can also interfere with a child's ability to succeed in school.

Habitat for Humanity recognizes that when communities come together, they can help solve this problem, one family at a time. Their accomplishments would not be possible without the thousands of volunteers who help support a struggling family, and provide them with the opportunity to turn a Habitat house into their very own home. Volunteers from across South Dakota have donated thousands of hours of hard labor to give 200 families a shot at the American dream.

I would like to take a moment to thank Pat Helgeland, the Executive Director of Habitat for Humanity in South Dakota, and everyone associated with South Dakota's affiliates for their solid commitment and hard work. They are truly making an important difference in the lives of their partner families.

Every time I visit with Habitat volunteers, I am impressed by their energy and spirit as they raise funds, select a site, select a partner family, and build the house. I was pleased to sponsor a house in Brookings, SD, that will now become a home for a mother and her three children.

I am also encouraged to know that Habitat for Humanity is engaged in a similar effort at the international level. From Thailand to Zimbabwe to Peru, its services provide exciting opportunities for home ownership. We should be proud, for example, that HFHI played a key role in providing tools and materials needed to rebuild or repair family homes damaged by years of conflict in Afghanistan.

So today I wish to extend my congratulations and thanks to all those who helped build 200 new houses in South Dakota, as well as those who are involved in bringing this important model to communities across the globe. Their efforts are truly inspirational.

REMEMBERING PAUL WELLSTONE

Mr. REID. Mr. President, I rise today with a heavy heart. It was one year ago on October 25 that I lost my friend, and this body lost a great Senator. We all have our own memories of Paul Wellstone.

We remember the passion of his beliefs. He was an uncompromising idealist who stuck to his principles and never wavered. When he fought for an issue like mental health parity, you knew he would never give up.

We remember Paul Wellstone for his bravery, because even when his cause was unpopular, he followed his heart. He used to say, ''We should never separate the lives we live from the words we speak,'' and he followed that path.

We remember what an inspiring speaker Paul could be. The first time I heard him was in the Capitol Rotunda at a ceremony for new Senators, and I was immediately impressed. Later, he came to Las Vegas and spoke to a convention of the Veterans of Foreign Wars. I have never seen a group so fired up.

We remember his physical strength and stamina, even in the last year of his life when he was in so much pain. He worked out at the Capitol Police gym, and he still holds the record there for doing the most chin-ups.

We remember Paul for his unassuming nature. He waged his first campaign in an old green school bus. There is no telling how many mechanics across the State of Minnesota worked on that vehicle to keep it running.

We remember Paul Wellstone for all these reasons. Most of all, we will always remember how easily he made friends and how deeply he touched people.

In this Chamber he had good friends on both sides of the aisle. But Paul Wellstone also befriended working people, like the janitors who cleaned his Senate office. One night, Paul waited until midnight so he could meet them in person and tell them thanks. And in Minnesota, the affection for Paul Wellstone cut across all segments of the population.

A few days before he lost his life, Paul was riding around the State with Peg McGlinch, a member of my staff who is a Minnesota native, and her father. They were running behind schedule, as is often the case on those hectic campaign trips, but when they spotted some union workers on a picket line, there was no question that they would stop and offer support. As Paul hopped out of the nondescript car, people seemed shocked to see him, until one woman ran over, gave him a big hug, and declared, ''You're my hero.''

Paul Wellstone was a hero to a lot of people. I went to Minnesota after his death, and I was amazed at the spontaneous memorial that sprang up all around his campaign headquarters. I saw thousands of flowers and candles. I read handwritten notes thanking Paul for work he had done to help people, and looked at pictures of him with people whose lives he had affected.

And one thing I will never forget was a crayon drawing of a train chugging up into the sky, with a child's simple scrawl that read, ''Paul Wellstone, the Little Engine that Could.''

Paul Wellstone clearly had a special relationship with the people of Minnesota. His relationship with his beloved wife, Sheila, was also extraordinary. And their lovely daughter Marcia, who also perished in the tragic accident, was so much like both of them. She was an amalgam of all their best qualities.

Today, as we remember how much Paul Wellstone meant to so many people, our hearts go out to his family—his sons Mark and David, his grandchildren, and other family members. Also to the families of Paul's staff members who were lost with him: Mary McEvoy, Will McLaughlin, and Tom Lapic.

I said my heart was heavy today, and that is true. Paul Wellstone was my friend and I miss him. But I also feel grateful today that I had the opportunity to know this remarkable man, and I am grateful for my memories of him, which will never die.

SENATOR PAUL WELLSTONE MENTAL HEALTH EQUITABLE TREATMENT ACT OF 2003

Mr. THOMAS. Mr. President, in memory of the anniversary over the weekend of the death of our friend Paul Wellstone, I rise to reiterate my support for the mental health parity legislation on which he worked tirelessly. I am a proud original cosponsor of S. 486. The Senator Paul Wellstone Mental Health Equitable Treatment Act of 2003, which was reintroduced this year by Senators DOMENICI and KENNEDY in honor of Senator Paul Wellstone. This important legislation will provide people with a mental illness more access to treatment.

Specifically, S. 846 prohibits a group health plan that offers mental health benefits from placing discriminatory caps, access limitations, financial requirements or other restrictions on treatment that are different from other medical and surgical benefits. In other words, S. 486 treats physical and mental health equally. This bill is modeled after the mental health benefits provided through the Federal Employees Health Benefits Plan, but provides a special exemption for small employers from such requirements.

I have long advocated on behalf of our Nation's rural health care delivery system and mental health parity is a key step to increasing access to mental health services in rural areas. The Domenici-Kennedy bill is crucial to

rural America because suicide rates among rural residents are twice the rate of urban areas, and 75 percent of the 518 nationally designated Mental Health Professional Shortage Areas are located in rural areas.

The Senator Paul Wellstone Mental Health Equitable Treatment Act of 2003 must be passed by Congress as soon as possible, and I urge all my colleagues to work toward its enactment.

AIR POLLUTION

Mr. JEFFORDS. Mr. President, today the Bush Administration took direct aim against the health of all Americans, but particularly those who are the most vulnerable to air pollution—the elderly, the children, and the poor. As a result of this frenzy to gut the Clean Air Act, millions more of our citizens will now be staring down the barrel of a smokestack.

The administration's new rule on New Source Review adds to all the woes and worries that people must face everyday. These new threats include more illness, lung disease, and heart attacks.

This Bush administration's EPA is not his father's EPA. At almost every turn, this President Bush is seeking to undo the positive environmental legacy of his father, with a particular focus on tearing apart the Clean Air Act Amendments of 1990.

From the beginning, the first President Bush was the motivating force behind passage of that complex, politically balanced and protective act. In fact, it was his acid rain proposal that broke the legislative logjam just before passage. His participation during Senate consideration helped ensure passage from this body, and the technical assistance of his Federal agencies was critical throughout the process.

I was proud to work with the first President Bush and his team. But I am not proud of what the current President Bush has done on the environment. He and his team came to Washington claiming a desire and ability to work across the aisle. But that hasn't turned out to be the case.

This President Bush and his team have intervened in environmental policy throughout the administration on behalf of polluters, not for the health and welfare of the American public and a sustainable environment. This is a huge contrast with the first President Bush who cared about these matters and cooperatively worked with Congress to address environmental problems.

We did not solve all the problems related to air pollution in the 1990 amendments. But, through bipartisan cooperation, we built a strong legal construct and a renewed commitment to gradual and continual reductions in harmful emissions. It has survived legal challenges and until 2001 was working quite effectively from a health and an economic perspective.

That is when the new Bush administration came to town. They have embarked on a comprehensive program to dismantle or slow walk the Clean Air Act, starting with the New Source Review program and extending to the ozone and fine particulate matter standards.

Their Clear Skies proposal is weaker and slower than the existing Clean Air Act, if it were fully and faithfully implemented on schedule. The Bush proposal delays the achievement of air quality standards beyond the act or my bill, the Clean Power Act. In the name of ''flexibility,'' their proposal does away with vital programs designed to protect local and regional air quality, some of which have been particularly important to the Northeast.

Based on the scientific evidence before us, we know that the 1990 amendments did not go far enough in specifically controlling pollutants that cause acid rain, global warming and toxic contamination. However, they did provide the Administrator with ample authority to take action to address these matters. Instead, this administration has chosen the path of delay, non-enforcement, or deregulation.

Government regulation must protect the public's health. But, the administration changed the New Source Review rules while Americans enjoyed the last of their summer vacations to allow greater levels of pollution than currently emitted. Some analyses suggest that as many as 20,000 more premature deaths may occur annually as a result—20,000 deaths. The administration released this terrible news when they thought no one would pay attention.

I have seen charts showing deaths per hundred thousand people who die prematurely from ''grandfathered'' powerplant pollution. These are the powerplants that haven't put on modern controls. These are the same powerplants that will Never be required to clean up to modern standards under the Bush administration's new NSR rule. Never. And it is not just powerplants.

Adding insult to that injury, the administration's new rule is plainly illegal. So I will be joining with other colleagues in Congress, the States, public health and environmental organizations, and other members of the public in litigation to stop this newest assault on our air quality. The States and attorneys general are filing today.

The Clean Air Act says, and I quote: ''. . . any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source'' triggers New Source Review, NSR. That means if a change or modification increases emissions of air pollutants, then the law requires sources to put on modern pollution control technology. It is that simple.

This doesn't mean letting polluters reach back 10 years to pick the highest possible emissions baseline from which EPA would then judge the increase. Common sense and case law says that the regulators must use recent actual emissions levels.

EPA's Assistant Administrator for Air, Jeff Holmstead, admitted the rule will ''in some cases'' allow increases in pollution. That is why it is illegal.

Mr. Holmstead defends this indefensible rule by suggesting that its harm will be limited because sources will not be allowed to exceed their permitted levels while making these modifications. Sadly, that is wrong and its disingenuous. Harm will not be limited, it will be spread downwind of 17,000 plants.

Permitted levels for many sources are substantially above their recent average emissions levels. So sources can now increase their pollution above levels that would have been allowed prior to this rule. That means millions of additional tons of pollutants.

The new rule lets emissions increase at facilities without review. That contradicts the Clean Air Act's statutory language and Congress' intent. Government officials who issue such illegal rules betray the public's trust and commit malfeasance in my book.

Mr. Holmstead told Fox News that, ''We can say categorically that pollution will not increase as a result of this rule.'' The next day on the PBS ''Newshour,'' he agreed that the rule would allow emissions increases in some cases. Which is true?

Mr. Holmstead also had similar trouble giving clear and direct answers to questions during our July 16, 2002, joint hearing between the Judiciary Committee and the Environment and Public Works Committee.

He said he was advised by Agency and DOJ enforcment personnel that the proposed NSR changes wouldn't affect the ongoing enforcement actions. The General Accounting Office report and the statements of former Agency enforcement personnel say otherwise. Which is true? We have asked the EPA Inspector General to investigate.

NSR was not designed to encourage emissions increases. Instead, Congress created it to help continually reduce air emissions as sources upgraded their facilities. As they make those improvements, they are supposed to put on modern pollution controls, not be exempt from that duty.

I am afraid that this rule is part of an administration agenda to lock in air pollution increases for a long time to come.

The timing of the rule takes advantage of the gap in the permit process for these plants in the period between the new and old ozone standards.

The permitted levels that Mr. Holmstead mentioned are part of the States' plans to achieve attainment with air quality standards, including the 1-hour ozone standard. That standard will soon be replaced by a more stringent one known as the 8-hour standard. That standard is more protective of public health.

As Mr. Holmstead knows, polluters ''permitted levels'' are closely tied to States' plans to achieve the old 1-hour standard. They are not yet tied to the

new, more stringent 8-hour standard or the new fine particulate standard. The States will revise those plans for the new standards, including adjusting ''permitted'' levels, but that will be done in 2007–2008.

In the meantime, the powerplants and industrial sources exempted by this rule can make huge modifications that increase emissions. These pollution increases will be locked in for many, many years and make it harder to achieve the new air quality standards.

I am not opposed to making the New Source Review program work better through constructive changes. But it is important to know the costs and benefits related to a program before doing radical surgery. An EPA memo estimated that just a small portion of the NSR program may have health benefits worth more than $1.8 billion annually. We can ill afford to throw away all the lives represented by that number.

Beginning in May 2001, I have repeatedly sought, and most often been denied, full information on the public health and environmental impacts of the administration's agenda on New Source Review.

I agreed not to subpoena this information, while chairman of the Environment and Public Works Committee, in exchange for promises that most of it would be forthcoming. Those promises have been broken and I am still waiting.

And Congress is still waiting for EPA to comply with the Supplemental Appropriations bill for fiscal year 2004 passed in February. That Act directed EPA to fund a study by the National Academy of Sciences to look at the effects on public health of the other NSR changes made on New Year's Eve last year. After 6 months of delay, EPA authorized the Academy to start.

A recent General Accounting Office report, which I requested, demonstrates that the administration does not collect and has not collected valid, credible information on the New Source Review program.

The Agency has no factual basis to determine that their regulation changes will be beneficial, as they have claimed. Indeed, GAO said that EPA and an electric utility industry group think that post-rule modifications may increase efficiency at some facilities, but will also encourage greater emissions at those same facilities due to expanded production.

The hypocrisy of the Bush administration is stunning. They want to exempt thousands of major sources of pollution from using modern control technology. This is based on flimsy and unsubstantiated anecdotes.

At the same time, they pretend to support ''sound science'' and hide behind the Data Quality Act when choosing not to regulate in the face of abundant proof of potential environmental harm.

This new NSR rule has been a time-consuming waste of taxpayer's dollars. EPA's resources would have been better spent in saving lives by taking some kind of regulatory action, any kind of action, over the last 2½ years to halt powerplant pollution.

There is real and legitimate authority under the Clean Air Act to do that now. There is even real and legitimate authority to make the New Source Review program work better and more efficiently. But the administration has failed to use that authority correctly and squandered their opportunities.

Using his father's model, this President Bush could have worked with me and my staff and Democrats in Congress to develop a strong tripartisan, multi-pollutant bill to control emissions of sulfur dioxides, nitrogen oxides, mercury, and carbon dioxide. But they have refused requests for technical assistance, evaded legitimate oversight, politicized every possible matter, and avoided any real policy discussions.

They have spent their time ignoring the people's representatives in Congress, pandering to polluters and wishing away the abundant evidence that increasing air pollution causes increases in death, disease and illness.

Pollution is an indiscriminate weapon. It should be emitted only as a last resort. Instead, this Bush administration brandishes it, boasting about flexibility and ''sound science'' while more people die prematurely and the Earth warms. If we were dealing with the first administration, I would breathe easier about the future.

HONORING OUR ARMED FORCES

OKLAHOMA LOSS IN IRAQ

Mr. NICKLES. Mr. President, in the time since major combat in Iraq has ended and peacekeeping and transitional operations have begun, the United States, our allies and the Iraqi people have accomplished much.

The men and women of our armed forces in particular deserve much praise for their diligence and bravery. They have been given the goal of establishing democracy in Iraq, and their success in this endeavor is directly linked to the freedom and security we enjoy in the homeland. A free and democratic Iraq will stand as a beacon of hope amidst one of the world's most troubled regions.

Fortunately we are now seeing many of the fruits of their labor.

Nearly 760,000 metric tons of food items have been dispatched into Iraq in just one months' time. Health care centers are receiving shipments of health care kits, refrigerators and furniture. Shipments of office supplies including furniture, computers and printers have been received in Iraq and will be used to equip seven essential government ministries.

The Iraqi people are stepping up to provide leadership for their newly liberated country. Crops are being successfully planted in areas that have not produced for years. Iraqis are volunteering for the new Iraqi Army. The Iraqi Nurses Association has initiated a 2-day conference to lay the ground work for adequate nursing services in Iraq over the next ten years and close to 30,000 Iraqis have undergone training to be members of Iraq's new police force.

More importantly, representative democracy in Iraq has taken shape. The Iraqi Governing Council has been formed and brings together 25 political leaders from across Iraq. The council will name Iraqi ministers, represent the new country internationally, and draft a constitution that will pave the way for national elections leading to a fully sovereign Iraqi government.

Recently, we have confirmed that Saddam Hussein's sons, Uday and Qusay have been killed in a firefight in Mosul. This development has led to an increase in tips from the Iraqi people, one of which led us to the capture of 660 surface to air missiles, as well as an increasing confidence among the Iraqi people.

With two thirds of the Hussein regime gone, one has reason to hope that the final piece of the puzzle will soon follow.

And this good news that we are witnessing in Iraq is a direct result of the hard work and dedication of our troops. Were it not for their courage and perseverance, our presence in Iraq would be in vain.

Our military men and women will surely face more difficult days in Iraq, and the Iraqi people will be tested by the responsibilities that come with freedom. The thugs who propped up the previous regime and outside forces with goals of their own continue to cause problems, stir up trouble and initiate violence. Freedom is messy—nowhere more so than in a country that has just shaken off a brutal dictatorship.

But today I rise to honor a man who made the ultimate sacrifice one can make for his country.

On August 27, Specialist Rafael L. Navea, of Pittsburgh, PA was killed in Fallujah when an improvised explosive device struck his vehicle.

Specialist Navea was stationed at Fort Sill and therefore an adopted Oklahoman. He was assigned to C Battery, 2nd Battalion, 5th Field Artillery Regiment, a Paladin unit in 212th Field Artillery Brigade. The unit deployed to Southwest Asia in support of Operation Iraqi Freedom on April 12.

Specialist Navea served his country well. Fort Sill and Oklahoma mourn his tragic death and now our prayers are with his family and friends. He is survived by his wife and children who reside in Lawton and his mother in Florida.

As we watch the dawn of a new day in Iraq, let us never forget that the freedom we enjoy every day in America is bought at a price.

Specialist Navea did not die in vain. He died so that many others would live

freely. And for that sacrifice, we are forever indebted. Our thoughts and prayers are with him and his family today and with the troops who are putting their lives on the line in Iraq.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe such a crime committed on July 30, 2001. In Santa Ana, CA, a 22-year-old man stabbed his 17-year-old Asian neighbor, Kenneth Chiu, as the victim was returning from a date. Before dying, Mr. Chiu identified his attacker who later confessed that he targeted Mr. Chiu because of his identity. He told investigators that he hated Asians and other ethnic minorities.

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.

MOVING TO SUSPEND RULE XVI

Mr. LUGAR. Mr. President, I hereby provide notice that I intend to move to suspend rule XVI of the Standing Rules of the Senate during the Senate's consideration of H.R. 2800 in order to offer the amendment No. 1974 to that bill.

(The amendment is printed in today's RECORD under ''Morning Business.'')

ADDITIONAL STATEMENTS

TRIBUTE TO PACHY BURNS

● Mr. BURNS. Mr. President, today I bring to your attention a truly remarkable program. In America, at this point in our history, most people are so far removed from their agrarian roots, they have lost all understanding of true ties to the land. This is one of the many problems that agricultural producers face in their battle for survival.

There is a sheep producer in Montana who is working to correct this problem. Pachy Burns is a true Western woman. There is nothing that she is not willing to face and, if need be, challenge. Pachy has created a program called Jam to Lamb. It is an all-women's lambing party that involves women from all over the United States. Women from every walk of life experience the true meaning of ranching by learning through doing.

Women who visit Pachy learn about delivering lambs, branding lambs, nursing bums, and all of the other necessities of daily ranch life. They learn the truth about issues impacting agriculture such as Federal lands and predators.

I ask that you all join me in recognition of Pachy Burns, a woman who is trying to open not only the eyes but also the hearts of people, who should have a better understanding of where their food comes from. Pachy is accomplishing this through leadership and friendship the true mark of a Westerner.●

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the second time, and placed on the calendar:

S.J. Res. 21. Joint resolution expressing the sense of Congress that the number of years during which the death tax under subtitle B of the Internal Revenue Code of 1986 is repealed should be extended, pending the permanent repeal of the death tax.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 627. A bill to prevent the use of certain payments instruments, credit cards, and fund transfers for unlawful Internet gambling, and for other purposes (Rept. No. 108–173).

By Ms. COLLINS, from the Committee on Governmental Affairs, without amendment:

H.R. 1610. A bill to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the ''Walt Disney Post Office Building''.

H.R. 1882. A bill to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the ''Arthur 'Pappy' Kennedy Post Office''.

H.R. 1883. A bill to designate the facility of the United States Postal Service located at 1601–1 Main Street in Jacksonville, Florida, as the ''Eddie Mae Steward Post Office''.

H.R. 2075. A bill to designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the ''Judge Edward Rodgers Post Office Building''.

H.R. 2254. A bill to designate the facility of the United States Postal Service located at 1101 Colorado Street in Boulder City, Nevada, as the ''Bruce Woodbury Post Office Building''.

H.R. 2309. To designate the facility of the United States Postal Service located at 2300 Redondo Avenue in Long Beach, California, as the ''Stephen Horn Post Office Building''.

H.R. 2328. A bill 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. 2396. A bill to designate the facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the ''Francisco A. Martinez Flores Post Office''.

H.R. 2452. A bill to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the ''Brian C. Hickey Post Office Building''.

H.R. 2533. A bill to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the ''J.C. Lewis, Jr. Post Office Building''.

H.R. 2746. A bill to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the ''Barbara B. Kennelly Post Office Building''.

H.R. 3011. A bill to designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the ''Bob Hope Post Office Building''.

S. 1405. A bill to designate the facility of the United States Postal Service located at 514 17th Street, Moline, Illinois, as the ''David Bybee Post Office Building''.

S. 1415. A bill to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the ''Barbara B. Kennelly Post Office Building''.

S. 1590. A bill to redesignate the facility of the United States Postal Service, located at 315 Empire Boulevard in Crown Heights, Brooklyn, New York, as the ''James E. Davis Post Office Building''.

S. 1659. A bill to designate the facility of the United States Postal Service located at 57 Old Tappan Road in Tappan, New York, as the ''John G Dow Post Office Building.

S. 1671. A bill to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the ''J.C. Lewis Post Office Building''.

S. 1692. A bill to designate the facility of the United States Postal Service located at 38 Spring Street in Nashua, New Hampshire, as the ''Hugh Gregg Post Office Building''.

S. 1718. A bill to designate the facility of the United States Postal Service located at 3710 West 73rd Terrace in Prairie Village, Kansas, as the ''Senator James B. Pearson Post Office''.

S. 1746. A bill to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the ''Brian C. Hickey Post Office Building''.

ADDITIONAL COSPONSORS

S. 349

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 349, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 698

At the request of Mr. BUNNING, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 698, a bill to clarify the status of the Young Men's Christian Association Retirement Fund for purposes of the Internal Revenue Code of 1986.

S. 1034

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1034, a bill to repeal the sunset date on the assault weapons ban, to ban the importation of large capacity ammunition feeding devices, and for other purposes.

S. 1246

At the request of Mr. ROBERTS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1246, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1305

At the request of Mr. BINGAMAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1305, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain motor vehicle dealer transitional assistance.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Ohio (Mr. VOINOVICH) 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. 1380

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1397

At the request of Mr. GREGG, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1397, a bill to prohibit certain abortion-related discrimination in governmental activities.

S. 1538

At the request of Mr. HARKIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1538, a bill to ensure that the goals of the Dietary Supplement Health and Education Act of 1994 are met by authorizing appropriations to fully enforce and implement such Act and the amendments made by such Act, and for other purposes.

S. 1545

At the request of Mr. HATCH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1554

At the request of Mrs. MURRAY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1554, a bill to provide for secondary school reform, and for other purposes.

S. 1570

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1570, a bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs.

S. 1595

At the request of Mr. KERRY, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1595, a bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax with respect to employees who participate in the military reserve components and are called to active duty and with respect to replacement employees and to allow a comparable credit for activated military reservists who are self-employed individuals, and for other purposes.

S. 1655

At the request of Mr. ENSIGN, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1655, a bill to ratify the authority of the Federal Trade Commission to establish the do-not-call registry.

S. 1664

At the request of Mr. COCHRAN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1664, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to extend and improve the collection of maintenance fees.

S. 1700

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1700, a bill to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 1703

At the request of Mr. SMITH, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1703, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax for expenditures for the maintenance of railroad tracks of Class II and Class III railroads.

S. 1726

At the request of Mr. ALEXANDER, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Indiana (Mr. LUGAR), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Utah (Mr. BENNETT), the Senator from Nebraska (Mr. HAGEL), the Senator from Georgia (Mr. MILLER) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 1726, a bill to reduce the preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1736

At the request of Mr. ENZI, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 1736, a bill to promote simplification and fairness in the administration and collection of sales and use taxes.

S. 1775

At the request of Mr. BOND, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1775, a bill to make certain technical and conforming amendments to correct the Health Care Safety Net Amendments of 2002.

S. 1785

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1785, a bill to authorize the operation of National Guard counterdrug schools.

S. CON. RES. 73

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. Con. Res. 73, a concurrent resolution expressing the deep concern of Congress regarding the failure of the Islamic Republic of Iran to adhere to its obligations under a safeguards agreement with the International Atomic Energy Agency and the engagement by Iran in activities that appear to be designed to develop nuclear weapons.

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 73, supra.

S. CON. RES. 75

At the request of Mr. DURBIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Con. Res. 75, a concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued to promote public awareness of Down syndrome.

S. RES. 244

At the request of Mrs. BOXER, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Indiana (Mr. LUGAR), the Senator from California (Mrs. FEINSTEIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 244, a resolution congratulating Shirin Ebadi for winning the 2003 Nobel Peace Prize and commending her for her lifetime of work to promote democracy and human rights.

AMENDMENT NO. 1966

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of amendment No. 1966 proposed to H.R. 2800, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

At the request of Mr. SANTORUM, his name was added as a cosponsor of amendment No. 1966 proposed to H.R. 2800, supra.

At the request of Mr. DEWINE, the names of the Senator from New Jersey

(Mr. CORZINE), the Senator from Kansas (Mr. BROWNBACK), the Senator from Indiana (Mr. LUGAR), the Senator from Kansas (Mr. ROBERTS), the Senator from Nebraska (Mr. HAGEL), the Senator from North Carolina (Mrs. DOLE), the Senator from Maine (Ms. COLLINS), the Senator from Oregon (Mr. SMITH), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 1966 proposed to H.R. 2800, supra.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1968. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

SA 1969. Mr. BYRD proposed an amendment to the bill H.R. 2800, supra.

SA 1970. Mr. MCCONNELL (for himself, Mr. LEAHY, and Mr. MCCAIN) proposed an amendment to the bill H.R. 2800, supra.

SA 1971. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 1972. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 1973. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 1974. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2800, supra; which was ordered to lie on the table.

SA 1975. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2800, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1968. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 147, between lines 6 and 7, insert the following new section:

PROHIBITION ON FUNDING TO COUNTRIES THAT TRADE IN CERTAIN WEAPONS WITH NORTH KOREA

SEC. 692. (a) No funds appropriated pursuant to this Act may be made available to the government of a country or for a project in a country that, during the 12-month period ending on the date that such funds would be obligated, has—

(1) exported to North Korea any item listed on the United States Munitions List under section 38 of the Arms Export Control Act (22 U.S.C. 2278) or any dual-use item on the Commerce Control List pursuant to the Export Administration Regulations (15 C.F.R. part 730 et seq.), if the President determines that such items are intended for use in a weapons of mass destruction or a missile program in North Korea; or

(2) imported from North Korea any item described in paragraph (1).

(b) The President may waive the prohibition in subsection (a) with respect to a county or project if the President certifies to Congress that it is in the national interest of the United States to waive the prohibition.

On page 48, line 21, insert after ''Jordan:'' the following: ''*Provided further,* That of the funds appropriated by this paragraph, $27,000,000 shall be made available for assistance for Poland:''.

On page 18, line 10, after ''Jordan'' insert the following: '', which sum shall be disbursed within 30 days of enactment of this Act''.

On page 141, line 4, strike ''in Jamaica and El Salvador''.

On page 141, after line 13, insert the following:

''(c) REPORT.—The requirement for an annual report, contained in section 582(b)(1) of Division E of P.L. 108–7, shall be applicable to all programs for which funds are provided under the authority of this subsection.''.

On page 21, line 18, after the colon insert the following: ''*Provided further,* That of the funds appropriated under this heading, not less than $350,000 should be made available, notwithstanding any other provision of law, for the National Endowment for Democracy to support democracy and human rights in North Korea:''.

Insert where appropriate:

MALAYSIA

SEC. . (a) Funds appropriated by this Act that are available for assistance for Malaysia may be made available if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Malaysia supports and promotes religious freedoms, including tolerance for people of the Jewish faith.

(b) The Secretary of State may waive the requirements of subsection (a) if he determines and reports to the Committees on Appropriations that such a waiver is in the national security interests of the United States.

On page 23, line 21, delete all after the colon through ''Macedonia:'' on line 25.

On page 21, line 18, after the colon insert the following: ''*Provided further,* That of the funds appropriated under this heading, up to $1,000,000 should be made available for a program to promote greater understanding and interaction among youth in Albania, Kosovo, Montenegro and Macedonia:''.

On page 17, line 18, strike ''*Provided*'' through ''Cairo:'' on page 18, line 1.

On page 122, line 3, strike ''are made'' and insert in lieu thereof: ''are''.

On page 137, line 11, strike ''March 1'' and insert in lieu thereof: ''March 31''.

On page 37, line 22, strike ''$18,500,000'' and insert in lieu thereof: ''$21,000,000''.

On page 147, line 6, after ''Act'' insert the following:

WAR CRIMES IN AFRICA

SEC. 692. Funds appropriated by this Act, including funds for debt restructuring, shall not be made available to the central government of a country in which individuals indicted by the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) are credibly alleged to be living unless the Secretary of State certifies to the President of the Senate and the Speaker of the House of Representatives that such government is cooperating with ICTR and SCSL, including the surrender and transfer of indictees: *Provided,* That the previous proviso shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961: *Provided further,* That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by ICTR and SCSL to bring to justice individuals indicted by such tribunals.

On page 91, line 17, after ''law.'', insert the following:

(J) WAIVER.—The prohibition in Section 692 of this Act may be waived on a country by country basis if the President determines that doing so is in the national security interest of the United States: *Provided,* That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations describing: (1) the steps the Administration is taking to obtain the cooperation of the government in surrendering the indictee in question to the Special Court for Sierra Leone (SCSL) or the International Criminal Tribunal for Rwanda (ICTR); (2) a strategy for bringing the indictee before ICTR or SCSL; and (3) the justification for exercising the waiver authority.

On page 35, line 22, before the colon insert the following: ''*Provided further,* That of the funds appropriated under this heading, not less than $2,500,000 shall be made available for continued training, equipment, and other assistance for the Colombian National Park Service: *Provided further,* That none of the funds appropriated by this Act shall be made available for aerial fumigation within Colombia's national parks''.

On page 20, line 9, before the colon, insert the following: '': *Provided further,* That of the funds made available under this heading, not less than $2,500,000 shall be made available, in addition to amounts otherwise available for such purposes, as a United States contribution to the Office of the United Nations High Commissioner for Human Rights, to support its activities including human rights training for peacekeepers, activities to address trafficking in persons, monitoring and field activities''.

On page 39, line 2, before the period insert the following: '': *Provided,* That funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of such Act which would limit the amount of funds which could be appropriated for this purpose''.

On page 75, line 22, strike ''$10,000,000'' and insert in lieu thereof: ''$25,000,000''.

On page 75, line 24, before the colon, insert the following: '', and to support programs aimed at addressing the needs of Afghan women in consultation with other Afghan ministries''.

On page 21, line 18, before the colon, insert the following: '': *Provided further,* That of the funds made available under this heading and the heading ''Office of Transition Initiatives'', not less than $5,000,000 shall be made available for disarmament, demobilization, and reintegration of child soldiers in Liberia''.

On page 19, line 25, before the colon, insert the following: '': *Provided further,* That of the funds appropriated under this heading, not less than $10,000,000 shall be made available for programs and activities in rural Mexico to promote microcredit lending, small business and entrepreneurial development, and private property ownership in rural communities, and to support small farmers who have been affected by adverse economic conditions: *Provided further,* That funds made available pursuant to the previous proviso may be made available only if the case involving three Americans arrested in Oaxaca, Mexico on October 6, 2003, in connection with a private property dispute is resolved satisfactorily, and such funds shall be subject to the regular notification procedures of the Committees on Appropriations''.

SA 1969. Mr. BYRD proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related

programs for the fiscal year ending September 30, 2004, and for other purposes, as follows:

At the appropriate place, add the following:

Sec. ___. (a) None of the funds made available by this Act or any other Act may be used by the Coalition Provisional Authority (CPA) unless the Administrator of the Coalition Provisional Authority is an officer of the United States Government appointed by the President by and with the advice and consent of the Senate.

(b) This provision shall be effective March 1, 2004.

SA 1970. Mr. MCCONNELL (for himself, Mr. LEAHY, and Mr. MCCAIN) proposed an amendment to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 111, after line 12, insert the following:

(c) It is the sense of the Senate that the United Nations Security Council should debate and consider sanctions against Burma as a result of the threat to regional stability and peace posed by the repressive and illegitimate rule of the State Peace and Development Council.

SA 1971. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs 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 98, strike line 24 and all that follows through page 99, line 10 and insert the following:

SEC. 644. (a) Subject to subsection (c), of the funds appropriated by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties owed by such country shall be withheld from obligation for such country until the Secretary of State submits a certification to the appropriate congressional committees stating that such parking fines and penalties are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regulation notification procedures of the appropriate congressional committees, provided that no such funds shall be made available for assistance to a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d) The Secretary of State may waive the requirements set forth in subsection (a) with respect to a country if the Secretary—

(1) determines that the waiver is in the national security interests of the United States; and

(2) submits to the appropriate congressional committees a written justification for such determination that includes a description of the steps being taken to collect the parking fines and penalties owed by such country.

(e) In this section:

(1) The term ''appropriate congressional committees'' means the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(2) The term ''fully adjudicated'' includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment or challenge the summons has lapsed.

(3) The term ''parking fines and penalties'' means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997 through September 30, 2003.

SA 1972. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, between lines 6 and 7, insert the following new section:

ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM TO INCLUDE INFORMATION ON ANTI-SEMITISM

SEC. 692. Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended by adding at the end the following new subparagraph:

''(G) ACTS OF ANTI-SEMITISM.—A description for each foreign country of—

''(i) acts of anti-Semitic violence that occurred in that country;

''(ii) the response of the government of that country to such acts of violence;

''(iii) actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith;

''(iv) societal attitudes in that country toward people of the Jewish faith; and

''(v) trends relating to such attitudes in that country.''.

SA 1973. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, between lines 6 and 7, insert the following new section:

SEC. 692. (a) Congress makes the following findings:

(1) International organizations and nongovernmental observers, including the Organization for Security and Cooperation in Europe, the National Democratic Institute, and Human Rights Watch documented widespread government manipulation of the electoral process in advance of the Presidential election held in Azerbaijan on October 15, 2003.

(2) Such organizations and the Department of State reported widespread vote falsification during the election, including ballot stuffing, fraudulent additions to voter lists, and irregularities with vote tallies and found that election commission members from opposition parties were bullied into signing falsified vote tallies.

(3) The Department of State issued a statement on October 21, 2003 concluding that the irregularities that occurred during the elections ''cast doubt on the credibility of the election's results''.

(4) Human Rights Watch reported that government forces in Azerbaijan used excessive force against demonstrators protesting election fraud and that such force resulted in at least one death and injuries to more than 300 individuals.

(5) Following the elections, the Government of Azerbaijan arrested more than 330 individuals, many of whom are leaders and rank-and-file members of opposition parties in Azerbaijan, including individuals who served as observers and polling-station officials who refused to sign vote tallies from polling stations that the individuals believed were fraudulent.

(6) The national interest of the United States in promoting stability in the Caucasus and Central Asia and in winning the war on terrorism is best protected by maintaining relationships with democracies committed to the rule of law.

(7) The credible reports of fraud and intimidation cast serious doubt on the legitimacy of the October 15, 2003 Presidential election in Azerbaijan and on the victory of Ilham Aliev in such election.

(b) It is the sense of Congress that—

(1) the President and the Secretary of State should urge the Government of Azerbaijan to create an independent commission, with participation from the Organization for Security and Cooperation in Europe and the Council of Europe, to investigate the fraud and intimidation surrounding the October 15, 2003 election in Azerbaijan, and to hold a new election if such a commission finds that a new election is warranted;

(2) the violence that followed the election should be condemned and should be investigated in a full and impartial investigation;

(3) the perpetrators of criminal acts related to the election, including Azerbaijani police, should be held accountable; and

(4) the Government of Azerbaijan should immediately release from detention all members of opposition political parties who were arrested for peacefully expressing political opinions.

(c) Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Attorney General, shall submit a report to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee of Appropriations of the House of Representatives on the investigation of the murder of United States democracy worker John Alvis. Such report shall include—

(1) a description of the steps taken by the Government of Azerbaijan to further such investigation and bring to justice those responsible for the murder of John Alvis;

(2) a description of the actions of the Government of Azerbaijan to cooperate with United States agencies involved in such investigation; and

(3) any recommendations of the Secretary for furthering progress of such investigation.

SA 1974. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''That the'' and insert the following:

DIVISION A—APPROPRIATIONS

The

On page 147, line 7, strike ''Act'' and insert ''division''.

On page 147, after line 9, insert the following:

DIVISION B—FOREIGN RELATIONS AUTHORIZATIONS

SEC. 1100. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This division may be cited as the ''Foreign Relations Authorization Act, Fiscal Year 2004''.

(b) DEFINITIONS.—In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) DEPARTMENT.—The term ''Department'' means the Department of State.

(3) SECRETARY.—Except as otherwise provided in this division, the term ''Secretary'' means the Secretary of State.

TITLE XI—AUTHORIZATIONS OF APPROPRIATIONS

Subtitle A—Department of State

SEC. 1101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department under ''Administration of Foreign Affairs'' to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States, and for other purposes authorized by law:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For ''Diplomatic and Consular Programs'', $4,171,504,000 for the fiscal year 2004.

(B) WORLDWIDE SECURITY UPGRADES.—Of the amounts authorized to be appropriated by subparagraph (A), $646,701,000 for the fiscal year 2004 is authorized to be appropriated for worldwide security upgrades.

(2) CAPITAL INVESTMENT FUND.—For ''Capital Investment Fund'', $157,000,000 for the fiscal year 2004.

(3) EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.—For ''Embassy Security, Construction and Maintenance'', $926,400,000 for the fiscal year 2004, in addition to the amounts authorized to be appropriated for such purpose by section 604 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–453).

(4) REPRESENTATION ALLOWANCES.—For ''Representation Allowances'', $9,000,000 for the fiscal year 2004.

(5) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For ''Protection of Foreign Missions and Officials'', $21,000,000 for the fiscal year 2004, and $55,900,000 to be available for expenses related to protection of foreign missions and officials incurred prior to October 1, 2003.

(6) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For ''Emergencies in the Diplomatic and Consular Service'', $1,000,000 for the fiscal year 2004.

(7) REPATRIATION LOANS.—For ''Repatriation Loans'', $1,219,000 for the fiscal year 2004.

(8) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For ''Payment to the American Institute in Taiwan'', $19,773,000 for the fiscal year 2004.

(9) OFFICE OF THE INSPECTOR GENERAL.—For ''Office of the Inspector General'', $31,703,000 for the fiscal year 2004.

SEC. 1102. UNITED STATES EDUCATIONAL, CULTURAL, AND PUBLIC DIPLOMACY PROGRAMS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated for the Department to carry out public diplomacy programs of the Department under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Foreign Affairs Reform and Restructuring Act of 1998, the Center for Cultural and Technical Interchange Between East and West Act of 1960, the Dante B. Fascell North-South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with the purposes of such Acts:

(1) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—

(i) IN GENERAL.—For the ''Fulbright Academic Exchange Programs'' $127,365,000 for the fiscal year 2004.

(ii) VIETNAM FULBRIGHT ACADEMIC EXCHANGE PROGRAM.—Of the amount authorized to be appropriated by clause (i), $5,000,000 to carry out the Vietnam scholarship program established by section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138).

(B) OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—For other educational and cultural exchange programs authorized by law, $274,981,000 for the fiscal year 2004.

(2) NATIONAL ENDOWMENT FOR DEMOCRACY.—For the ''National Endowment for Democracy'', $42,000,000 for the fiscal year 2004.

(3) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For the ''Center for Cultural and Technical Interchange Between East and West'', $15,000,000 for the fiscal year 2004.

(4) DANTE B. FASCELL NORTH-SOUTH CENTER.—For the ''Dante B. Fascell North-South Center'', $2,000,000 for the fiscal year 2004.

(b) ASIA FOUNDATION.—Section 404 of The Asia Foundation Act (22 U.S.C. 4403) is amended to read as follows:

''SEC. 404. There are authorized to be appropriated to the Secretary of State $15,000,000 for the fiscal year 2004 for grants to The Asia Foundation pursuant to this title.''.

SEC. 1103. INTERNATIONAL ORGANIZATIONS AND CONFERENCES.

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—There is authorized to be appropriated for ''Contributions to International Organizations'', $1,010,463,000 for the fiscal year 2004 for the Department to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.—

(1) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated for ''Contributions for International Peacekeeping Activities'', $550,200,000 for the fiscal year 2004 for the Department to carry out the authorities, functions, duties, and responsibilities of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(2) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to paragraph (1) are authorized to be available until September 30, 2005.

(c) FOREIGN CURRENCY EXCHANGE RATES.—

(1) AUTHORIZATION OF APPROPRIATION.—In addition to amounts authorized to be appropriated by subsection (a), there is authorized to be appropriated for the Department such sums as may be necessary for the fiscal year 2004 to offset adverse fluctuations in foreign currency exchange rates.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to the appropriate congressional committees that such amounts are necessary due to such fluctuations.

SEC. 1104. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under ''International Commissions'' for the Department to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international commissions and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For ''International Boundary and Water Commission, United States and Mexico''—

(A) for ''Salaries and Expenses'', $31,562,000 for the fiscal year 2004; and

(B) for ''Construction'', $8,901,000 for the fiscal year 2004.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For ''International Boundary Commission, United States and Canada'', $1,261,000 for the fiscal year 2004.

(3) INTERNATIONAL JOINT COMMISSION.—For ''International Joint Commission'', $7,810,000 for the fiscal year 2004.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For ''International Fisheries Commissions'', $20,043,000 for the fiscal year 2004.

SEC. 1105. MIGRATION AND REFUGEE ASSISTANCE.

(a) IN GENERAL.—There is authorized to be appropriated for ''Migration and Refugee Assistance'' for authorized activities, $760,197,000 for the fiscal year 2004.

(b) REFUGEES RESETTLING IN ISRAEL.—Of the amount authorized to be appropriated by subsection (a), $50,000,000 is authorized to be available for the fiscal year 2004 for the resettlement of refugees in Israel.

SEC. 1106. AUTHORIZATION FOR THE CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.

Of the amounts authorized in this Act under section 1102 for United States educational, cultural, and public diplomacy programs, up to $4,000,000 is authorized to be appropriated, in addition to such funds authorized under section 1102(a)(3), in support of the Center for Cultural and Technical Interchange Between East and West.

Subtitle B—United States International Broadcasting Activities

SEC. 1111. AUTHORIZATIONS OF APPROPRIATIONS.

The following amounts are authorized to be appropriated to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948, the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, and the Foreign Affairs Reform and Restructuring Act of 1998, and to carry out other authorities in law consistent with the purposes of such Acts:

(1) INTERNATIONAL BROADCASTING OPERATIONS.—For ''International Broadcasting Operations'', $561,005,000 for the fiscal year 2004.

(2) BROADCASTING CAPITAL IMPROVEMENTS.—For ''Broadcasting Capital Improvements'', $11,395,000 for the fiscal year 2004.

TITLE XII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

SEC. 1201. INTERFERENCE WITH PROTECTIVE FUNCTIONS.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"§ 117. Interference with certain protective functions

''Whoever knowingly and willfully obstructs, resists, or interferes with a Federal law enforcement agent engaged, within the United States or the special maritime territorial jurisdiction of the United States, in the performance of the protective functions authorized by section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) or section 103 of the Diplomatic Security Act (22 U.S.C. 4802) shall be fined under this title or imprisoned not more than one year, or both.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''117. Interference with certain protective functions.''.

SEC. 1202. AUTHORITY TO ISSUE ADMINISTRATIVE SUBPOENAS.

Section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) is amended by adding at the end the following new subsection:

''(d) ADMINISTRATIVE SUBPOENAS.—

''(1) IN GENERAL.—If the Secretary determines that there is an imminent threat against a person, foreign mission, or international organization protected under the authority of subsection (a)(3), the Secretary may issue in writing, and cause to be served, a subpoena requiring—

''(A) the production of any records or other items relevant to the threat; and

''(B) testimony by the custodian of the items required to be produced concerning the production and authenticity of those items.

''(2) REQUIREMENTS.—

''(A) RETURN DATE.—A subpoena under this subsection shall describe the items required to be produced and shall specify a return date within a reasonable period of time within which the requested items may be assembled and made available. The return date specified may not be less than 24 hours after service of the subpoena.

''(B) NOTIFICATION TO ATTORNEY GENERAL.—As soon as practicable following the issuance of a subpoena under this subsection, the Secretary shall notify the Attorney General of its issuance.

''(C) OTHER REQUIREMENTS.—The following provisions of section 3486 of title 18, United States Code, shall apply to the exercise of the authority of paragraph (1):

''(i) Paragraphs (4) through (8) of subsection (a).

''(ii) Subsections (b), (c), and (d).

''(3) DELEGATION OF AUTHORITY.—The authority under this subsection may be delegated only to the Deputy Secretary of State.

''(4) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report regarding the exercise of the authority under this subsection during the previous calendar year.''.

SEC. 1203. ENHANCED DEPARTMENT OF STATE AUTHORITY FOR UNIFORMED SECURITY OFFICERS.

The State Department Basic Authorities Act of 1956 is amended by inserting after section 37 (22 U.S.C. 2709) the following new section:

"SEC. 37A. PROTECTION OF BUILDINGS AND AREAS IN THE UNITED STATES BY DESIGNATED LAW ENFORCEMENT OFFICERS.

''(a) DESIGNATION OF LAW ENFORCEMENT OFFICERS.—The Secretary of State may designate Department of State uniformed guards as law enforcement officers for duty in connection with the protection of buildings and areas within the United States for which the Department of State provides protective services, including duty in areas outside the property to the extent necessary to protect the property and persons on the property.

''(b) POWERS OF OFFICERS.—While engaged in the performance of official duties as a law enforcement officer designated under subsection (a), an officer may—

''(1) enforce Federal laws and regulations for the protection of persons and property;

''(2) carry firearms; and

''(3) make arrests without warrant for any offense against the United States committed in the officer's presence, or for any felony cognizable under the laws of the United States if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing such felony in connection with the buildings and areas, or persons, for which the Department of State is providing protective services.

''(c) REGULATIONS.—(1) The Secretary of State may prescribe regulations necessary for the administration of buildings and areas within the United States for which the Department of State provides protective services. The regulations may include reasonable penalties, within the limits prescribed in subsection (d), for violations of the regulations.

''(2) The Secretary shall consult with the Secretary of Homeland Security in prescribing the regulations under paragraph (1).

''(3) The regulations shall be posted and kept posted in a conspicuous place on the property.

''(d) PENALTIES.—A person violating a regulation prescribed under subsection (c) shall be fined under title 18, United States Code, or imprisoned for not more than 30 days, or both.

''(e) TRAINING OFFICERS.—The Secretary of State may also designate firearms and explosives training officers as law enforcement officers under subsection (a) for the limited purpose of safeguarding firearms, ammunition, and explosives that are located at firearms and explosives training facilities approved by the Secretary or are in transit between training facilities and Department of State weapons and munitions vaults.

''(f) ATTORNEY GENERAL APPROVAL.—The powers granted to officers designated under this section shall be exercised in accordance with guidelines approved by the Attorney General.

''(g) RELATIONSHIP TO OTHER AUTHORITY.—Nothing in this section shall be construed to affect the authority of the Secretary of Homeland Security, the Administrator of General Services, or any Federal law enforcement agency.''.

SEC. 1204. PROHIBITION ON TRANSFER OF CERTAIN VISA PROCESSING FEES.

Section 140(a)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1351 note) is amended by inserting before the period at the end the following: '', and shall not be transferred to any other agency, except that funds may be transferred by the Secretary for the procurement of goods and services from other departments or agencies pursuant to section 1535 of title 31, United States Code''.

SEC. 1205. REIMBURSEMENT FROM UNITED STATES OLYMPIC COMMITTEE.

(a) IN GENERAL.—The Secretary shall seek, to the extent practicable, reimbursement from the United States Olympic Committee for security provided to the United States Olympic Team by Diplomatic Security Special Agents during the 2004 Summer Olympics.

(b) OFFSETTING RECEIPT.—Reimbursements provided under subsection (a) shall be deposited as an offsetting receipt to the appropriate Department account.

(c) AVAILABILITY OF FUNDS.—Funds collected under the authority in subsection (a) shall remain available for obligation until September 30, 2005.

Subtitle B—Educational, Cultural, and Public Diplomacy Authorities

SEC. 1211. AUTHORITY TO PROMOTE BIOTECHNOLOGY.

The Secretary is authorized to support, by grants, cooperative agreements, or contracts, outreach and public diplomacy activities regarding the benefits of agricultural biotechnology and science-based regulatory systems, and the application of agricultural biotechnology for trade and development purposes. The total amount of grants made pursuant to this authority in a fiscal year shall not exceed $500,000.

SEC. 1212. THE UNITED STATES DIPLOMACY CENTER.

Title I of the State Department Basic Authorities Act of 1956 is amended by adding after section 58 (22 U.S.C. 2730) the following new section:

"SEC. 59. THE UNITED STATES DIPLOMACY CENTER.

''(a) ACTIVITIES.—

''(1) SUPPORT AUTHORIZED.—The Secretary of State is authorized to provide by contract, grant, or otherwise, for the performance of appropriate museum visitor and educational outreach services, including organizing conference activities, museum shop services, and food services, in the public exhibit and related space utilized by the United States Diplomacy Center.

''(2) PAYMENT OF EXPENSES.—The Secretary may pay all reasonable expenses of conference activities conducted by the Center, including refreshments and reimbursement of travel expenses incurred by participants.

''(3) RECOVERY OF COSTS.—Any revenues generated under the authority of paragraph (1) for visitor services may be retained, as a recovery of the costs of operating the Center, and credited to any Department of State appropriation.

''(b) DISPOSITION OF UNITED STATES DIPLOMACY CENTER ARTIFACTS AND MATERIALS.—

''(1) PROPERTY OF SECRETARY.—All historic documents, artifacts, or other articles permanently acquired by the Department of State and determined by the Secretary to be suitable for display in the United States Diplomacy Center shall be considered to be the property of the Secretary in the Secretary's official capacity and shall be subject to disposition solely in accordance with this subsection.

''(2) SALE OR TRADE.—Whenever the Secretary makes the determination under paragraph (3) with respect to an item, the Secretary may sell at fair market value, trade, or transfer the item, without regard to the requirements of subtitle I of title 40, United States Code. The proceeds of any such sale may be used solely for the advancement of the Center's mission and may not be used for any purpose other than the acquisition and direct care of collections.

''(3) DETERMINATIONS PRIOR TO SALE OR TRADE.—The determination referred to in paragraph (2), with respect to an item, is a determination that—

''(A) the item no longer serves to further the purposes of the Center established in the collections management policy of the Center; or

''(B) in order to maintain the standards of the collections of the Center, the sale or exchange of the item would be a better use of the item.

''(4) LOANS.—The Secretary may also lend items covered by paragraph (1), when not needed for use or display in the Center, to the Smithsonian Institution or a similar institution for repair, study, or exhibition.''.

SEC. 1213. LATIN AMERICA CIVILIAN GOVERNMENT SECURITY PROGRAM.

The Secretary is authorized to establish, through an institution of higher education in the United States that has prior experience in the field, an educational program designed to promote civilian control of government ministries in Latin America that perform national security functions by teaching and reinforcing among young professionals from countries in Latin America the analytical skills, knowledge of civil institutions, and leadership skills necessary to manage national security functions within a democratic civil society.

SEC. 1214. COMBATTING PIRACY OF UNITED STATES COPYRIGHTED MATERIALS.

(a) PROGRAM AUTHORIZED.—The Secretary may carry out a program of activities to combat piracy in countries that are not members of the Organization for Economic Cooperation and Development (OECD), including activities as follows:

(1) The provision of equipment and training for law enforcement, including in the interpretation of intellectual property laws.

(2) The provision of training for judges and prosecutors, including in the interpretation of intellectual property laws.

(3) The provision of assistance in complying with obligations under applicable international treaties and agreements on copyright and intellectual property.

(b) DISCHARGE THROUGH BUREAU OF ECONOMIC AFFAIRS.—The Secretary shall carry out the program authorized by subsection (a) through the Bureau of Economic Affairs of the Department.

(c) CONSULTATION WITH WORLD INTELLECTUAL PROPERTY ORGANIZATION.—In carrying out the program authorized by subsection (a), the Secretary shall, to the maximum extent practicable, consult with and provide assistance to the World Intellectual Property Organization in order to promote the integration of countries described in subsection (a) into the global intellectual property system.

(d) FUNDING.—Of the amount authorized to be appropriated for other educational and cultural exchange programs by section 1102(a)(1)(B), $5,000,000 may be available in fiscal year 2004 for the program authorized by subsection (a).

TITLE XIII—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

SEC. 1301. FELLOWSHIP OF HOPE PROGRAM.

(a) FELLOWSHIP AUTHORIZED.—Chapter 5 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3981 et seq.) is amended by adding at the end the following new section:

''SEC. 506. FELLOWSHIP OF HOPE.—(a) The Secretary is authorized to establish the Fellowship of Hope Program. Under the program, the Secretary may assign a member of the Service, for not more than one year, to a position with any designated country or designated entity that permits an employee to be assigned to a position with the Department.

''(b) The salary and benefits of a member of the Service shall be paid as described in subsection (b) of section 503 during a period in which such member is participating in the Fellowship of Hope Program. The salary and benefits of an employee of a designated country or designated entity participating in such program shall be paid by such country or entity during the period in which such employee is participating in the program.

''(c) For the purposes of the program authorized by subsection (a), Congress consents to employees of a designated country or designated entity continuing to receive payment of salary and benefits from such designated country or designated entity while they serve in offices of profit or trust within the Department of State.

''(d) In this section:

''(1) The term 'designated country' means a member country of—

''(A) the North Atlantic Treaty Organization; or

''(B) the European Union.

''(2) The term 'designated entity' means—

''(A) the North Atlantic Treaty Organization; or

''(B) the European Union.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such Act is amended—

(1) in section 503 (22 U.S.C. 3983)—

(A) in the section heading, by striking ''AND'' and inserting ''FOREIGN GOVERNMENTS, OR''; and

(B) in subsection (a)(1), by inserting after ''body'' the following: '', or with a foreign government under section 506''; and

(2) in section 2, in the table of contents—

(A) by striking the item relating to section 503 and inserting the following:

''Sec. 503. Assignments to agencies, international organizations, foreign governments, or other bodies.''; and

(B) by inserting after the item relating to section 505 the following:

''Sec. 506. Fellowship of Hope Program.''.

SEC. 1302. COST-OF-LIVING ALLOWANCES.

Section 5924(4) of title 5, United States Code, is amended—

(1) in the first sentence of subparagraph (A)—

(A) by inserting ''activities required for successful completion of a grade or course and'' after ''(including''; and

(B) by striking ''not to exceed the total cost to the Government of the dependent attending an adequate school in the nearest locality where an adequate school is available'' and inserting ''subject to the approval of the head of the agency involved'';

(2) by striking subparagraph (B) and inserting the following:

''(B) The travel expenses of dependents of an employee to and from a secondary, post-secondary, or post-baccalaureate educational institution, not to exceed 1 annual trip each way for each dependent, except that an allowance payment under subparagraph (A) of this paragraph may not be made for a dependent during the 12 months following the arrival of the dependent at the selected educational institution under authority contained in this subparagraph.''; and

(3) by adding at the end the following new subparagraph:

''(D) Allowances provided pursuant to subparagraphs (A) and (B) may include, at the election of the employee, payment or reimbursement of the costs incurred to store baggage for the employee's dependent at or in the vicinity of the dependent's school during the dependent's annual trip between the school and the employee's duty station, except that such payment or reimbursement may not exceed the cost that the Government would incur to transport the baggage with the dependent in connection with the annual trip, and such payment or reimbursement shall be in lieu of transportation of the baggage.''.

SEC. 1303. ADDITIONAL AUTHORITY FOR WAIVER OF ANNUITY LIMITATIONS ON REEMPLOYED FOREIGN SERVICE ANNUITANTS.

Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended to read as follows:

''(g) The Secretary of State may waive the application of subsections (a) through (d) on a case-by-case basis for an annuitant reemployed on a temporary basis—

''(1) if, and for so long as, such waiver is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances; or

''(2) if the annuitant is employed in a position for which there is exceptional difficulty in recruiting or retaining a qualified employee.''.

SEC. 1304. HOME LEAVE.

Chapter 9 of title I of the Foreign Service Act of 1980 is amended—

(1) in section 901(6) (22 U.S.C. 4081(6)), by striking ''unbroken by home leave'' both places that it appears; and

(2) in section 903(a) (22 U.S.C. 4083(a)), by striking ''18 months'' in the first sentence and inserting ''12 months''.

SEC. 1305. INCREASED LIMITS APPLICABLE TO POST DIFFERENTIALS AND DANGER PAY ALLOWANCES.

(a) POST DIFFERENTIALS.—Section 5925(a) of title 5, United States Code, is amended by striking ''25 percent'' in the third sentence and inserting ''35 percent''.

(b) DANGER PAY ALLOWANCES.—Section 5928 of title 5, United States Code, is amended by striking ''25 percent'' both places that it appears and inserting ''35 percent''.

SEC. 1306. SUSPENSION OF FOREIGN SERVICE MEMBERS WITHOUT PAY.

(a) SUSPENSION.—Section 610 of the Foreign Service Act of 1980 (22 U.S.C. 4010) is amended by adding at the end the following new subsection:

''(c) SUSPENSION.—(1) The Secretary may suspend a member of the Foreign Service without pay when there is reasonable cause to believe that the member has committed a crime for which a sentence of imprisonment may be imposed and there is a connection between the conduct and the efficiency of the Foreign Service.

''(2) Any member of the Foreign Service for which a suspension is proposed shall be entitled to—

''(A) written notice stating the specific reasons for the proposed suspension;

''(B) a reasonable time to respond orally and in writing to the proposed suspension;

''(C) representation by an attorney or other representative; and

''(D) a final written decision, including the specific reasons for such decision, as soon as practicable.

''(3) Any member suspended under this section may file a grievance in accordance with the procedures applicable to grievances under chapter 11 of this title.

''(4) In the case of a grievance filed under paragraph (3), the review by the Foreign Service Grievance Board—

''(A) shall be limited to a determination of whether the reasonable cause requirement has been fulfilled and whether there is a connection between the conduct and the efficiency of the Foreign Service; and

''(B) may not exercise the authority provided under section 1106(8) of the Foreign Service Act of 1980 (22 U.S.C. 4136(8)).

''(5) In this section:

''(A) The term 'reasonable time' means—

''(i) with respect to a member of the Foreign Service assigned to duty in the United States, 15 days after receiving notice of the proposed suspension; and

''(ii) with respect to a member of the Foreign Service assigned to duty outside the

United States, 30 days after receiving notice of the proposed suspension.

''(B) The term 'suspend' or 'suspension' means the placing of a member of the Foreign Service, for disciplinary reasons, in a temporary status without duties.''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) AMENDMENT OF SECTION HEADING.—Such section, as amended by subsection (a), is further amended by inserting ''; suspension'' before the period at the end.

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of contents in section 2 of such Act is amended to read as follows:

''Sec. 610. Separation for cause; suspension.''.

SEC. 1307. CLAIMS FOR LOST PAY.

Section 2 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669) is amended by adding at the end the following:

''(o) make administrative corrections or adjustments to an employee's pay, allowances, or differentials, resulting from mistakes or retroactive personnel actions, as well as provide back pay and other categories of payments under section 5596 of title 5, United States Code, as part of the settlement or compromise of administrative claims or grievances filed against the Department.''.

SEC. 1308. REPEAL OF REQUIREMENT FOR RECERTIFICATION PROCESS FOR MEMBERS OF THE SENIOR FOREIGN SERVICE.

Section 305(d) of the Foreign Service Act of 1980 (22 U.S.C. 3945(d)) is repealed.

SEC. 1309. DEADLINE FOR ISSUANCE OF REGULATIONS REGARDING RETIREMENT CREDIT FOR GOVERNMENT SERVICE PERFORMED ABROAD.

Section 321(f) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 116 Stat. 1383; 5 U.S.C. 8411 note) is amended by inserting '', not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Year 2004,'' after ''regulations''.

SEC. 1310. SEPARATION OF LOWEST RANKED FOREIGN SERVICE MEMBERS.

Section 2311(b)(1) of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999 (subdivision B of division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–826; 22 U.S.C. 4010 note)) is amended—

(1) by striking ''Not later than 90 days after the date of enactment of this Act, the'' and inserting ''The'';

(2) by striking ''5 percent'' and inserting ''2 percent''; and

(3) by striking ''for 2 or more of the 5 years preceding the date of enactment of this Act'' and inserting ''at least twice in any 5-year period''.

SEC. 1311. DISCLOSURE REQUIREMENTS APPLICABLE TO PROPOSED RECIPIENTS OF THE PERSONAL RANK OF AMBASSADOR OR MINISTER.

Section 302(a)(2)(B)(ii)(IV) of the Foreign Service Act of 1980 (22 U.S.C. 3942(a)(2)(B)(ii)(IV)) is amended by inserting before the period at the end the following: '', including information that is required to be disclosed on the Standard Form 278, or any successor financial disclosure report''.

SEC. 1312. PROVISION OF LIVING QUARTERS AND ALLOWANCES TO THE UNITED STATES REPRESENTATIVES TO THE UNITED NATIONS.

Section 9 of the United Nations Participation Act of 1945 (22 U.S.C. 287e–1) is amended to read as follows:

''SEC. 9. (a) The Secretary of State may, under such regulations as the Secretary shall prescribe, and notwithstanding subsections (a) and (b) of section 3324 of title 31, United States Code, and section 5536 of title 5, United States Code—

''(1) make available to the Permanent Representative of the United States to the United Nations and the Deputy Permanent Representative of the United States to the United Nations—

''(A) living quarters leased or rented by the United States for a period that does not exceed 10 years; and

''(B) allowances for unusual expenses incident to the operation and maintenance of such living quarters that are similar to expenses authorized to be funded by section 5913 of title 5, United States Code;

''(2) make available living quarters in New York leased or rented by the United States for a period of not more than 10 years to—

''(A) not more than 40 members of the Foreign Service assigned to the United States Mission to the United Nations or other United States representatives to the United Nations; and

''(B) not more than 2 employees who serve at the pleasure of the Permanent Representative of the United States to the United Nations; and

''(3) provide an allowance, as the Secretary considers appropriate, to each Delegate and Alternate Delegate of the United States to any session of the General Assembly of the United Nations who is not a permanent member of the staff of the United States Mission to the United Nations, in order to compensate each such Delegate or Alternate Delegate for necessary housing and subsistence expenses with respect to attending any such session.

''(b) The Secretary may not make available living quarters or allowances under subsection (a) to an employee who is occupying living quarters that are owned by such employee.

''(c) Living quarters and allowances provided under subsection (a) shall be considered for all purposes as authorized—

''(1) by chapter 9 of title I of the Foreign Service Act of 1980; and

''(2) by section 5913 of title 5, United States Code.

''(d) The Inspector General for the Department of State and the Broadcasting Board of Governors shall periodically review the administration of this section with a view to achieving cost savings and developing appropriate recommendations to make to the Secretary of State regarding the administration of this section.''.

SEC. 1313. CLARIFICATION OF FOREIGN SERVICE GRIEVANCE BOARD PROCEDURES.

Section 1106(8) of the Foreign Service Act of 1980 (22 U.S.C. 4136(8)) is amended in the first sentence—

(1) by inserting ''the involuntary separation of the grievant (other than an involuntary separation for cause under section 610(a)),'' after ''considering''; and

(2) by striking ''the grievant or'' and inserting ''the grievant, or''.

TITLE XIV—INTERNATIONAL ORGANIZATIONS

SEC. 1401. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS PEACEKEEPING.

Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 22 U.S.C. 287e note) is amended by striking clause (iv) and inserting the following:

''(iv) For assessments made during calendar year 2004, 27.1 percent.

''(v) For assessments made during calendar year 2005, 27.1 percent.''.

SEC. 1402. REPORT TO CONGRESS ON IMPLEMENTATION OF THE BRAHIMI REPORT.

(a) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report assessing the progress made to implement the recommendations set out in the Report of the Panel on United Nations Peace Operations, transmitted from the Secretary General of the United Nations to the President of the General Assembly and the President of the Security Council on August 21, 2000 (''Report'').

(b) CONTENT.—The report required by subsection (a) shall include—

(1) an assessment of the United Nations progress toward implementing the recommendations set out in the Report;

(2) a description of the progress made toward strengthening the capability of the United Nations to deploy a civilian police force and rule of law teams on an emergency basis at the request of the United Nations Security Council; and

(3) a description of the policies, programs, and strategies of the United States Government that support the implementation of the recommendations set out in the Report, especially in the areas of civilian police and rule of law.

SEC. 1403. MEMBERSHIP ON UNITED NATIONS COUNCILS AND COMMISSIONS.

(a) IN GENERAL.—Section 408 of the Department of State Authorization Act, Fiscal Year 2003 (division A of Public Law 107–228; 116 Stat. 1391; 22 U.S.C. 287 note) is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking paragraph (3) and inserting the following:

''(3) to prevent membership on the United Nations Commission on Human Rights or the United Nations Security Council by—

''(A) any member nation the government of which, in the judgment of the Secretary, based on the Department's Annual Country Reports on Human Rights and the Annual Report on International Report on Religious Freedom, consistently violates internationally recognized human rights or has engaged in or tolerated particularly severe violations of religious freedom in that country; or

''(B) any member nation the government of which, as determined by the Secretary—

''(i) is a sponsor of terrorism; or

''(ii) is the subject of United Nations sanctions; and''; and

(3) by adding at the end the following new paragraph:

''(4) to advocate that the government of any member nation that the Secretary determines is a sponsor of terrorism or is the subject of United Nations sanctions is not elected to a leadership position in the United Nations General Assembly, the United Nations Commission on Human Rights, the United Nations Security Council, or any other entity of the United Nations.''.

(b) CONFORMING AMENDMENT.—The heading of section 408 is amended to read as follows:

''SEC. 408. MEMBERSHIP ON UNITED NATIONS COMMISSIONS AND COUNCILS AND THE INTERNATIONAL NARCOTICS CONTROL BOARD.''.

TITLE XV—DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS

SEC. 1501. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

(a) PERIOD OF DESIGNATION.—Section 219(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking ''Subject to paragraphs (5) and (6), a'' and inserting ''A''; and

(B) by striking ''for a period of 2 years beginning on the effective date of the designation under paragraph (2)(B)'' and inserting ''until revoked under paragraph (5) or (6) or set aside pursuant to subsection (c)'';

(2) by striking subparagraph (B) and inserting the following:

''(B) REVIEW OF DESIGNATION UPON PETITION.—

''(i) IN GENERAL.—The Secretary shall review the designation of a foreign terrorist organization under the procedures set forth in clauses (iii) and (iv) if the designated organization files a petition for revocation within the petition period described in clause (ii).

''(ii) PETITION PERIOD.—For purposes of clause (i)—

''(I) if the designated organization has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

''(II) if the designated organization has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

''(iii) PROCEDURES.—Any foreign terrorist organization that submits a petition for revocation under this subparagraph must provide evidence in that petition that the relevant circumstances described in paragraph (1) have changed in such a manner as to warrant revocation with respect to the organization.

''(iv) DETERMINATION.—

''(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Secretary shall make a determination as to such revocation.

''(II) CLASSIFIED INFORMATION.—The Secretary may consider classified information in making a determination in response to a petition for revocation. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

''(III) PUBLICATION OF DETERMINATION.—A determination made by the Secretary under this clause shall be published in the Federal Register.

''(IV) PROCEDURES.—Any revocation by the Secretary shall be made in accordance with paragraph (6).''; and

(3) by adding at the end the following:

''(C) OTHER REVIEW OF DESIGNATION.—

''(i) IN GENERAL.—If in a 4-year period no review has taken place under subparagraph (B), the Secretary shall review the designation of the foreign terrorist organization in order to determine whether such designation should be revoked pursuant to paragraph (6). Such review shall be completed not later than 180 days after the end of such 4-year period.

''(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Secretary. The results of such review and the applicable procedures shall not be reviewable in any court.

''(iii) PUBLICATION OF RESULTS OF REVIEW.—The Secretary shall publish any determination made pursuant to this subparagraph in the Federal Register.''.

(b) ALIASES.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) AMENDMENTS TO A DESIGNATION.—

''(1) IN GENERAL.—The Secretary may amend a designation under this subsection if the Secretary finds that the organization has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged with another organization.

''(2) PROCEDURE.—Amendments made to a designation in accordance with paragraph (1) shall be effective upon publication in the Federal Register. Subparagraphs (B) and (C) of subsection (a)(2) shall apply to an amended designation upon such publication. Paragraphs (2)(A)(i), (4), (5), (6), (7), and (8) of subsection (a) shall also apply to an amended designation.

''(3) ADMINISTRATIVE RECORD.—The administrative record shall be corrected to include the amendments as well as any additional relevant information that supports those amendments.

''(4) CLASSIFIED INFORMATION.—The Secretary may consider classified information in amending a designation in accordance with this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) in subsection (a)—

(A) in paragraph (3)(B), by striking ''subsection (b)'' and inserting ''subsection (c)'';

(B) in paragraph (6)(A)—

(i) in the matter preceding clause (i), by striking ''or a redesignation made under paragraph (4)(B)'' and inserting ''at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4)''; and

(ii) in clause (i), by striking ''or redesignation'';

(C) in paragraph (7), by striking '', or the revocation of a redesignation under paragraph (6),''; and

(D) in paragraph (8)—

(i) by striking '', or if a redesignation under this subsection has become effective under paragraph (4)(B),''; and

(ii) by striking ''or redesignation''; and

(2) in subsection (c), as so redesignated—

(A) in paragraph (1), by striking ''of the designation in the Federal Register,'' and all that follows through ''review of the designation'' and inserting ''in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated organization may seek judicial review'';

(B) in paragraph (2), by inserting '', amended designation, or determination in response to a petition for revocation'' after ''designation'';

(C) in paragraph (3), by inserting '', amended designation, or determination in response to a petition for revocation'' after ''designation''; and

(D) in paragraph (4), by inserting '', amended designation, or determination in response to a petition for revocation'' after ''designation'' each place that term appears.

(d) SAVINGS PROVISION.—For purposes of applying section 219 of the Immigration and Nationality Act on or after the date of enactment of this Act, the term ''designation'', as used in that section, includes all redesignations made pursuant to section 219(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)(B)) prior to the date of enactment of this Act, and such redesignations shall continue to be effective until revoked as provided in paragraph (5) or (6) of section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

TITLE XVI—STRENGTHENING OUTREACH TO THE ISLAMIC WORLD

Subtitle A—Public Diplomacy

SEC. 1601. PLANS, REPORTS, AND BUDGET DOCUMENTS.

(a) REQUIREMENTS UNDER THE UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948.—

(1) REQUIREMENTS.—Section 502 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1462) is amended to read as follows:

''SEC. 502. (a) INTERNATIONAL INFORMATION STRATEGY.—The President shall develop and report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives an international information strategy. The international information strategy shall consist of public information plans designed for major regions of the world, including a focus on regions with significant Muslim populations.

''(b) NATIONAL SECURITY STRATEGY.—In the preparation of the annual report required by section 108 of the National Security Act of 1947 (50 U.S.C. 404a), the President shall ensure that the report includes a comprehensive discussion of how public diplomacy activities are integrated into the national security strategy of the United States, and how such activities are designed to advance the goals and objectives identified in the report pursuant to section 108(b)(1) of that Act.

''(c) PLANS REGARDING DEPARTMENT ACTIVITIES.—

''(1) STRATEGIC PLAN.—In the updated and revised strategic plan for program activities of the Department required to be submitted under section 306 of title 5, United States Code, the Secretary shall identify how public diplomacy activities of the Department are designed to advance each strategic goal identified in the plan.

''(2) ANNUAL PERFORMANCE PLAN.—The Secretary shall ensure that each annual performance plan for the Department required by section 1115 of title 31, United States Code, includes a detailed discussion of public diplomacy activities of the Department.

''(3) BUREAU AND MISSION PERFORMANCE PLAN.—The Secretary shall ensure that each regional bureau's performance plan, and other bureau performance plans as appropriate, and each mission performance plan, under regulations of the Department, includes a public diplomacy component.''.

(2) CONFORMING AMENDMENT.—The heading for such section is amended to read as follows:

''PLANS, REPORTS, AND BUDGET DOCUMENTS''

(b) DEADLINE FOR REPORTING INTERNATIONAL INFORMATION STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the President shall report to the appropriate congressional committees the international information strategy described in subsection (a) of section 502 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1462), as amended by subsection (a).

SEC. 1602. TRAINING.

(a) IN GENERAL.—Chapter 7 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4021 et seq.) is amended by adding at the end the following new section:

''SEC. 709. PUBLIC DIPLOMACY TRAINING.

''The Secretary shall ensure that public diplomacy is an important component of training at all levels of the Foreign Service.''.

(b) JUNIOR OFFICER TRAINING.—Section 703(b) of the Foreign Service Act of 1980 (22 U.S.C. 4023(b)) is amended in the first sentence by inserting ''public diplomacy,'' before ''consular''.

(c) AMENDMENT TO TABLE OF CONTENTS.—The table of contents in section 2 of the Foreign Service Act of 1980 is amended by inserting at the end of items relating to chapter 7 the following new item:

''Sec. 709. Public Diplomacy Training.''.

SEC. 1603. REPORT ON FOREIGN LANGUAGE BRIEFINGS.

Not later than 90 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees containing an evaluation of the feasibility of conducting regular, televised briefings by personnel of the Department of State about United States foreign policy in major foreign languages, including Arabic, Farsi, Chinese, French, and Spanish.

Subtitle B—Strengthening United States Educational and Cultural Exchange Programs

SEC. 1611. DEFINITIONS.

In this subtitle:

(1) ELIGIBLE COUNTRY.—The term ''eligible country'' means a country or entity in Africa, the Middle East, South Asia, or Southeast Asia that—

(A) has a significant Muslim population; and

(B) is designated by the Secretary as an eligible country.

(2) SECONDARY SCHOOL.—The term ''secondary school'' means a school that serves students in any of grades 9 through 12 or equivalent grades in a foreign education system, as determined by the Secretary, in consultation with the Secretary of Education.

(3) UNITED STATES ENTITY.—The term ''United States entity'' means an entity that is organized under laws of a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, or American Samoa.

(4) UNITED STATES SPONSORING ORGANIZATION.—The term ''United States sponsoring organization'' means a nongovernmental organization based in the United States and controlled by a citizen of the United States or a United States entity that is designated by the Secretary, pursuant to regulations, to carry out a program authorized by section 1612.

SEC. 1612. EXPANSION OF EDUCATIONAL AND CULTURAL EXCHANGES.

(a) STATEMENT OF POLICY.—The purpose of this section is to provide for the expansion of international educational and cultural exchange programs with eligible countries.

(b) SPECIFIC PROGRAMS.—In carrying out the purpose of this section, the Secretary is authorized to conduct or initiate the following programs in eligible countries:

(1) FULBRIGHT EXCHANGE PROGRAM.—The Secretary is authorized to substantially increase the number of awards under the J. William Fulbright Educational Exchange Program. The Secretary shall take all appropriate steps to increase support for such program in eligible countries in order to enhance academic and scholarly exchanges with those countries.

(2) HUBERT H. HUMPHREY FELLOWSHIPS.—The Secretary is authorized to substantially increase the number of Hubert H. Humphrey Fellowships awarded to candidates from eligible countries.

(3) SISTER INSTITUTIONS PROGRAMS.—The Secretary is authorized to encourage the establishment of ''sister institution'' programs between United States and foreign institutions (including cities and municipalities) in eligible countries, in order to enhance mutual understanding at the community level.

(4) LIBRARY TRAINING EXCHANGES.—The Secretary is authorized to develop a demonstration program to assist governments in eligible countries to establish or upgrade their public library systems to improve literacy. The program may include training in the library sciences.

(5) INTERNATIONAL VISITORS PROGRAM.—The Secretary is authorized to expand the number of participants in the International Visitors Program from eligible countries.

(6) YOUTH AMBASSADORS.—The Secretary is authorized to establish a program for visits by middle and secondary school students to the United States during school holidays in their home country for periods not to exceed 4 weeks. Participating students shall reflect the economic and geographic diversity of their countries. Activities shall include cultural and educational activities designed to familiarize participating students with American society and values.

(7) EDUCATIONAL REFORM.—The Secretary is authorized to enhance programs that seek to improve the quality of primary and secondary school systems in eligible countries and promote civic education, to foster understanding of the United States, and through teachers exchanges, teacher training, textbook modernization, and other efforts.

(8) PROMOTION OF RELIGIOUS FREEDOM.—The Secretary is authorized to establish a program to promote dialogue and exchange among leaders and scholars of all faiths from the United States and eligible countries.

(9) BRIDGING THE DIGITAL DIVIDE.—The Secretary is authorized to establish a program to help foster access to information technology among underserved populations and civil society groups in eligible countries.

(10) SPORTS DIPLOMACY.—The Secretary is authorized to expand efforts to promote United States public diplomacy interests in eligible countries and elsewhere through sports diplomacy. Initiatives under this program may include—

(A) bilateral exchanges to train athletes or teams;

(B) bilateral exchanges to assist countries in establishing or improving their sports, health, or physical education programs;

(C) providing assistance to athletic governing bodies in the United States to support efforts of such organizations to foster cooperation with counterpart organizations abroad; and

(D) utilizing United States professional athletes and other well-known United States sports personalities in support of public diplomacy goals and activities.

(11) COLLEGE SCHOLARSHIPS.—

(A) IN GENERAL.—The Secretary is authorized to establish a program to offer scholarships to permit an individual to attend an eligible college or university if such individual—

(i) has graduated from secondary school; and

(ii) is a citizen or resident of an eligible country.

(B) ELIGIBLE COLLEGE OR UNIVERSITY DEFINED.—In this paragraph the term ''eligible college or university'' means a college or university that—

(i) is primarily located in an eligible country;

(ii) is organized under laws of the United States, a State, or the District of Columbia;

(iii) is accredited by an accrediting agency recognized by the Secretary of Education; and

(iv) is not controlled by the government of an eligible country.

SEC. 1613. SECONDARY EXCHANGE PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to establish an international exchange visitor program, modeled on the Future Leaders Exchange Program, under which eligible secondary school students from eligible countries would—

(1) attend public secondary school in the United States;

(2) live with an American host family; and

(3) participate in activities designed to promote a greater understanding of American and Islamic values and culture.

(b) ELIGIBILITY CRITERIA FOR STUDENTS.—A student is eligible to participate in the program authorized under subsection (a) if the student—

(1) is from an eligible country;

(2) is at least 15 years of age but not more than 18 years and 6 months of age at the time of enrollment in the program;

(3) is enrolled in a secondary school in an eligible country;

(4) has completed not more than 11 years of primary and secondary education, exclusive of kindergarten;

(5) demonstrates maturity, good character, and scholastic aptitude, and has the proficiency in the English language necessary to participate in the program;

(6) has not previously participated in an exchange program in the United States sponsored by the United States Government; and

(7) is not inadmissible under the Immigration and Nationality Act or any other law related to immigration and nationality.

(c) PROGRAM REQUIREMENTS.—The program authorized by subsection (a) shall satisfy the following requirements:

(1) COMPLIANCE WITH ''J'' VISA REQUIREMENTS.—Participants in the program shall satisfy all requirements applicable to the admission of nonimmigrant aliens described in section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)). The program shall be considered a designated exchange visitor program for purposes of the application of section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372).

(2) BROAD PARTICIPATION.—Whenever appropriate, special provisions shall be made to ensure the broadest possible participation in the program, particularly among females and less advantaged citizens of eligible countries.

(3) REGULAR REPORTING TO THE SECRETARY.—Each United States sponsoring organization shall report regularly to the Secretary information about the progress made by the organization in implementation of the program.

SEC. 1614. AUTHORIZATION OF APPROPRIATIONS.

Of the amounts authorized to be appropriated for educational and cultural exchange programs under section 1102(a)(1), there is authorized to be made available to the Department $30,000,000 for the fiscal year 2004 to carry out programs authorized by this subtitle.

Subtitle C—Fellowship Program

SEC. 1621. SHORT TITLE.

This subtitle may be cited as the ''Edward R. Murrow Fellowship Act''.

SEC. 1622. FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—There is established a fellowship program under which the Broadcasting Board of Governors may provide fellowships to foreign national journalists while they serve, for a period not to exceed 6 months, in positions at the Voice of America, RFE/RL, Incorporated, or Radio Free Asia.

(b) DESIGNATION OF FELLOWSHIPS.—Fellowships under this subtitle shall be known as ''Edward R. Murrow Fellowships''.

(c) PURPOSE OF THE FELLOWSHIPS.—Fellowships under this subtitle shall be provided in order to allow each recipient (in this subtitle referred to as a ''Fellow'') to serve on a short-term basis at the Voice of America, RFE/RL, Incorporated, or Radio Free Asia in order to obtain direct exposure to the operations of professional journalists.

SEC. 1623. FELLOWSHIPS.

(a) LIMITATION.—Not more than 20 fellowships may be provided under this subtitle each fiscal year.

(b) REMUNERATION.—The Board shall determine the amount of remuneration a Fellow will receive for service under this subtitle. In making the determination, the Board shall take into consideration the position in which each Fellow will serve, the Fellow's experience and expertise, and other sources of funds available to the Fellow.

(c) HOUSING AND TRANSPORTATION.—The Broadcasting Board of Governors shall, pursuant to regulations—

(1) provide housing for each Fellow while the Fellow is serving abroad, including housing for family members if appropriate; and

(2) pay the costs and expenses incurred by each Fellow for travel between the journalist's country of nationality or last habitual residence and the offices of the Voice of America, RFE/RL, Incorporated, or Radio Free Asia and the country in which the Fellow serves, including (where appropriate) for travel of family members.

SEC. 1624. ADMINISTRATIVE PROVISIONS.

(a) DETERMINATIONS.—The Broadcasting Board of Governors shall determine which of the individuals selected by the Board will serve at Voice of America, RFE/RL, Incorporated, or Radio Free Asia and the position in which each will serve.

(b) AUTHORITIES.—Fellows may be employed—

(1) under a temporary appointment in the Civil Service;

(2) under a limited appointment in the Foreign Service; or

(3) by contract under the provisions of section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)).

(c) FUNDING.—Funds available to the Broadcasting Board of Governors shall be used for the expenses incurred in carrying out this subtitle.

TITLE XVII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION

SEC. 1701. SHORT TITLE.

This title may be cited as the ''International Parental Child Abduction Prevention Act of 2003''.

SEC. 1702. INADMISSIBILITY OF ALIENS SUPPORTING INTERNATIONAL CHILD ABDUCTORS AND RELATIVES OF SUCH ABDUCTORS.

(a) IN GENERAL.—Section 212(a)(10)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)(ii)) is amended by striking subclause (III) and inserting the following:

''(III) is a spouse (other than a spouse who is the parent of the abducted child), son or daughter (other than the abducted child), grandson or granddaughter (other than the abducted child), parent, grandparent, sibling, cousin, uncle, aunt, nephew, or niece of an alien described in clause (i), or is a spouse of the abducted child described in clause (i), if such person has been designated by the Secretary of State, at the Secretary of State's sole and unreviewable discretion,

is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or such person's place of residence, or until the abducted child is 21 years of age.''.

(b) AUTHORITY TO CANCEL CERTAIN DESIGNATIONS; IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS; ENTRY OF ABDUCTORS AND OTHER INADMISSIBLE ALIENS IN THE CONSULAR LOOKOUT AND SUPPORT SYSTEM.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended by adding at the end the following:

''(iv) AUTHORITY TO CANCEL CERTAIN DESIGNATIONS.—The Secretary of State may, at the Secretary of State's sole and unreviewable discretion, at any time, cancel a designation made pursuant to clause (ii)(III).

''(v) IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—In all instances in which the Secretary of State knows that an alien has committed an act described in clause (i), the Secretary of State shall take appropriate action to identify the individuals who are potentially inadmissible under clause (ii).

''(vi) ENTRY OF ABDUCTORS AND OTHER INADMISSIBLE PERSONS IN CONSULAR LOOKOUT AND SUPPORT SYSTEM.—In all instances in which the Secretary of State knows that an alien has committed an act described in clause (i), the Secretary of State shall take appropriate action to cause the entry into the Consular Lookout and Support System of the name or names of, and identifying information about, such individual and of any persons identified pursuant to clause (v) as potentially inadmissible under clause (ii).

''(vii) DEFINITIONS.—In this subparagraph:

''(I) CHILD.—The term 'child' means a person under 21 years of age regardless of marital status.

''(II) SIBLING.—The term 'sibling' includes step-siblings and half-siblings.''.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and each February 1 thereafter for 4 years, the Secretary shall submit to the Committee on International Relations and the Committee on the Judiciary of the House of Representatives, and the Committee on Foreign Relations and the Committee on the Judiciary of the Senate, an annual report that describes the operation of section 212(a)(10)(C) of the Immigration and Nationality Act, as amended by this section, during the prior calendar year to which the report pertains.

(2) CONTENT.—Each annual report submitted in accordance with paragraph (1) shall specify, to the extent that corresponding data is reasonably available, the following:

(A) The number of cases known to the Secretary of State, disaggregated according to the nationality of the aliens concerned, in which a visa was denied to an applicant on the basis of the inadmissibility of the applicant under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) during the reporting period.

(B) The cumulative total number of cases known to the Secretary of State, disaggregated according to the nationality of the aliens concerned, in which a visa was denied to an applicant on the basis of the inadmissibility of the applicant under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) since the beginning of the first reporting period.

(C) The number of cases known to the Secretary of State, disaggregated according to the nationality of the aliens concerned, in which the name of an alien was placed in the Consular Lookout and Support System on the basis of the inadmissibility of the alien or potential inadmissibility under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) during the reporting period.

(D) The cumulative total number of names, disaggregated according to the nationality of the aliens concerned, known to the Secretary of State to appear in the Consular Lookout and Support System on the basis of the inadmissibility of the alien or potential inadmissibility under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) at the end of the reporting period.

TITLE XVIII—MISCELLANEOUS PROVISIONS

SEC. 1801. REPEAL OF REQUIREMENT FOR SEMI-ANNUAL REPORT ON EXTRADITION OF NARCOTICS TRAFFICKERS.

Section 3203 of the Emergency Supplemental Act, 2000 (division B of Public Law 106–246; 114 Stat. 575) is repealed.

SEC. 1802. TECHNICAL AMENDMENTS TO THE UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.

Section 304(c) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(c)) is amended—

(1) in the first sentence, by striking ''Director's'' and inserting ''Secretary's''; and

(2) in the last sentence, by striking ''Director'' and inserting ''Secretary''.

SEC. 1803. FOREIGN LANGUAGE BROADCASTING.

(a) IN GENERAL.—During the 1-year period following the date of enactment of this Act, the Broadcasting Board of Governors may not eliminate foreign language broadcasting in any of the following languages: Bulgarian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Polish, Slovene, Slovak, Romanian, Croatian, Armenian, and Ukrainian.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall report to the appropriate congressional committees on the state of democratic governance and freedom of the press in the following countries: Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovenia, Slovakia, Romania, Croatia, Armenia, and Ukraine.

(c) SENSE OF CONGRESS.—It is the sense of Congress that providing surrogate broadcasting in countries that have a stable, democratic government and a vibrant, independent press with legal protections should not be a priority of United States international broadcasting efforts.

SEC. 1804. FELLOWSHIPS FOR MULTIDISCIPLINARY TRAINING ON NON-PROLIFERATION ISSUES.

(a) FELLOWSHIPS AUTHORIZED.—In carrying out international exchange programs, the Secretary shall design and implement a program to encourage eligible students to study at an accredited United States institution of higher education in an appropriate graduate program.

(b) ELIGIBLE STUDENT DEFINED.—In this section, the term ''eligible student'' means a citizen of a foreign country who—

(1) has completed undergraduate education; and

(2) is qualified (as determined by the Secretary).

(c) APPROPRIATE GRADUATE PROGRAM DEFINED.—In this section, the term ''appropriate graduate program'' means a graduate level program that provides for the multidisciplinary study of issues relating to weapons nonproliferation and includes training in—

(1) diplomacy;

(2) arms control;

(3) multilateral export controls; or

(4) threat reduction assistance.

(d) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated for educational and cultural exchange programs under section 1102, $2,000,000 may be available to carry out this section.

SEC. 1805. REQUIREMENT FOR REPORT ON UNITED STATES POLICY TOWARD HAITI.

(a) FINDINGS.—Congress makes the following findings:

(1) Haiti is plagued by chronic political instability, economic and political crises, and significant social challenges.

(2) The United States has a political and economic interest and a humanitarian and moral responsibility in assisting the Government and people of Haiti in resolving the country's problems and challenges.

(3) The situation in Haiti is increasingly cause for alarm and concern, and a sustained, coherent, and active approach by the United States Government is needed to make progress toward resolving Haiti's political and economic crises.

(b) REQUIREMENT FOR REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report that describes United States policy toward Haiti. The report shall include the following:

(1) A description of the activities carried out by the United States Government to resolve Haiti's political crisis and to promote the holding of free and fair elections in Haiti at the earliest possible date.

(2) A description of the activities that the United States Government anticipates initiating to resolve the political crisis and promote free and fair elections in Haiti.

(3) An assessment of whether Resolution 822 issued by the Permanent Council of the Organization of American States on September 4, 2002, is still an appropriate framework for a multilateral approach to resolving the political and economic crises in Haiti, and of the likelihood that the Organization of American States will develop a new framework to replace Resolution 822.

(4) A description of the status of efforts to release the approximately $146,000,000 in loan funds that have been approved by the Inter-American Development Bank to Haiti for the purposes of rehabilitating rural roads, reorganizing the health sector, improving potable water supply and sanitation, and providing basic education, a description of any obstacles that are delaying the release of the loan funds, and recommendations for overcoming such obstacles, including whether any of the following would facilitate the release of such funds:

(A) Establishing an International Monetary Fund staff monitoring program in Haiti.

(B) Obtaining bridge loans or other sources of funding to pay the cost of any arrears owed by the Government of Haiti to the Inter-American Development Bank.

(C) Providing technical assistance to the Government of Haiti to permit the Government to meet international financial transparency requirements.

SEC. 1806. VICTIMS OF VIOLENT CRIME ABROAD.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on services overseas for United States citizens or nationals of the United States who are victims of violent crime abroad. The report shall include—

(1) a proposal for providing increased services to victims of violent crime, including information on—

(A) any organizational changes necessary to provide such an increase; and

(B) the personnel and budgetary resources necessary to provide such an increase; and

(2) proposals for funding and administering financial compensation for United States citizens or nationals of the United States who are victims of violent crime outside the United States similar to victims compensation programs under the terms of the Crime Victims Fund (42 U.S.C. 10601).

(b) ESTABLISHMENT OF A DATABASE.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish a database to maintain statistics on incidents of violent crime against United States citizens or nationals of the United States abroad that are reported to United States missions.

(c) DEFINITIONS.—In this section—

(1) the term ''violent crime'' means murder, non-negligent manslaughter, forcible rape, robbery, or aggravated assault; and

(2) the term ''national of the United States'' has the same meaning given the term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

SEC. 1807. LIMITATION ON USE OF FUNDS RELATING TO UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) LIMITATION ON USE OF FUNDS FOR CONSULATE IN JERUSALEM.—None of the funds authorized to be appropriated by this division may be expended for the operation of any United States consulate or diplomatic facility in Jerusalem that is not under the supervision of the United States Ambassador to Israel.

(b) LIMITATION ON USE OF FUNDS FOR PUBLICATIONS.—None of the funds authorized to be appropriated by this division may be available for the publication of any official document of the United States that lists countries, including Israel, and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

SEC. 1808. REQUIREMENT FOR ADDITIONAL REPORT CONCERNING EFFORTS TO PROMOTE ISRAEL'S DIPLOMATIC RELATIONS WITH OTHER COUNTRIES.

Section 215(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 116 Stat. 1366) is amended by inserting ''and again not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Year 2004,'' after ''Act,'' in the matter preceding paragraph (1).

SEC. 1809. UNITED STATES POLICY REGARDING THE RECOGNITION OF A PALESTINIAN STATE.

Congress reaffirms the policy of the United States as articulated in President George W. Bush's speech of June 24, 2002, regarding the criteria for recognizing a Palestinian state. Congress reiterates the President's statement that the United States will not recognize a Palestinian state until the Palestinians elect new leadership that—

(1) is not compromised by terrorism;

(2) demonstrates, over time, a firm and tangible commitment to peaceful co-existence with the State of Israel and an end to anti-Israel incitement; and

(3) takes appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including dismantling terrorist infrastructures, confiscating unlawful weaponry, and establishing a new security entity that cooperates fully with appropriate Israeli security organizations.

SEC. 1810. MIDDLE EAST BROADCASTING NETWORK.

(a) AUTHORITY.—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by inserting after section 309 the following new section:

''SEC. 310. MIDDLE EAST BROADCASTING NETWORK.

''(a) AUTHORITY.—Grants authorized under section 305 shall be available to make annual grants to a Middle East Broadcasting Network for the purpose of carrying out radio and television broadcasting to the Middle East region.

''(b) FUNCTION.—The Middle East Broadcasting Network shall provide radio and television programming to the Middle East region consistent with the broadcasting standards and broadcasting principles set forth in section 303 of this Act.

''(c) GRANT AGREEMENT.—Any grant agreement or grants under this section shall be subject to the following limitations and restrictions:

''(1) The Board may not make any grant to the nonprofit corporation, Middle East Broadcasting Network, unless its certificate of incorporation provides that—

''(A) the Board of Directors of the Middle East Broadcasting Network shall consist of the members of the Broadcasting Board of Governors established under section 304 and of no other members; and

''(B) such Board of Directors shall make all major policy determinations governing the operation of the Middle East Broadcasting Network, and shall appoint and fix the compensation of such managerial officers and employees of the Middle East Broadcasting Network as it considers necessary to carry out the purposes of the grant provided under this title, except that no officer or employee may be paid a salary or other compensation in excess of the rate of pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

''(2) Any grant agreement under this section shall require that any contract entered into by the Middle East Broadcasting Network shall specify that obligations are assumed by the Middle East Broadcasting Network and not the United States Government.

''(3) Any grant agreement shall require that any lease agreement entered into by the Middle East Broadcasting Network shall be, to the maximum extent possible, assignable to the United States Government.

''(4) Grants awarded under this section shall be made pursuant to a grant agreement which requires that grant funds be used only for activities consistent with this section, and that failure to comply with such requirements shall permit the grant to be terminated without fiscal obligation to the United States.

''(5) Duplication of language services and technical operations between the Middle East Broadcasting Network (including Radio Sawa), RFE/RL, and the International Broadcasting Bureau will be reduced to the extent appropriate, as determined by the Board.

''(d) NOT A FEDERAL AGENCY OR INSTRUMENTALITY.—Nothing in this title may be construed to make the Middle East Broadcasting Network a Federal agency or instrumentality, nor shall the officers or employees of the Middle East Broadcasting Network be deemed to be officers or employees of the United States Government.

''(e) AUDIT AUTHORITY.—

''(1) IN GENERAL.—Such financial transactions of the Middle East Broadcasting Network as relate to functions carried out under this section may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the Middle East Broadcasting Network are normally kept.

''(2) ACCESS TO RECORDS.—Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, papers, and property belonging to or in use by the Middle East Broadcasting Network pertaining to such financial transactions as necessary to facilitate an audit. Such representatives shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Middle East Broadcasting Network shall remain in the custody of the Middle East Broadcasting Network.

''(3) INSPECTOR GENERAL.—Notwithstanding any other provisions of law, the Inspector General of the Department of State and the Foreign Service is authorized to exercise the authorities of the Inspector General Act

with respect to the Middle East Broadcasting Network.''.

(b) CONFORMING AMENDMENTS.—

(1) AUTHORITIES OF BOARD.—Section 305 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204), is amended—

(A) in paragraph (5) of subsection (a), by striking ''and 309'' and inserting '', 309, and 310'';

(B) in paragraph (6) of subsection (a), by striking ''and 309'' and inserting '', 309, and 310''; and

(C) in subsection (c), by striking ''and 309'' and by inserting '', 309, and 310''.

(2) INTERNATIONAL BROADCASTING BUREAU.—Section 307 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6206), is amended—

(A) in subsection (a), by striking ''and 309'' and inserting '', 309, and 310''; and

(B) in subsection (c), by inserting '', and Middle East Broadcasting Network,'' after ''Asia''.

(3) IMMUNITY FOR LIABILITY.—Section 304(g) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(g)), is amended—

(A) by striking ''and'' after ''Incorporated'', and by inserting a comma; and

(B) by adding '', and Middle East Broadcasting Network'' after ''Asia''.

(4) CREDITABLE SERVICE.—Section 8332(b)(11) of title 5, United States Code, is amended by adding ''Middle East Broadcasting Network,'' after ''the Asia Foundation;''.

SEC. 1811. SENSE OF CONGRESS RELATING TO INTERNATIONAL AND ECONOMIC SUPPORT FOR A SUCCESSOR REGIME IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) A peaceful and prosperous Iraq will benefit the entire international community.

(2) Winning the peace in Iraq will require the support of the international community, including the assistance of the United Nations and the specialized agencies of the United Nations.

(3) While Iraq's long-term economic prospects are good, the short-term economic situation will be difficult.

(4) Iraq has an estimated $61,000,000,000 in foreign debt, approximately $200,000,000,000 in pending reparations claims through the United National Compensation Commission, and an unknown amount of potential liability for terrorism-related claims brought in United States courts.

(5) The revenue from the export of oil from Iraq is projected to be less than $15,000,000,000 each year for the years 2004, 2005, and 2006.

(b) SENSE OF CONGRESS ON A SUCCESSOR REGIME IN IRAQ.—It is the sense of Congress that—

(1) the President should be commended for seeking the support of the international community to build a stable and secure Iraq;

(2) the President's position that the oil resources of Iraq, and the revenues derived therefrom, are the sovereign possessions of the people of Iraq should be supported; and

(3) the President should pursue measures, in cooperation with other nations, to protect an interim or successor regime in Iraq, to the maximum extent possible, from the negative economic implications of indebtedness incurred by the regime of Saddam Hussein, and to assist in developing a resolution of all outstanding claims against Iraq.

SEC. 1812. SENSE OF CONGRESS RELATING TO MAGEN DAVID ADOM SOCIETY.

It is the sense of Congress that, in light of the findings of fact set out in section 690(a) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 116 Stat. 1414) and the fact that the Federation of Red Cross and Red Crescent Societies has not granted full membership to the Magen David Adom Society, the United States should continue to press for full membership for the Magen David Adom Society in the International Red Cross Movement.

SEC. 1813. SENSE OF CONGRESS ON CLIMATE CHANGE.

(a) FINDINGS.—Congress makes the following findings:

(1) Evidence continues to build that increases in atmospheric concentrations of man-made greenhouse gases are contributing to global climate change.

(2) The Intergovernmental Panel on Climate Change (IPCC) has concluded that ''there is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities'' and that the average temperature on Earth can be expected to rise between 2.5 and 10.4 degrees Fahrenheit in this century.

(3) The National Academy of Sciences confirmed the findings of the IPCC, stating that ''the IPCC's conclusion that most of the observed warming of the last 50 years is likely to have been due to the increase of greenhouse gas concentrations accurately reflects the current thinking of the scientific community on this issue'' and that ''there is general agreement that the observed warming is real and particularly strong within the past twenty years''. The National Academy of Sciences also noted that ''because there is considerable uncertainty in current understanding of how the climate system varies naturally and reacts to emissions of greenhouse gases and aerosols, current estimates of the magnitude of future warming should be regarded as tentative and subject to future adjustments upward or downward''.

(4) The IPCC has stated that in the last 40 years the global average sea level has risen, ocean heat content has increased, and snow cover and ice extent have decreased, which threatens to inundate low-lying island nations and coastal regions throughout the world.

(5) In October 2000, a United States Government report found that global climate change may harm the United States by altering crop yields, accelerating sea-level rise, and increasing the spread of tropical infectious diseases.

(6) In 1992, the United States ratified the United Nations Framework Convention on Climate Change (UNFCCC), the ultimate objective of which is the ''stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner''.

(7) The UNFCCC stated in part that the Parties to the Convention are to implement policies ''with the aim of returning . . . to their 1990 levels anthropogenic emissions of carbon dioxide and other greenhouse gases'' under the principle that ''policies and measures . . . should be appropriate for the specific conditions of each Party and should be integrated with national development programmes, taking into account that economic development is essential for adopting measures to address climate change''.

(8) There is a shared international responsibility to address this problem, as industrial nations are the largest historic and current emitters of greenhouse gases, and developing nations' emissions will significantly increase in the future.

(9) The UNFCCC further stated that ''developed country Parties should take the lead in combating climate change and the adverse effects thereof'', as these nations are the largest historic and current emitters of greenhouse gases. The UNFCCC also stated that ''steps required to understand and address climate change will be environmentally, socially and economically most effective if they are based on relevant scientific, technical and economic considerations and continually re-evaluated in the light of new findings in these areas''.

(10) Senate Resolution 98 of the One Hundred Fifth Congress, which expressed that developing nations must also be included in any future, binding climate change treaty and such a treaty must not result in serious harm to the United States economy, should not cause the United States to abandon its shared responsibility to help reduce the risks of climate change and its impacts. Future international efforts in this regard should focus on recognizing the equitable responsibilities for addressing climate change by all nations, including commitments by the largest developing country emitters in a future, binding climate change treaty.

(11) While the United States has elected not to become a party to the Kyoto Protocol at this time, it is the position of the United States that it will not interfere with the plans of any nation that chooses to ratify and implement the Kyoto Protocol to the UNFCCC.

(12) American businesses need to know how governments worldwide will address the risks of climate change.

(13) The United States benefits from investments in the research, development, and deployment of a range of clean energy and efficiency technologies that can reduce the risks of climate change and its impacts and that can make the United States economy more productive, bolster energy security, create jobs, and protect the environment.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should demonstrate international leadership and responsibility in reducing the health, environmental, and economic risks posed by climate change by—

(1) taking responsible action to ensure significant and meaningful reductions in emissions of greenhouse gases from all sectors;

(2) creating flexible international and domestic mechanisms, including joint implementation, technology deployment, tradable credits for emissions reductions and carbon sequestration projects that will reduce, avoid, and sequester greenhouse gas emissions;

(3) participating in international negotiations, including putting forth a proposal to the Conference of the Parties, with the objective of securing United States participation in a future binding climate change Treaty in a manner that is consistent with the environmental objectives of the UNFCCC, that protects the economic interests of the United States, and that recognizes the shared international responsibility for addressing climate change, including developing country participation; and

(4) establishing a bipartisan Senate observer group designated by the chairman and ranking member of the Committee on Foreign Relations of the Senate, to monitor any international negotiations on climate change, to ensure that the advice and consent function of the Senate is exercised in a manner so as to facilitate timely consideration of any new treaty submitted to the Senate.

SEC. 1814. EXTENSION OF AUTHORIZATION OF APPROPRIATION FOR THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM.

Section 207(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6435(a))

is amended by striking ''2003'' and inserting ''2004''.

SEC. 1815. JUSTICE FOR UNITED STATES MARINES ACT.

(a) SHORT TITLE.—This section may be cited as the ''Justice for United States Marines Act''.

(b) AMENDMENT.—Section 1404C(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603c(a)(3)) is amended by striking ''December 21, 1988, with respect to which an investigation or'' and inserting ''October 23, 1983, with respect to which an investigation or civil or criminal''.

SEC. 1816. TREATMENT OF NATIONALS OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

For purposes of eligibility for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or for asylum under section 208 of such Act (8 U.S.C. 1158), a national of the Democratic People's Republic of Korea shall not be considered a national of the Republic of Korea.

SEC. 1817. GLOBAL DEMOCRACY PROMOTION.

(a) FINDINGS.—Congress makes the following findings:

(1) It is a fundamental principle of American medical ethics and practice that health care providers should, at all times, deal honestly and openly with patients. Any attempt to subvert the private and sensitive physician-patient relationship would be intolerable in the United States and is an unjustifiable intrusion into the practices of health care providers when attempted in other countries.

(2) Freedom of speech is a fundamental American value. The ability to exercise the right to free speech, which includes the ''right of the people peaceably to assemble, and to petition the government for a redress of grievances'' is essential to a thriving democracy and is protected under the United States Constitution.

(3) The promotion of democracy is a principal goal of United States foreign policy and critical to achieving sustainable development. It is enhanced through the encouragement of democratic institutions and the promotion of an independent and politically active civil society in developing countries.

(4) Limiting eligibility for United States development and humanitarian assistance upon the willingness of a foreign nongovernmental organization to forgo its right to use its own funds to address, within the democratic process, a particular issue affecting the citizens of its own country directly undermines a key goal of United States foreign policy and would violate the United States Constitution if applied to United States-based organizations.

(5) Similarly, limiting the eligibility for United States assistance on a foreign nongovernmental organization's willingness to forgo its right to provide, with its own funds, medical services that are legal in its own country and would be legal if provided in the United States constitutes unjustifiable interference with the ability of independent organizations to serve the critical health needs of their fellow citizens and demonstrates a disregard and disrespect for the laws of sovereign nations as well as for the laws of the United States.

(b) ASSISTANCE FOR FOREIGN NONGOVERNMENTAL ORGANIZATIONS UNDER PART I OF THE FOREIGN ASSISTANCE ACT OF 1961.—Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

SEC. 1818. SUPPORT FOR DEMOCRACY REFORM IN IRAN.

(a) FINDINGS.—Congress finds the following:

(1) Iran is neither free nor democratic. Men and women are not treated equally in Iran, women are legally deprived of internationally recognized human rights, and religious freedom is not respected under the laws of Iran. Undemocratic institutions, such as the Guardians Council, thwart the decisions of elected leaders.

(2) The April 2003 report of the Department of State states that Iran remained the most active state sponsor of terrorism in 2002.

(3) That report also states that Iran continues to provide funding, safe-haven, training, and weapons to known terrorist groups, notably Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(b) POLICY.—It is the policy of the United States that—

(1) currently, there is not a free and fully democratic government in Iran;

(2) the United States supports transparent, full democracy in Iran;

(3) the United States supports the rights of the Iranian people to choose their system of government; and

(4) the United States condemns the brutal treatment, imprisonment, and torture of Iranian civilians expressing political dissent.

SEC. 1819. SENSE OF CONGRESS RELATING TO VIOLENCE AGAINST WOMEN.

(a) FINDINGS.—Congress makes the following findings:

(1) Article 4 of the Declaration on the Elimination of Violence Against Women adopted by the United Nations General Assembly in Resolution 48/104 on December 20, 1993, proclaims that ''States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination.''.

(2) Paragraph 124 of chapter IV of the Platform for Action, which was adopted along with the Beijing Declaration by the Fourth World Conference on Women on September 15, 1995, states that actions to be taken by governments include condemning violence against women and refraining from invoking any custom, tradition, or religious consideration as a means to avoid the obligations of such governments with respect to the elimination of violence against women as such obligations are referred to in the Declaration on the Elimination of Violence against Women.

(3) The United States has supported the Declaration on the Elimination of Violence Against Women and the Beijing Declaration and Platform for Action.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should continue to condemn violence against women and should urge states to refrain from invoking any custom, tradition, or practices in the name of religion or culture as a means to avoid obligations regarding the elimination of violence against women as referred to in Article 4 of the Declaration on the Elimination of Violence Against Women.

SEC. 1820. AUTHORIZATION FOR PASSENGER CARRIER USE BY THE CHIEF OF PROTOCOL.

Section 1344(b)(4) of title 31, United States Code, is amended by inserting ''the Chief of Protocol of the United States,'' after ''abroad,''.

SEC. 1821. ANNUAL REPORT ON SAUDI ARABIA'S COOPERATION IN THE WAR ON TERRORISM.

(a) REQUIREMENT FOR REPORT.—Not later than May 1, 2004, and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report on the cooperation of the Government of Saudi Arabia in the war on terrorism.

(b) CONTENT.—Each report shall include—

(1) a description of the efforts of the Government of Saudi Arabia to combat terrorism and to counter efforts to foment intolerance in Saudi Arabia;

(2) an assessment of the cooperation of the Government of Saudi Arabia with United States antiterrorism efforts, including—

(A) efforts of law enforcement in Saudi Arabia to disrupt suspected terrorist networks and apprehend suspected terrorists; and

(B) diplomatic and law enforcement efforts of Saudi Arabia to stop the financing of terrorists and terrorist organizations; and

(3) an assessment of the efforts of the Government of Saudi Arabia to investigate terrorist attacks against citizens of the United States, including—

(A) a description of the status of efforts to investigate such attacks; and

(B) a list of individuals convicted in Saudi Arabia of committing such attacks.

SEC. 1822. ANNUAL REPORT ON SMALL ARMS PROGRAMS.

Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report—

(1) describing the activities undertaken, and the progress made, by the Department or other agencies and entities of the United States Government in prompting other states to cooperate in programs on the stockpile management, security, and destruction of small arms and light weapons;

(2) listing each state that refuses to cooperate in programs on the stockpile management, security, and destruction of small arms and light weapons, and describing to what degree the failure to cooperate affects the national security of such state, its neighbors, and the United States; and

(3) recommending incentives and penalties that may be used by the United States Government to prompt states to comply with programs on the stockpile management, security, and destruction of small arms and light weapons.

SEC. 1823. MODIFICATION OF REPORTING REQUIREMENTS ON UNITED SATES PERSONNEL INVOLVED IN THE ANTINARCOTICS CAMPAIGN IN COLOMBIA.

Section 3204(f) of the Emergency Supplemental Act, 2000 (division B of Public Law 106–246; 114 Stat. 577) is amended—

(1) in the heading, by striking ''BIMONTHLY'' and inserting ''QUARTERLY'';

(2) by striking ''60 days'' and inserting ''90 days''; and

(3) by striking ''to Congress'' and inserting ''the appropriate committees of Congress (as that term is defined in section 3207(b)(1) of this Act)''.

SEC. 1824. CLARIFICATION OF BLOCKED ASSETS FOR PURPOSES OF TERRORISM RISK INSURANCE ACT OF 2002.

(a) CLARIFICATION.—Section 201(d)(2)(A) of the Terrorism Risk Insurance Act of 2002 (Public Law 107–297; 116 Stat. 2339; 28 U.S.C.

1610 note) is amended by inserting before the semicolon the following: '', any asset or property that in any respect is subject to any prohibition, restriction, regulation, or license pursuant to chapter V of title 31, Code of Federal Regulations (including parts 515, 535, 550, 560, 575, 595, 596, and 597 of such title), or any other asset or property of a terrorist party''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of the Terrorism Risk Insurance Act of 2002, to which such amendment relates.

SEC. 1825. REQUIREMENT FOR REPORT ON THE ROLE OF NORTH KOREA IN THE TRAFFICKING OF ILLEGAL NARCOTICS.

(a) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that describes the role of North Korea, since January 1, 2000, in the trafficking of illegal narcotics.

(b) CLASSIFIED REPORT.—If the President submits the report in a classified form, the President shall also submit an unclassified version of the report.

(c) CONTENT.—The report shall—

(1) address each aspect of North Korea's role in the trafficking of illegal narcotics, including any role in the cultivation, sale, or transshipment of such narcotics;

(2) identify the origin and destination of all narcotics that are transshipped through North Korea;

(3) provide an estimate of the total amount of income received by the Government of North Korea each year as a result of such trafficking and the currencies in which such income is received;

(4) describe the role of North Korean government officials and military personnel in such trafficking, including any use of diplomatic channels to facilitate such trafficking; and

(5) include an assessment of whether the leadership of the Government of North Korea is aware and approves of such trafficking activities in North Korea.

SEC. 1826. SENSE OF CONGRESS ON FUNDING FOR COMBATTING AIDS GLOBALLY.

(a) FINDINGS.—Congress makes the following findings:

(1) With the President's support, Congress overwhelmingly and expeditiously approved the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25; 22 U.S.C. 7601 et seq.), indicating the gravity with which Congress considers the pandemic of HIV and AIDS infection.

(2) The Act, which was supported and signed into law by the President, authorized the appropriation of a total $15,000,000,000 for fiscal years 2004 through 2008. Specifically, the Act authorized $3,000,000,000 to be appropriated in fiscal year 2004 for HIV/AIDS and related programs, of which up to $1,000,000,000 was authorized to be made available for the United States contributions to the Global Fund.

(3) In contrast to the amounts authorized to be appropriated in the Act, the President's budget for fiscal year 2004, includes only $1,900,000,000 for HIV/AIDS and related programs, of which only $200,000,000 is for the United States contribution to the Global Fund.

(4) Approximately 5,000 people contract HIV each day.

(5) In Africa, more than 17,000,000 people have died from AIDS, another 28,000,000 are infected with HIV, including 1,500,000 infected children, and 11,000,000 children have been orphaned by AIDS.

(6) The United Nations Development Programme Annual Report for 2003 states, ''HIV/AIDS is a catastrophe for economic stability [and] may be the world's most serious development crisis.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress, when considering appropriations Acts for fiscal year 2004, should fully appropriate all the amounts authorized for appropriation in the Act, even to the extent that appropriating such amounts will require Congress to appropriate amounts over and above the funding levels contained in the Concurrent Resolution on the Budget for Fiscal Year 2004 (H. Con. Res. 95, 108th Congress, 1st session).

(c) DEFINITIONS.—In this section:

(1) ACT.—The term ''Act'' means the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25; 22 U.S.C. 7601 et seq.).

(2) GLOBAL FUND.—The term ''Global Fund'' means the public-private partnership known as the Global Fund to Fight AIDS, Tuberculosis and Malaria established pursuant to Article 80 of the Swiss Civil Code.

SEC. 1827. UNITED STATES-RUSSIA INTERPARLIAMENTARY GROUP.

(a) AUTHORIZATION.—The United States Senate is authorized to appoint Senators to meet annually with representatives of the Federation Council of Russia for discussion of common problems in the interest of relations between the United States and Russia. The Senators so appointed shall be referred to as the ''United States group'' of the United States-Russia Interparliamentary Group.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $75,000 for each fiscal year to assist in meeting the expenses of the United States group.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection are authorized to be available until expended.

SEC. 1828. UNITED STATES-CHINA INTERPARLIAMENTARY GROUP.

(a) AUTHORIZATION.—The United States Senate is authorized to appoint Senators to meet annually with representatives of National People's Congress of the People's Republic of China for discussion of common problems in the interest of relations between the United States and China. The Senators so appointed shall be referred to as the ''United States group'' of the United States-China Interparliamentary Group.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $75,000 for each fiscal year to assist in meeting the expenses of the United States group.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection are authorized to be available until expended.

SEC. 1829. REQUIREMENT FOR ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM TO INCLUDE INFORMATION ON ANTI-SEMITISM.

Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended by adding at the end the following new subparagraph:

''(G) ACTS OF ANTI-SEMITISM.—A description for each foreign country of—

''(i) acts of anti-Semitic violence that occurred in that country;

''(ii) the response of the government of that country to such acts of violence;

''(iii) actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith;

''(iv) societal attitudes in that country toward people of the Jewish faith; and

''(v) trends relating to such attitudes in that country.''.

SEC. 1830. PENALTY FOR UNPAID PROPERTY TAXES.

(a) IN GENERAL.—Subject to subsection (b), an amount equal to 110 percent of the total amount of unpaid property taxes owed by a foreign country to the District of Columbia and New York, New York as reported by the District of Columbia and New York, New York, respectively, shall be withheld from obligation for such country from funds that are—

(1) appropriated pursuant to an authorization of appropriations in this Act; and

(2) made available for such foreign country under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(b) PAYMENT.—Funds withheld from obligation for a country under subsection (a)(2) shall be paid to the District of Columbia or New York, New York, as appropriate, to satisfy any judgment for unpaid property taxes against such foreign country.

(c) CERTIFICATION.—The withholding of funds under subsection (a) shall apply with respect to a foreign country until the Secretary certifies to the designated congressional committees that the total unpaid property taxes owed by such country have been paid in full.

(d) DEFINITIONS.—In this section:

(1) DESIGNATED CONGRESSIONAL COMMITTEES.—The term ''designated congressional committees'' means the Committees of Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives.

(2) JUDGMENT.—The term ''judgment'' means a judgment, order, or decree, including a judgment rendered by default or nonappearance of a party, entered in favor of the District of Columbia or New York, New York in a court of the United States or any State or subdivision thereof, arising from a proceeding regarding unpaid property taxes.

(3) UNPAID PROPERTY TAXES.—The term ''unpaid property taxes'' means the amount of the unpaid taxes, and interest on such taxes, that have accrued on real property under applicable laws.

SEC. 1831. SENSE OF SENATE ON EXECUTIVE BRANCH COOPERATION WITH THE NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES.

(a) FINDINGS.—The Senate makes the following findings:

(1) On November 15, 2002, Congress passed legislation by a wide bipartisan margin to establish the National Commission on Terrorist Attacks Upon the United States to determine the facts surrounding the attacks of September 11, 2001, and to help the Nation prevent any future terrorist attacks. On November 27, 2002, President Bush signed the legislation into law as title VI of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2408; 6 U.S.C. 101 note).

(2) There was broad bipartisan consensus that the work of the Commission was of national importance and of particular significance to the families of the victims of the attacks of September 11, 2001.

(3) The work of the Commission is essential to discovering what weaknesses and vulnerabilities were exploited to successfully perpetrate the deadly attacks of September 11, 2001.

(4) The Commission is required to ''ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the attacks'' and to complete its work by May, 2004.

(5) Both the Chairman and Vice Chairman of the Commission have recently announced that many of the relevant agencies—most

notably the Department of Defense, the Department of Justice, the Department of Homeland Security, and the Central Intelligence Agency—have failed to provide the bulk of the documents the Commission has requested and some of those agencies have prevented the Commission from conducting independent interviews with officials who may have important information about the tragic events of September 11, 2001.

(6) Members of the Commission have also acknowledged that if this cooperation is not forthcoming in the next several weeks, the Commission will not be able to meet the May 2004 statutory deadline to conclude its investigation and report its findings to Congress and the President.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) President Bush should immediately and publicly require all executive branch agencies, especially the Department of Defense, the Department of Justice, the Department of Homeland Security, and the Central Intelligence Agency, to provide their fullest and most timely cooperation to the Commission, and permit the Commission unfettered access to agency officials for interviews, so that the Commission can complete its mission in the time allotted by law;

(2) The Department of Defense, the Department of Justice, the Department of Homeland Security, and the Central Intelligence Agency should submit to Congress by August 15, 2003, and quarterly thereafter for the life of the Commission, a report on the actions taken by each such department or agency to comply with the requests of the Commission; and

(3) the Commission should submit to Congress and the President, by August 15, 2003, and quarterly thereafter, a report assessing the compliance of each department and agency referred to in paragraph (2) with the requests of the Commission.

SEC. 1832. SENSE OF CONGRESS ON AN INVESTIGATION INTO ASSERTIONS THAT IRAQ ATTEMPTED TO OBTAIN URANIUM FROM AFRICA.

(a) FINDINGS.—Congress makes the following findings:

(1) In the State of the Union address in January 2003, the President asserted that ''[t]he British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa''.

(2) It has been determined that the claim regarding the efforts of Iraq to obtain uranium from Africa cannot be substantiated.

(3) In May 2003, the Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate requested that the Inspector General of the Department and the Inspector General of the Central Intelligence Agency work jointly to investigate the handling and characterization of the underlying documents behind the assertions regarding the efforts of Iraq to obtain uranium from Africa.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress supports the thorough and expeditious joint investigation by the Inspector General of the Department and the Inspector General of the Central Intelligence Agency into the documents or other materials that the President relied on to conclude that Iraq had attempted to obtain uranium from Africa;

(2) the findings and conclusions of the joint investigation should be completed not later than September 12, 2003;

(3) such findings and conclusions should be unclassified to the maximum extent possible, while fully protecting any intelligence sources or methods; and

(4) such findings and conclusions should be sent to the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the appropriate congressional committees.

SEC. 1833. REPORT ON THE INTERNATIONAL COFFEE CRISIS.

Not later than 120 days after the date of the enactment of this Act, the Secretary, in consultation with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, shall submit a report to the appropriate congressional committees describing the progress the United States is making towards meeting the objectives set forth in paragraph (1) of Senate Resolution 368, 107th Congress, agreed to November 20, 2002, and in paragraph (1) of House Resolution 604, 107th Congress, agreed to November 15, 2002, including adopting a global strategy to deal with the international coffee crisis and measures to support and complement multilateral efforts to respond to the international coffee crisis.

TITLE XIX—PEACE CORPS CHARTER FOR THE 21ST CENTURY

SEC. 1901. SHORT TITLE.

This title may be cited as the ''Peace Corps Charter for the 21st Century Act''.

SEC. 1902. FINDINGS.

Congress makes the following findings:

(1) The Peace Corps was established in 1961 to promote world peace and friendship through the service of United States volunteers abroad.

(2) The Peace Corps has sought to fulfill three goals, as follows:

(A) To help people in developing nations meet basic needs.

(B) To promote understanding of America's values and ideals abroad.

(C) To promote an understanding of other peoples by Americans.

(3) The three goals, which are codified in the Peace Corps Act, have guided the Peace Corps and its volunteers over the years, and worked in concert to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government.

(4) Since its establishment, approximately 165,000 Peace Corps volunteers have served in 135 countries.

(5) After more than 40 years of operation, the Peace Corps remains the world's premier international service organization dedicated to promoting grassroots development.

(6) The Peace Corps remains committed to sending well trained and well supported Peace Corps volunteers overseas to promote peace, friendship, and international understanding.

(7) The Peace Corps is currently operating with an annual budget of $275,000,000 in 70 countries with 7,000 Peace Corps volunteers.

(8) The Peace Corps is an independent agency, and therefore no Peace Corps personnel or volunteers should be used to accomplish any goal other than the goals established by the Peace Corps Act.

(9) The Crisis Corps has been an effective tool in harnessing the skills and talents for returned Peace Corps volunteers and should be expanded to utilize to the maximum extent the talent pool of returned Peace Corps volunteers.

(10) There is deep misunderstanding and misinformation about American values and ideals in many parts of the world, particularly those with substantial Muslim populations, and a greater Peace Corps presence in such places could foster greater understanding and tolerance.

(11) Congress has declared that the Peace Corps should be expanded to sponsor a minimum of 10,000 Peace Corps volunteers.

(12) President George W. Bush has called for the doubling of the number of Peace Corps volunteers in service.

(13) Any expansion of the Peace Corps must not jeopardize the quality of the Peace Corps volunteer experience, and therefore can only be accomplished by an appropriate increase in field and headquarters support staff.

(14) In order to ensure that proposed expansion of the Peace Corps preserves the integrity of the program and the security of volunteers, the integrated Planning and Budget System supported by the Office of Planning and Policy Analysis should continue its focus on strategic planning.

(15) A streamlined, bipartisan National Peace Corps Advisory Council composed of distinguished returned Peace Corps volunteers and other individuals, with diverse backgrounds and expertise, can be a source of ideas and suggestions that may be useful to the Director of the Peace Corps in discharging the Director's duties and responsibilities.

SEC. 1903. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the Peace Corps.

(2) PEACE CORPS VOLUNTEER.—The term ''Peace Corps volunteer'' means a volunteer or a volunteer leader under the Peace Corps Act.

(3) RETURNED PEACE CORPS VOLUNTEER.—The term ''returned Peace Corps volunteer'' means a person who has been certified by the Director as having served satisfactorily as a Peace Corps volunteer.

SEC. 1904. STRENGTHENED INDEPENDENCE OF THE PEACE CORPS.

(a) RECRUITMENT OF VOLUNTEERS.—Section 2A of the Peace Corps Act (22 U.S.C. 2501–1) is amended by adding at the end the following new sentence: ''As the Peace Corps is an independent agency, all recruiting of volunteers shall be undertaken primarily by the Peace Corps.''.

(b) DETAILS AND ASSIGNMENTS.—Section 5(g) of the Peace Corps Act (22 U.S.C. 2504(g)) is amended by inserting after ''*Provided*, That'' the following: ''such detail or assignment does not contradict the standing of Peace Corps volunteers as being independent: *Provided further*, That''.

SEC. 1905. REPORTS AND CONSULTATIONS.

(a) ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.—The Peace Corps Act is amended by striking the heading for section 11 (22 U.S.C. 2510) and all that follows through the end of such section and inserting the following:

''SEC. 11. ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.

''(a) ANNUAL REPORTS.—The Director shall transmit to Congress, at least once in each fiscal year, a report on operations under this Act. Each report shall contain—

''(1) a description of efforts undertaken to improve coordination of activities of the Peace Corps with activities of international voluntary service organizations, such as the United Nations volunteer program, and of host country voluntary service organizations, including—

''(A) a description of the purpose and scope of any development project which the Peace Corps undertook during the preceding fiscal year as a joint venture with any such international or host country voluntary service organizations; and

''(B) recommendations for improving coordination of development projects between the Peace Corps and any such international or host country voluntary service organizations;

''(2) a description of—

''(A) any major new initiatives that the Peace Corps has under review for the upcoming fiscal year, and any major initiatives

that were undertaken in the previous fiscal year that were not included in prior reports to Congress;

''(B) the rationale for undertaking such new initiatives;

''(C) an estimate of the cost of such initiatives; and

''(D) any impact such initiatives may have on the safety of volunteers; and

''(3) a description of standard security procedures for any country in which the Peace Corps operates programs or is considering doing so, as well as any special security procedures contemplated because of changed circumstances in specific countries, and assessing whether security conditions would be enhanced—

''(A) by colocating volunteers with international or local nongovernmental organizations; or

''(B) with the placement of multiple volunteers in one location.

''(b) CONSULTATIONS ON NEW INITIATIVES.—The Director of the Peace Corps should consult with the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives with respect to any major new initiatives not previously discussed in the latest annual report submitted to Congress under subsection (a) or in budget presentations. Whenever possible, such consultations should take place prior to the initiation of such initiatives, but in any event as soon as is practicable thereafter.''.

(b) ONE-TIME REPORT ON STUDENT LOAN FORGIVENESS PROGRAMS.—Not later than 30 days after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees a report containing—

(1) a description of the student loan forgiveness programs currently available to Peace Corps volunteers upon completion of their service;

(2) a comparison of such programs with other Government-sponsored student loan forgiveness programs; and

(3) recommendations for any additional student loan forgiveness programs that could attract more applicants from more low- and middle-income applicants facing high student loan obligations.

SEC. 1906. INCREASING THE NUMBER OF VOLUNTEERS.

(a) REQUIREMENT.—The Director shall develop a plan to increase the number of Peace Corps volunteers to a number that is not less than twice the number of Peace Corps volunteers who were enrolled in the Peace Corps on September 30, 2002.

(b) REPORT ON INCREASING THE NUMBER OF VOLUNTEERS.—

(1) INITIAL REPORT.—Not later than 30 days after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees a report describing in detail the Director's plan for increasing the number of Peace Corps volunteers as described in subsection (a), including a five-year budget plan for funding such increase in the number of volunteers.

(2) SUBSEQUENT REPORTS.—Not later than January 31 of each year in which the number of Peace Corps volunteers is less than twice the number of Peace Corps volunteers who were enrolled in the Peace Corps on September 30, 2002, the Director shall submit to the appropriate congressional committees an update on the report described in paragraph (1).

SEC. 1907. SPECIAL VOLUNTEER RECRUITMENT AND PLACEMENT FOR COUNTRIES WHOSE GOVERNMENTS ARE SEEKING TO FOSTER GREATER UNDERSTANDING BETWEEN THEIR CITIZENS AND THE UNITED STATES.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director shall submit to the appropriate congressional committees a report describing the initiatives that the Peace Corps intends to pursue with eligible countries where the presence of Peace Corps volunteers would facilitate a greater understanding that there exists a universe of commonly shared human values and aspirations. Such report shall include—

(1) a description of the recruitment strategies to be employed by the Peace Corps to recruit and train volunteers with the appropriate language skills and interest in serving in such countries; and

(2) a list of the countries that the Director has determined should be priorities for special recruitment and placement of Peace Corps volunteers.

(b) USE OF RETURNED PEACE CORPS VOLUNTEERS.—Notwithstanding any other provision of law, the Director is authorized and strongly urged to utilize the services of returned Peace Corps volunteers having language and cultural expertise, including those returned Peace Corps volunteers who may have served previously in countries with substantial Muslim populations, in order to open or reopen Peace Corps programs in such countries.

SEC. 1908. GLOBAL INFECTIOUS DISEASES INITIATIVE.

The Director, in cooperation with international public health experts such as experts of the Centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization, the Pan American Health Organization, and local public health officials, shall develop a program of training for all Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases in order to ensure that all Peace Corps volunteers make a contribution to the global campaign against such diseases.

SEC. 1909. PEACE CORPS NATIONAL ADVISORY COUNCIL.

Section 12 of the Peace Corps Act (22 U.S.C. 2511) is amended—

(1) in subsection (b)(2) by striking subparagraph (D) and inserting the following:

''(D) make recommendations for utilizing the expertise of returned Peace Corps volunteers in fulfilling the goals of the Peace Corps.'';

(2) in subsection (c)(2)—

(A) in subparagraph (A)—

(i) in the first sentence, by striking ''fifteen'' and inserting ''seven''; and

(ii) by striking the second sentence and inserting the following: ''Four of the members shall be former Peace Corps volunteers, at least one of whom shall have been a former staff member abroad or in the Washington headquarters, and not more than four shall be members of the same political party.'';

(B) by striking subparagraph (D) and inserting the following:

''(D) The members of the Council shall be appointed for 2-year terms.'';

(C) by striking subparagraphs (B) and (H); and

(D) by redesignating subparagraphs (C), (D), (E), (F), (G), and (I) as subparagraphs (B), (C), (D), (E), (F), and (G), respectively;

(3) by striking subsection (g) and inserting the following:

''(g) CHAIR.—The President shall designate one of the voting members of the Council as Chair, who shall serve in that capacity for a period not to exceed two years.'';

(4) by striking subsection (h) and inserting the following:

''(h) MEETINGS.—The Council shall hold a regular meeting during each calendar quarter at a date and time to be determined by the Chair of the Council.''; and

(5) by striking subsection (i) and inserting the following:

''(i) REPORT.—Not later than July 30 of each year, the Council shall submit a report to the President and the Director of the Peace Corps describing how the Council has carried out its functions under subsection (b)(2).''.

SEC. 1910. READJUSTMENT ALLOWANCES.

(a) INCREASED RATES.—The Peace Corps Act is amended—

(1) in section 5(c) (22 U.S.C. 2504(c)), by striking ''$125'' and inserting ''$275''; and

(2) in section 6(1) (22 U.S.C. 2505(1)), by striking ''$125'' and inserting ''$275''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

SEC. 1911. PROGRAMS AND PROJECTS OF RETURNED PEACE CORPS VOLUNTEERS TO PROMOTE THE GOALS OF THE PEACE CORPS.

(a) PURPOSE.—The purpose of this section is to provide support for returned Peace Corps volunteers to develop and carry out programs and projects to promote the third purpose of the Peace Corps Act, as set forth in section 2(a) of that Act (22 U.S.C. 2501(a)), relating to promoting an understanding of other peoples on the part of the American people.

(b) GRANTS TO CERTAIN NONPROFIT CORPORATIONS.—

(1) GRANT AUTHORITY.—The Chief Executive Officer of the Corporation for National and Community Service (hereafter in the section referred to as the ''Corporation'') shall award grants on a competitive basis to private nonprofit corporations for the purpose of enabling returned Peace Corps volunteers to use their knowledge and expertise to develop programs and projects to carry out the purpose described in subsection (a).

(2) PROGRAMS AND PROJECTS.—The programs and projects that may receive grant funds under this section include—

(A) educational programs designed to enrich the knowledge and interest of elementary school and secondary school students in the geography and cultures of other countries where the volunteers have served;

(B) projects that involve partnerships with local libraries to enhance community knowledge about other peoples and countries; and

(C) audio-visual projects that utilize materials collected by the volunteers during their service that would be of educational value to communities.

(3) ELIGIBILITY.—To be eligible for a grant under this section, a nonprofit corporation shall have a board of directors composed of returned Peace Corps volunteers with a background in community service, education, or health. The nonprofit corporation shall meet all management requirements that the Corporation determines appropriate and prescribes as conditions for eligibility for the grant.

(c) GRANT REQUIREMENTS.—A grant under this section shall be made pursuant to a grant agreement between the Corporation and the nonprofit corporation that—

(1) requires grant funds be used only to support programs and projects to carry out the purpose described in subsection (a) through the funding of proposals submitted by returned Peace Corps volunteers (either individually or cooperatively with other returned volunteers);

(2) requires the nonprofit corporation to give preferential consideration to proposals submitted by returned Peace Corps volunteers that request less than $100,000 to carry out a program or project;

(3) requires that not more than 20 percent of the grant funds made available to the nonprofit corporation be used for the salaries, overhead, or other administrative expenses of the nonprofit corporation;

(4) prohibits the nonprofit corporation from receiving grant funds for more than 2 years unless, beginning in the third year, the nonprofit corporation makes available, to carry out the programs or projects that receive grant funds during that year, non-Federal contributions—

(A) in an amount not less than $2 for every $3 of Federal funds provided through the grant; and

(B) provided directly or through donations from private entities, in cash or in kind, fairly evaluated, including plant, equipment, or services; and

(5) requires the nonprofit corporation to manage, monitor, and report to the Corporation on the progress of each program or project for which the nonprofit corporation provides funding from a grant under this section.

(d) STATUS OF THE FUND.—Nothing in this section shall be construed to make any nonprofit corporation supported under this section an agency or establishment of the Federal Government or to make any member of the board of directors or any officer or employee of such nonprofit corporation an officer or employee of the United States.

(e) FACTORS IN AWARDING GRANTS.—In determining the number of nonprofit corporations to receive grants under this section for any fiscal year, the Corporation shall—

(1) consider the need to minimize overhead costs and maximize resources available to fund programs and projects; and

(2) seek to ensure that programs and projects receiving grant funds are carried out across a broad geographical distribution.

(f) CONGRESSIONAL OVERSIGHT.—Grant recipients under this section shall be subject to the appropriate oversight procedures of Congress.

(g) FUNDING.—

(1) IN GENERAL.—In addition to any other funds made available to the Corporation under any other provision of law, there is authorized to be appropriated to the Corporation to carry out this section, $10,000,000.

(2) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 1912. AUTHORIZATION OF APPROPRIATIONS.

Section 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended—

(1) by striking ''2002, and'' and inserting ''2002,''; and

(2) by inserting before the period at the end the following: '', $359,000,000 for fiscal year 2004, $401,000,000 for fiscal year 2005, $443,000,000 for fiscal year 2006, and $485,000,000 for fiscal year 2007''.

DIVISION C—FOREIGN ASSISTANCE AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Foreign Assistance Authorization Act, Fiscal Year 2004''.

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Development Assistance and Related Programs Authorizations

SEC. 2101. DEVELOPMENT ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for ''Development Assistance'', $1,360,000,000 for fiscal year 2004 to carry out sections 103, 105, 106, and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151c, 2151d, and 2293).

(b) AVAILABILITY.—Amounts appropriated under this section for the purposes specified in subsection (a)—

(1) are authorized to remain available until expended; and

(2) are in addition to amounts otherwise available for such purposes.

(c) REPEAL OF OBSOLETE AUTHORIZATIONS.—

(1) AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION.—Section 103(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a(a)) is amended—

(A) by striking ''(a)(1)'' and inserting ''(a)'';

(B) by striking paragraphs (2) and (3); and

(C) by redesignating subparagraphs (A), (B), and (C), as paragraphs (1), (2), and (3), respectively.

(2) EDUCATION AND HUMAN RESOURCES DEVELOPMENT.—Section 105(a) of such Act (22 U.S.C. 2151c(a)) is amended by striking the second sentence.

(3) ENERGY, PRIVATE VOLUNTARY ORGANIZATIONS, AND SELECTED DEVELOPMENT ACTIVITIES.—Section 106 of such Act (22 U.S.C. 2151d) is amended by striking subsections (e) and (f).

(d) TECHNICAL AMENDMENT OF DEVELOPMENT FUND FOR AFRICA.—Section 497 of the Foreign Assistance Act of 1961 (22 U.S.C. 2294) is amended by striking ''AUTHORIZATIONS OF APPROPRIATIONS FOR THE DEVELOPMENT FUND FOR AFRICA.—'' and inserting ''AVAILABILITY OF FUNDS.—''.

SEC. 2102. CHILD SURVIVAL AND HEALTH PROGRAMS FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President for ''Child Survival and Health Programs Fund'', $1,495,000,000 for fiscal year 2004 to carry out sections 104 and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b and 2293). Amounts authorized to be appropriated under this section are in addition to amounts available under other provisions of law to combat the human immunodeficiency virus (HIV) or the acquired immune deficiency syndrome (AIDS).

(b) FAMILY PLANNING PROGRAMS.—Of the amount authorized to be appropriated under subsection (a), $346,000,000 may be used for assistance under sections 104(b) and 496(i)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(b) and 2293(i)(3)).

(c) AVAILABILITY.—Amounts appropriated under this section for the purposes specified in subsection (a)—

(1) are authorized to remain available until expended; and

(2) are in addition to amounts otherwise available for such purposes.

(d) REPEAL OF OBSOLETE AUTHORIZATIONS AND TECHNICAL AMENDMENTS.—Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended—

(1) in paragraph (2)—

(A) by striking subparagraphs (B) and (C); and

(B) by striking ''(2)(A)'' and inserting ''(2)''; and

(2) in paragraph (3), by striking the last sentence.

SEC. 2103. DEVELOPMENT CREDIT AUTHORITY.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 108 (22 U.S.C. 2151f) the following:

''SEC. 108A. DEVELOPMENT CREDIT AUTHORITY.

''(a) FINDINGS.—Congress makes the following findings:

''(1) Developing countries often have large reserves of privately held capital that are not being adequately mobilized and invested due to weak financial institutions and other market imperfections in such countries.

''(2) Partial loan guarantees, particularly when used as an integral part of a development strategy, are useful to leverage local private capital for development while reforming and strengthening developing country financial markets.

''(3) Requiring risk-sharing guarantees and limiting guarantee assistance to private lenders encourages such lenders to provide appropriate oversight and management of development projects funded with loans made by such lenders and, thereby, maximize the benefit which such projects will achieve.

''(b) POLICY.—It is the policy of the United States to make partial loan guarantees available to private lenders to fund development projects in developing countries that encourage such lenders to provide appropriate oversight and management of such development projects.

''(c) AUTHORITY.—To carry out the policy set forth in subsection (b), the President is authorized to provide assistance in the form of loans and partial loan guarantees to private lenders in developing countries to achieve the economic development purposes of the provisions of this part.

''(d) PRIORITY FOR ASSISTANCE.—The President, in providing assistance under this section, shall give priority to providing partial loan guarantees made pursuant to the authority in subsection (c) that are used in transactions in which the financial risk of loss to the United States Government under such guarantee does not exceed the financial risk of loss of the private lender that receives such guarantee.

''(e) TERMS AND CONDITIONS.—Assistance provided under this section shall be provided on such terms and conditions as the President determines appropriate.

''(f) OBLIGATIONS OF THE UNITED STATES.—A partial loan guarantee made under subsection (c) shall constitute an obligation, in accordance with the terms of such guarantee, of the United States of America and the full faith and credit of the United States of America is pledged for the full payment and performance of such obligation.

''(g) PROCUREMENT PROVISIONS.—Assistance may be provided under this section notwithstanding section 604(a).

''(h) DEVELOPMENT CREDIT AUTHORITY PROGRAM ACCOUNT.—There is established on the books of the Treasury an account known as the Development Credit Authority Program Account. There shall be deposited into the account all amounts made available for providing assistance under this section, other than amounts made available for administrative expenses to carry out this section. Amounts in the Account shall be available to provide assistance under this section.

''(i) AVAILABILITY OF FUNDS.—

''(1) IN GENERAL.—Of the amounts authorized to be available for the purposes of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151) and the Support for Eastern European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.), not more than $21,000,000 for fiscal year 2004 may be made available to carry out this section.

''(2) TRANSFER OF FUNDS.—Amounts made available under paragraph (1) may be transferred to the Development Credit Authority Program Account established by subsection (h) of such section.

''(3) SUBSIDY COST.—Amounts made available under paragraphs (1) and (2) shall be available for subsidy cost as defined in section 502(5) of the Federal Reform Credit Act of 1990 (2 U.S.C. 661a(5)) of activities under this section.

''(j) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated for administrative expenses to carry out this section $8,000,000 for fiscal year 2004.

''(2) TRANSFER OF FUNDS.—The amounts appropriated for administrative expenses under paragraph (1) may be transferred to and merged with amounts made available under section 667(a).

''(k) AVAILABILITY.—Amounts appropriated or made available under this section are authorized to remain available until expended.''.

SEC. 2104. PROGRAM TO PROVIDE TECHNICAL ASSISTANCE TO FOREIGN GOVERNMENTS AND FOREIGN CENTRAL BANKS OF DEVELOPING OR TRANSITIONAL COUNTRIES.

Section 129(j)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151aa(j)(1)) is amended by striking ''$5,000,000 for fiscal year 1999'' and inserting ''$14,000,000 for fiscal year 2004''.

SEC. 2105. INTERNATIONAL ORGANIZATIONS AND PROGRAMS.

Section 302 of the Foreign Assistance Act of 1961 (22 U.S.C. 2222) is amended to read as follows:

''SEC. 302. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to the President $314,500,000 for fiscal year 2004 for grants to carry out the purposes of this chapter. Amounts appropriated pursuant to the authorization of appropriations in this section are in addition to amounts otherwise available for such purposes.''.

SEC. 2106. CONTINUED AVAILABILITY OF CERTAIN FUNDS WITHHELD FROM INTERNATIONAL ORGANIZATIONS.

Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) is amended by adding at the end the following new subsection:

''(e) Funds available in any fiscal year to carry out the provisions of this chapter that are returned or not made available for organizations and programs because of the application of this section shall remain available for obligation until September 30 of the fiscal year after the fiscal year for which such funds are appropriated.''.

SEC. 2107. INTERNATIONAL DISASTER ASSISTANCE.

Section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a(a)) is amended by striking ''$25,000,000 for fiscal year 1986 and $25,000,000 for fiscal year 1987'' and inserting ''$235,500,000 for fiscal year 2004''.

SEC. 2108. TRANSITION INITIATIVES.

Section 494 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292c) is amended to read as follows:

''SEC. 494. TRANSITION AND DEVELOPMENT ASSISTANCE.

''(a) TRANSITION AND DEVELOPMENT ASSISTANCE.—The President is authorized to furnish assistance to support the transition to democracy and to long-term development in accordance with the general authority contained in section 491, including assistance to—

''(1) develop, strengthen, or preserve democratic institutions and processes;

''(2) revitalize basic infrastructure; and

''(3) foster the peaceful resolution of conflict.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President $55,000,000 for fiscal year 2004 to carry out this section.

''(c) AVAILABILITY.—Amounts appropriated under this section for the purpose specified in subsection (b)—

''(1) are authorized to remain available until expended; and

''(2) are in addition to amounts otherwise available for such purpose.''.

SEC. 2109. FAMINE ASSISTANCE.

(a) AUTHORITY.—Chapter 9 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2292 et seq.), as amended by section 2520, is amended by adding at the end the following new section:

''SEC. 495. FAMINE ASSISTANCE.

''(a) AUTHORIZATION.—The President is authorized to provide assistance for famine prevention and relief, including for famine prevention and for mitigation of the effects of famine.

''(b) AUTHORITIES.—Assistance authorized by subsection (a) shall be provided in accordance with the general authority contained in section 491.

''(c) NOTIFICATION.—The President shall transmit advance notification of any assistance to be provided under subsection (a) to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representative in accordance with section 634A (22 U.S.C. 2394–1).

''(d) FAMINE FUND.—There is established on the books of the Treasury an account to be known as the Famine Fund. There shall be deposited into the account all amounts made available for providing assistance under subsection (a). Amounts in the Fund shall be available to provide assistance under such subsection.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President such sums as may be necessary for fiscal year 2004 to carry out this section.

''(f) AVAILABILITY.—Amounts appropriated under this section—

''(1) are authorized to remain available until expended; and

''(2) are in addition to amounts otherwise available for such purpose.''.

SEC. 2110. ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for ''Assistance for the Independent States of the Former Soviet Union'', $646,000,000 for fiscal year 2004 to carry out chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq. and 2296 et seq.).

(b) AVAILABILITY.—Amounts appropriated under this section for the purposes specified in subsection (a)—

(1) are authorized to remain available until expended; and

(2) are in addition to amounts otherwise available for such purposes.

SEC. 2111. ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for ''Assistance for Eastern Europe and the Baltic States'' $475,000,000 for fiscal year 2004 to carry out the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.), and the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(b) AVAILABILITY.—Amounts appropriated under this section for the purposes specified in subsection (a)—

(1) are authorized to remain available until expended;

(2) are in addition to amounts otherwise available for such purposes;

(3) may be made available notwithstanding any other provision of law; and

(4) shall be considered to be economic assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) for purposes of making applicable the administrative authorities contained in that Act for the use of economic assistance.

SEC. 2112. OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 667 of the Foreign Assistance Act of 1961 (22 U.S.C. 2427) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

''(1) $750,400,000 for the fiscal year 2004 for necessary operating expenses of the United States Agency for International Development, of which $146,300,000 is authorized to be appropriated for overseas construction and related costs and for enhancement of information technology and related investments; and''; and

(B) in paragraph (2) of such subsection, by striking ''agency'' and inserting ''Agency'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

''(b) There are authorized to be appropriated to the President, in addition to funds available under subsection (a) or any other provision of law for such purposes—

''(1) $35,000,000 for fiscal year 2004 for necessary operating expenses of the Office of Inspector General of the United States Agency for International Development; and

''(2) such amounts as may be necessary for increases in pay, retirement, and other employee benefits authorized by law for the employees of such Office, and for other nondiscretionary costs of such Office.''.

(b) CONFORMING AMENDMENT.—The heading of section 667 of the Foreign Assistance Act of 1961 (22 U.S.C. 2427) is amended by striking ''EXPENSES.—'' and inserting ''EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—''.

SEC. 2113. REAUTHORIZATION OF RELIEF FOR TORTURE VICTIMS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FOREIGN TREATMENT CENTERS FOR VICTIMS OF TORTURE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 4(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

''(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal year 2004 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) there is authorized to be appropriated to the President to carry out section 130 of such Act $11,000,000 for fiscal year 2004.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect October 1, 2003.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES CONTRIBUTION TO THE UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.—Of the amounts authorized to be appropriated for fiscal year 2004 pursuant to chapter 3 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2221 et seq.), there is authorized to be appropriated to the President for a voluntary contribution to the United Nations Voluntary Fund for Victims of Torture $6,000,000 for fiscal year 2004.

(c) AUTHORIZATION OF APPROPRIATIONS FOR DOMESTIC TREATMENT CENTERS FOR VICTIMS OF TORTURE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 5(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

''(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal year 2004, there is authorized to be appropriated to carry out subsection (a) $20,000,000 for fiscal year 2004.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect October 1, 2003.

SEC. 2114. SUPPORT REGARDING RURAL DEVELOPMENT CRISIS IN MEXICO.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should continue working closely with the Government of Mexico to help minimize the impact of the current rural development crisis in Mexico; and

(2) that crisis creates a humanitarian, economic, and security imperative for the United States Government to support additional programs focused on the underfunded rural communities of Mexico.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for fiscal year 2004, $100,000,000 for programs in Mexico that promote the following:

(1) Micro credit lending.

(2) Small business and entrepreneurial development.

(3) Small farms and farmers that have been impacted by the collapse of coffee prices.

(4) Strengthening the system of private property ownership in the rural communities.

Subtitle B—Counternarcotics, Security Assistance, and Related Programs Authorizations

SEC. 2121. COMPLEX FOREIGN CONTINGENCIES.

Chapter 5 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2261) is amended by adding at the end the following new section:

''SEC. 452. COMPLEX FOREIGN CRISES CONTINGENCY FUND.

''(a) ESTABLISHMENT OF FUND.—There is hereby established on the books of the Treasury a fund to be known as the Complex Foreign Crises Contingency Fund (in this section referred to as the 'Fund') for the purpose described in subsection (b).

''(b) PURPOSE.—The purpose of the Fund is to provide the President with increased flexibility to respond to complex foreign crises, including the ability—

''(1) to provide support for peace and humanitarian intervention operations; and

''(2) to prevent or respond to foreign territorial disputes, armed ethnic or civil conflicts that pose threats to regional or international peace, and acts of ethnic cleansing, mass killings, and genocide.

''(c) ELEMENTS.—The Fund shall consist of amounts authorized to be appropriated to the Fund under subsection (g).

''(d) AUTHORITY TO FURNISH ASSISTANCE.—(1) Notwithstanding any other provision of law, whenever the President determines it to be important to the national interests of the United States, the President is authorized to furnish assistance using amounts in the Fund for the purpose of responding to a complex foreign crisis.

''(2) The authority to furnish assistance under paragraph (1) for the purpose specified in that paragraph is in addition to any other authority under law to furnish assistance for that purpose.

''(e) LIMITATION ON USE OF FUNDS.—No amounts in the Fund shall be available to respond to natural disasters.

''(f) NOTICE OF EXERCISE OF AUTHORITY.—The President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives at least 5 days before each exercise of the authority in this section in accordance with procedures applicable to reprogramming notifications pursuant to section 634A.

''(g) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated to the President for fiscal year 2004 such sums as may be necessary to carry out this section.

''(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall be deposited in the Fund.

''(3) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.''.

SEC. 2122. INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2004.—Paragraph (1) of section 482(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291a(a)) is amended by striking ''$147,783,000'' and all that follows and inserting ''$985,000,000 for fiscal year 2004, of which $700,000,000 is authorized to be appropriated for the Andean Counterdrug Initiative.''.

(b) AVAILABILITY OF FUNDS FOR COLOMBIA.—That section is further amended by adding at the end the following new paragraphs:

''(3) Notwithstanding any other provision of law, amounts authorized to be appropriated to carry out the purposes of section 481 for fiscal year 2004, and amounts appropriated for fiscal years before fiscal year 2004 for purposes of such section that remain available for obligation, may be used to furnish assistance to the Government of Colombia—

''(A) to support a unified campaign against narcotics trafficking and terrorist activities; and

''(B) to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations.

''(4) Assistance furnished to the Government of Colombia under this section—

''(A) shall be subject to the limitations on the assignment of United States personnel in Colombia under subsections (b) through (d) of section 3204 of the Emergency Supplemental Act, 2000 (division B of Public Law 106–246; 114 Stat. 576);

''(B) shall be subject to the condition that no United States Armed Forces personnel and no employees of United States contractors participate in any combat operation in connection with such assistance; and

''(C) shall be subject to the condition that the Government of Colombia is fulfilling its commitment to the United States with respect to its human rights practices, including the specific conditions set forth in subparagraphs (A) through (E) of section 564(a)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2003 (division E of Public Law 108–7; 117 Stat. 205).''.

SEC. 2123. ECONOMIC SUPPORT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 532(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2346a(a)) is amended to read as follows:

''(a) There is authorized to be appropriated to the President to carry out the purposes of this chapter $2,535,000,000 for fiscal year 2004.''.

(b) AUTHORIZATION OF ASSISTANCE FOR ISRAEL.—Section 513(b)(1) of the Security Assistance Act of 2000 (Public Law 106–280; 114 Stat. 856), as amended by section 1221(a) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 116 Stat. 1430), is further amended by striking ''fiscal years 2002 and 2003'' and inserting ''fiscal years 2003 and 2004''.

(c) AUTHORIZATION OF ASSISTANCE FOR EGYPT.—Section 514(b)(1) of the Security Assistance Act of 2000 (Public Law 106–280), as amended by section 1221(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 116 Stat. 1430), is further amended by striking ''fiscal years 2002 and 2003'' and inserting ''fiscal years 2003 and 2004''.

(d) ASSISTANCE FOR PAKISTAN.—

(1) IN GENERAL.—Of the funds authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 2004, $200,000,000 may be made available for assistance for Pakistan, of which up to $200,000,000 may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Pakistan.

(2) TREATMENT OF CERTAIN ASSISTANCE.—The amount made available under paragraph (1) for the cost of modifying direct loans and guarantees shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

(3) LIMITATION.—The authority provided by paragraph (1) shall be subject to the requirements of section 634A of the Foreign Assistance Act of 1961.

(e) CLINTON SCHOLARS.—Of the amounts authorized to be appropriated under section 532(a) of the Foreign Assistance Act of 1961 (as amended by this Act), $3,000,000 is authorized to be appropriated for scholarships to Palestinians who are future private and public sector leaders and managers for graduate level education in the United States. Such program shall be known as the ''Clinton Scholarship Program''.

SEC. 2124. INTERNATIONAL MILITARY EDUCATION AND TRAINING.

Section 542 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347a) is amended by striking ''There are authorized'' and all that follows through ''fiscal year 1987'' and inserting ''There is authorized to be appropriated to the President to carry out the purposes of this chapter $91,700,000 for the fiscal year 2004''.

SEC. 2125. PEACEKEEPING OPERATIONS.

Section 552(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(a)) is amended by striking ''There are authorized'' and all that follows through ''fiscal year 1987'' and inserting ''There is authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, $101,900,000 for the fiscal year 2004''.

SEC. 2126. NONPROLIFERATION, ANTI-TERRORISM, DEMINING, AND RELATED ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for fiscal year 2004, $485,200,000 for Nonproliferation, Anti-Terrorism, Demining, and Related Programs for the purpose of carrying out nonproliferation, anti-terrorism, demining, and related programs and activities under—

(1) chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.);

(2) chapter 9 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb et seq.);

(3) section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348), as amended by section 2212 of this Act, to the extent such assistance is used for activities identified in the last sentence of that section, including not to exceed $675,000 for administrative expenses related to such activities, which amount shall be in addition to funds otherwise made available for such purposes;

(4) section 504 of the FREEDOM Support Act (22 U.S.C. 5854) and programs under the Nonproliferation and Disarmament Fund to promote bilateral and multilateral activities relating to nonproliferation and disarmament, notwithstanding any other provision of law, including, when in the national security interests of the United States, with respect to international organizations and countries other than the independent states of the former Soviet Union;

(5) section 23 of the Arms Export Control Act (22 U.S.C. 2763), for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law;

(6) section 301 of the Foreign Assistance Act of 1961 (22 U.S.C. 2221);

(7) the Radiological Terrorism Threat Reduction Act of 2003 under title XII of this Act; and

(8) the Global Pathogen Surveillance Act of 2003 under title XIII of this Act.

(b) AVAILABILITY.—Amounts appropriated under this section for the purpose specified in subsection (a)—

(1) are authorized to remain available until expended; and

(2) are in addition to amounts otherwise available for that purpose.

SEC. 2127. FOREIGN MILITARY FINANCING PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763), $4,414,000,000 for fiscal year 2004.

(b) ASSISTANCE FOR ISRAEL.—Section 513 of the Security Assistance Act of 2000 (Public Law 106–280; 114 Stat. 856), as amended by section 1221(a) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 116 Stat. 1430), is further amended—

(1) in subsection (c)(1), by striking ''fiscal years 2002 and 2003'' and inserting ''fiscal years 2003 and 2004'';

(2) in subsection (c)(3), by striking ''Funds authorized'' and all that follows through ''later.'' and inserting ''Funds authorized to be available for Israel under subsection (b)(1) and paragraph (1) for fiscal year 2004 shall be disbursed not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2004, or October 31, 2004, whichever is later.''; and

(3) in subsection (c)(4)—

(A) by striking ''fiscal years 2002 and 2003'' and inserting ''fiscal years 2003 and 2004''; and

(B) by striking ''$535,000,000 for fiscal year 2002 and not less than $550,000,000 for fiscal year 2003'' and inserting ''$550,000,000 for fiscal year 2003 and not less than $565,000,000 for fiscal year 2004''.

(c) ASSISTANCE FOR EGYPT.—Section 514 of the Security Assistance Act of 2000 (Public Law 106–280; 114 Stat. 857), as amended by section 1221(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (116 Stat. 1430), is further amended—

(1) in subsection (c) by striking ''fiscal years 2002 and 2003'' and inserting ''fiscal years 2003 and 2004''; and

(2) in subsection (e), by striking ''Funds estimated'' and all that follows through ''of the respective fiscal year, whichever is later'' and inserting the following: ''Funds estimated to be outlayed for Egypt under subsection (c) during fiscal year 2004 shall be disbursed to an interest-bearing account for Egypt in the Federal Reserve Bank of New York not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2004, or by October 31, 2003, whichever is later''.

Subtitle C—Independent Agencies Authorizations

SEC. 2131. INTER-AMERICAN FOUNDATION.

Section 401(s)(2) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(s)(2)) is amended by striking ''There are authorized to be appropriated $28,000,000 for fiscal year 1992 and $31,000,000 for fiscal year 1993'' and inserting ''There is authorized to be appropriated $15,185,000 for fiscal year 2004''.

SEC. 2132. AFRICAN DEVELOPMENT FOUNDATION.

The first sentence of section 510 of the International Security and Development Cooperation Act of 1980 (22 U.S.C. 290h–8) is amended by striking ''$3,872,000 for fiscal year 1986 and $3,872,000 for fiscal year 1987'' and inserting ''$17,689,000 for fiscal year 2004''.

Subtitle D—Multilateral Development Bank Authorizations

SEC. 2141. CONTRIBUTION TO THE SEVENTH REPLENISHMENT OF THE ASIAN DEVELOPMENT FUND.

The Asian Development Bank Act (22 U.S.C. 285 et seq.) is amended by adding at the end the following new section:

''SEC. 31. SEVENTH REPLENISHMENT.

''(a) AUTHORIZATION TO CONTRIBUTE.—The United States Governor of the Bank is authorized to contribute, on behalf of the United States, $412,000,000 to the seventh replenishment of the Asian Development Fund, a special fund of the Bank, except that any commitment to make the contribution authorized by this subsection shall be made subject to obtaining the necessary appropriations.

''(b) AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the United States contribution authorized by subsection (a), there is authorized to be appropriated without fiscal year limitation, $412,000,000 for payment by the Secretary of the Treasury.''.

SEC. 2142. CONTRIBUTION TO THE THIRTEENTH REPLENISHMENT OF THE INTERNATIONAL DEVELOPMENT ASSOCIATION.

The International Development Association Act (22 U.S.C. 284 et seq.) is amended by adding at the end the following new section:

''SEC. 22. THIRTEENTH REPLENISHMENT.

''(a) AUTHORIZATION TO CONTRIBUTE.—The United States Governor is authorized to contribute, on behalf of the United States, $2,850,000,000 to the thirteenth replenishment of the Association, except that any commitment to make the contribution authorized by this subsection shall be made subject to obtaining the necessary appropriations.

''(b) AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the United States contribution authorized by subsection (a), there is authorized to be appropriated without fiscal year limitation, $2,850,000,000 for payment by the Secretary of the Treasury.

''(c) TRANSPARENCY.—

''(1) POLICY.—It is the policy of the United States that each multilateral development institution that has a United States Executive Director should—

''(A) not later than 60 days after the date on which the minutes of a meeting of the Board of Directors are approved, post the minutes on the website of the multilateral development institution, with any material deemed too sensitive for public dissemination redacted;

''(B) for a period of at least 10 years beginning on the date of a meeting of a Board of Directors, keep and preserve a written transcript or electronic recording of such meeting;

''(C) not later than the later of 15 days prior to the date on which a Board of Directors will consider for endorsement or approval any public sector loan document, country assistance strategy, sector strategy, or sector policy prepared by a multilateral development institution or the date such documents are distributed to the Board, make such documents available to the public, with any material deemed too sensitive for public dissemination redacted;

''(D) make available on the website of the multilateral development institution an annual report that contains statistical summaries and case studies of the fraud and corruption cases pursued by the investigations unit of the multilateral development institution; and

''(E) require that any health, education, or poverty-focused loan, credit, grant, document, policy or strategy prepared by the multilateral development institution include specific outcome and output indicators to measure results, and that the results be published periodically during the performance of the project or program and at its completion.

''(2) IMPLEMENTATION.—The Secretary of the Treasury should instruct each United States Executive Director at a multilateral development institution—

''(A) to inform the multilateral development institution of the policy set out in subparagraphs (A) through (E) of paragraph (1); and

''(B) to work to implement the policy at the multilateral development institution not later than the scheduled conclusion of the thirteenth replenishment of the International Development Association on June 30, 2005.

''(3) BRIEFING.—The Secretary of the Treasury should brief, or send a representative of the Department of the Treasury to brief, the appropriate congressional committees, at the request of such committees, on the actions taken by each United States Executive Director at a multilateral development institution or by personnel of such institutions to implement the policy set out in subparagraphs (A) through (E) of paragraph (1).

''(4) PUBLIC DISSEMINATION BY THE SECRETARY OF THE TREASURY.—The Secretary of the Treasury should make available on the website of the Department of the Treasury—

''(A) not later than 60 days after the date of a meeting of a Board of Directors, any written statement presented by a United States Executive Director at such meeting related to a project for which—

''(i) a claim has been made to the multilateral development institution's inspection mechanism; or

''(ii) Board of Directors decisions on inspection mechanism cases are being taken; and

''(B) a record of all votes or abstentions made by a United States Executive Director on matters before a Board of Directors, on a monthly basis.

''(d) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Foreign Relations of the Senate and the Committee on Financial Services of the House of Representatives.

''(2) BOARD OF DIRECTORS.—The term 'Board of Directors' means the Board of Directors of a multilateral development institution.

''(3) MULTILATERAL DEVELOPMENT INSTITUTION.—The term 'multilateral development institution' has the meaning given such term in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3)).''.

SEC. 2143. CONTRIBUTION TO THE NINTH REPLENISHMENT OF THE AFRICAN DEVELOPMENT FUND.

The African Development Fund Act (22 U.S.C. 290g et seq.) is amended by adding at the end the following new section:

''SEC. 217. NINTH REPLENISHMENT.

''(a) AUTHORIZATION TO CONTRIBUTE.—The United States Governor of the Fund is authorized to contribute, on behalf of the United States, $354,000,000 to the ninth replenishment of the Fund, except that any commitment to make the contribution authorized by this subsection shall be made subject to obtaining the necessary appropriations.

''(b) AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the United States contribution authorized by subsection (a), there is authorized to be appropriated, without fiscal year limitation, $354,000,000 for payment by the Secretary of the Treasury.''.

Subtitle E—Authorization for Iraq Relief and Reconstruction

SEC. 2151. AUTHORIZATION OF ASSISTANCE FOR RELIEF AND RECONSTRUCTION EFFORTS.

(a) AUTHORIZATION.—The President is authorized to make available from the Iraq Relief and Reconstruction Fund established under the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11), $2,475,000,000 for fiscal year 2003 for the purposes of providing humanitarian assistance in and around Iraq and carrying out the purposes of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) with respect to the rehabilitation and reconstruction in Iraq.

(b) AUTHORIZED USES OF ASSISTANCE.—Assistance made available under subsection (a) may include funds for costs related to—

(1) infrastructure related to water and sanitation services;

(2) food and food distribution;

(3) the support of relief efforts related to refugees, internally displaced persons, and vulnerable individuals, including assistance for families of innocent Iraqi civilians who suffer losses as a result of military operations;

(4) electricity;

(5) health care;

(6) telecommunications;

(7) the development and implementation of economic and financial policy;

(8) education;

(9) transportation;

(10) reforms to strengthen the rule of law and introduce and reinforce the principles and institutions of good governance;

(11) humanitarian demining; and

(12) agriculture.

(c) REIMBURSEMENT.—Funds made available under subsection (a) may be used to reimburse accounts administered by the Secretary of State, the Secretary of the Treasury, or the Administrator of the United States Agency for International Development for any amounts expended from each such account to provide humanitarian assistance in and around Iraq or for carrying out the purposes of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) with respect to the rehabilitation and reconstruction in Iraq prior to the date of the enactment of this Act if such amounts have not been reimbursed with funds from any other source.

(d) POLICY.—It is the policy of the United States to work toward the full and active participation of women in the reconstruction of Iraq by promoting the involvement of women in—

(1) all levels of the government in Iraq and its decision-making institutions;

(2) the planning and distribution of assistance, including food aid; and

(3) job promotion and training programs.

SEC. 2152. REPORTING AND CONSULTATION.

Any report required to be submitted to, and any consultation required to be engaged in with, the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives under the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11) with respect to funds appropriated to carry out section 2151 shall also be submitted to and engaged in with, respectively, the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

SEC. 2153. SPECIAL ASSISTANCE AUTHORITY.

(a) IN GENERAL.—Except as provided in subsection (b), assistance and other financing under this or any other Act may be provided to Iraq notwithstanding any other provision of law.

(b) NOTIFICATION OF PROGRAM CHANGES.—Section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) shall apply to the assistance and other financing described in subsection (a), except that the notification required by subsection (a) of such section with respect to an obligation of funds shall be transmitted not later than 5 days in advance of the obligation.

SEC. 2154. INAPPLICABILITY OF CERTAIN RESTRICTIONS.

(a) IRAQ SANCTIONS ACT.—

(1) AUTHORITY TO SUSPEND.—The President may suspend the application of any provision of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note).

(2) EXCEPTION.—Nothing in this section shall otherwise affect the applicability of the Iran-Iraq Arms Non-Proliferation Act of 1992 (50 U.S.C. 1701 note), except that such Act shall not apply to humanitarian assistance and supplies.

(b) INAPPLICABILITY OF TERRORIST STATE RESTRICTIONS.—The President may make inapplicable with respect to Iraq section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) and any other provisions of law that apply to countries that have provided support for terrorism.

(c) EXPORT OF NONLETHAL MILITARY EQUIPMENT.—

(1) AUTHORITY.—Notwithstanding any other provision of law except section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)), the President may authorize the export to Iraq of any nonlethal military equipment designated on the United States Munitions List and controlled under the International Trafficking in Arms Regulations established pursuant to section 38 of the Arms Export Control Act (22 U.S.C. 2778), if, not later than 5 days prior to such export, the President determines and notifies the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives that the export of such nonlethal military equipment is in the national interest of the United States.

(2) NONAPPLICABILITY OF LIMITATION.—The determination and notification requirement under paragraph (1) shall not apply to military equipment designated by the Secretary of State for use by a reconstituted or interim Iraqi military or police force.

(d) INTERNATIONAL ORGANIZATION ACTIVITIES WITH RESPECT TO IRAQ.—

(1) INTERNATIONAL ORGANIZATIONS AND PROGRAMS.—Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) shall not apply with respect to international organization programs for Iraq.

(2) INTERNATIONAL FINANCIAL INSTITUTIONS.—Provisions of law that direct the United States Government to vote against or oppose loans or other uses of funds from an international financial institution, including for financial or technical assistance, shall not apply in the case of Iraq.

(e) NOTIFICATION OF EXERCISE OF AUTHORITIES.—

(1) NOTIFICATION.—Except as provided in subsection (c)(2), the President shall, not later than 5 days prior to exercising any of the authorities under or referred to in this section, submit a notification of such exercise of authority to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(2) REPORTING REQUIREMENT.—Not later than June 15, 2003, and every 90 days thereafter, the President shall submit to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives a report containing a summary of all licenses approved for the export to Iraq of any item on the Commerce Control List contained in supplement 1 to part 774 of title 15, Code of Federal Regulations, under the Export Administration Regulations, including the identification of the end users of such items.

SEC. 2155. TERMINATION OF AUTHORITIES.

The authorities contained in section 2153 and in subsections (a), (b), and (c) of section 2154 shall expire on the date that is 2 years after the date of the enactment of this Act.

TITLE XXII—AMENDMENTS TO GENERAL FOREIGN ASSISTANCE AUTHORITIES

Subtitle A—Foreign Assistance Act Amendments and Related Provisions

SEC. 2201. DEVELOPMENT POLICY.

Section 102(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151–1(b)) is amended—

(1) in paragraph (5), by—

(A) striking ''development; and'' and inserting ''development;''; and

(B) inserting before the period at the end the following: ''; democracy and the rule of law; and economic growth and the building of trade capacity''; and

(2) by adding at the end the following new paragraph:

''(18) The United States development assistance program should take maximum advantage of the increased participation of United States private foundations, business enterprises, and private citizens in funding international development activities. The program should utilize the development experience and expertise of its personnel, its access to host-country officials, and its overseas presence to facilitate public-private alliances and to leverage private sector resources toward the achievement of development assistance objectives.''.

SEC. 2202. ASSISTANCE FOR NONGOVERNMENTAL ORGANIZATIONS.

Section 123(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151u(e)) is amended to read as follows:

''(e)(1) Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from—

''(A) funds made available to carry out this chapter and chapters 10, 11, and 12 of part I (22 U.S.C. 2293 et seq.) and chapter 4 of part II (22 U.S.C. 2346 et seq.); or

''(B) funds made available for economic assistance activities under the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

''(2) The President shall submit to Congress, in accordance with section 634A (22 U.S.C. 2394–1), advance notice of an intent to obligate funds under the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations.

''(3) Assistance may not be furnished through nongovernmental organizations to the central government of a country under the authority of this subsection, but assistance may be furnished to local, district, or subnational government entities under such authority.''.

SEC. 2203. AUTHORITY FOR USE OF FUNDS FOR UNANTICIPATED CONTINGENCIES.

Section 451(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2261(a)(1)) is amended—

(1) by inserting ''or the Arms Export Control Act (22 U.S.C. 2751 et seq.)'' after ''chapter 1 of this part)''; and

(2) by striking ''$25,000,000'' and inserting ''$50,000,000''.

SEC. 2204. AUTHORITY TO ACCEPT LETHAL EXCESS PROPERTY.

Section 482(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2191a(g)) is amended—

(1) by striking ''(g) EXCESS PROPERTY.—For'' and inserting the following:

''(g) EXCESS PROPERTY.—

''(1) AUTHORITY.—For'';

(2) by striking ''nonlethal'' and inserting ''(including lethal or nonlethal property)''; and

(3) by adding at the end the following new paragraph:

''(2) NOTIFICATION.—Before obligating any funds to obtain lethal excess property under paragraph (1), the Secretary shall submit a notification of such action to Congress in accordance with the procedures set forth in section 634A.''.

SEC. 2205. RECONSTRUCTION ASSISTANCE UNDER INTERNATIONAL DISASTER ASSISTANCE AUTHORITY.

Section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) is amended—

(1) in subsection (a), by striking ''assistance for the relief and rehabilitation of'' and inserting ''relief, rehabilitation, and reconstruction assistance for'';

(2) in subsection (b), by striking ''relief and rehabilitation'' and inserting ''relief, rehabilitation, and reconstruction''; and

(3) in subsection (c), by striking ''relief and rehabilitation'' and inserting ''relief, rehabilitation, and reconstruction assistance''.

SEC. 2206. FUNDING AUTHORITIES FOR ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

Chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) is amended—

(1) in section 498B(j)(1) (22 U.S.C. 2295b(j)(1))—

(A) by striking ''authorized to be appropriated for fiscal year 1993 by'' and inserting ''made available to carry out''; and

(B) by striking ''appropriated for fiscal year 1993''; and

(2) in section 498C(b)(1) (22 U.S.C. 2295c(b)(1)), by striking ''under subsection (a)'' and inserting ''to carry out this chapter''.

SEC. 2207. WAIVER OF NET PROCEEDS RESULTING FROM DISPOSAL OF UNITED STATES DEFENSE ARTICLES PROVIDED TO A FOREIGN COUNTRY ON A GRANT BASIS.

Section 505(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(f)) is amended by striking ''In the case of items which were delivered prior to 1985, the'' in the second sentence and inserting ''The''.

SEC. 2208. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE STOCKPILES FOR ALLIES TO ISRAEL.

(a) TRANSFERS FOR CONCESSIONS.—

(1) AUTHORITY.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2231h), the President may transfer to Israel, in exchange for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State, any or all of the items described in paragraph (2).

(2) COVERED ITEMS.—The items referred to in paragraph (1) are armor, artillery, automatic weapons ammunition, missiles, and other munitions that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for Israel; and

(D) as of the date of enactment of this Act, are located in a stockpile in Israel.

(b) VALUE OF CONCESSIONS.—The value of concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) ADVANCE NOTIFICATION OF TRANSFERS.—Not later than 30 days before making a transfer under the authority of this section, the President shall transmit a notification of the proposed transfer to the Committees on Foreign Relations and Armed Services of the Senate and the Committees on International Relations and Armed Services of the House of Representatives. The notification shall identify the items to be transferred and the concessions to be received.

(d) EXPIRATION OF AUTHORITY.—No transfer may be made under the authority of this section more than 5 years after the date of the enactment of this Act.

SEC. 2209. ADDITIONS TO WAR RESERVE STOCKPILES FOR ALLIES FOR FISCAL YEAR 2004.

Section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended—

(1) in subparagraph (A), by striking ''for fiscal year 2003'' and inserting ''for each of fiscal years 2003 and 2004''; and

(2) in subparagraph (B), by striking ''for fiscal year 2003'' and inserting ''for a fiscal year''.

SEC. 2210. RESTRICTIONS ON ECONOMIC SUPPORT FUNDS FOR LEBANON.

Section 1224 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228, 116 Stat. 1432; 22 U.S.C. 2346 note) is amended by adding at the end the following subsection:

''(c) EXCEPTION.—Subsection (a) does not apply to assistance made available to address the needs of southern Lebanon.''.

SEC. 2211. ADMINISTRATION OF JUSTICE.

Section 534 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346c) is amended—

(1) in subsection (a), by striking ''in countries in Latin America and the Caribbean'';

(2) in subsection (b)(3)—

(A) in subparagraph (C), by striking ''and'';

(B) in subparagraph (D), by inserting ''and''; and

(C) by adding at the end the following new subparagraph:

''(E) programs to enhance the protection of participants in judicial cases;'';

(3) by striking subsection (c);

(4) in subsection (e), by striking the second and third sentences; and

(5) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 2212. DEMINING PROGRAMS.

(a) CLARIFICATION OF AUTHORITY.—Section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348) is amended—

(1) in the second sentence, by striking ''Such assistance may include reimbursements'' and inserting ''Such assistance may include the following:

''(1) Reimbursements''; and

(2) by adding at the end the following:

''(2) Demining activities, clearance of unexploded ordnance, destruction of small arms, and related activities, notwithstanding any other provision of law.''.

(b) DISPOSAL OF DEMINING EQUIPMENT.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes, may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President determines appropriate.

(c) LANDMINE AWARENESS PROGRAM FOR THE CHILDREN OF AFGHANISTAN AND OTHER CHILDREN AT RISK IN AREAS OF CONFLICT.—

(1) FINDINGS.—Congress makes the following findings:

(A) Most landmines in Afghanistan were laid between 1980 and 1992.

(B) Additional landmines were laid between 1992 and 1996, during the conflict between the Taliban and the Northern Alliance.

(C) United States bombings against the Taliban in 2001 and 2002 further increased the unexploded ordinance and cluster bombs throughout Afghanistan.

(D) The clearance of landmines is a slow and expensive process.

(E) Certain types of landmines and other unexploded ordinance are small, brightly colored, and attractive to children.

(F) More than 150 Afghans, many of them children, are injured every month by these weapons.

(G) In 2003, reconstituted Taliban forces have sought out and attacked workers clearing landmines, in an attempt to discredit the Government of President Karzai and the United States military presence.

(H) In May 2003, after a string of Taliban attacks in which mine removal workers were killed or seriously injured, the United Nations suspended all mine-clearing operations in much of southern Afghanistan.

(I) Effective landmine awareness programs targeted to children could save lives in Afghanistan and in other areas of conflict where unexploded ordinance are a danger to the safety of children.

(2) AUTHORIZATION.—The President is authorized to furnish assistance to fund innovative programs designed to educate children in Afghanistan and other affected areas about the dangers of landmines and other unexploded ordinances, especially those proposed by organizations with extensive background in children's educational programs.

(3) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds otherwise authorized to be appropriated for demining and related activities under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), there are authorized to be appropriated for fiscal year 2004 such sums as may be necessary to carry out the purposes of this subsection.

SEC. 2213. SPECIAL WAIVER AUTHORITY.

(a) REVISION OF AUTHORITY.—Section 614 of the Foreign Assistance Act of 1961 (22 U.S.C. 2364) is amended in subsection (a) by—

(1) striking paragraphs (1) and (2) and inserting ''(1) The President may authorize any assistance, sale, or other action under this Act, the Arms Export Control Act (22 U.S.C. 2751 et seq.), or any other law that authorizes the furnishing of foreign assistance or the appropriation of funds for foreign assistance, without regard to any of the provisions described in subsection (b) if the President determines, and notifies the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives in writing—

''(A) with respect to assistance or other actions under chapter 2 or 5 of part II of this Act, or sales or other actions under the Arms Export Control Act (22 U.S.C. 2751 et seq.), that to do so is vital to the national security interests of the United States; and

''(B) with respect to other assistance or actions, that to do so is important to the security interests of the United States.''; and

(2) redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(b) INCREASED LIMITATION ON SINGLE COUNTRY ALLOCATION.—Subsection (a)(3)(C) of such section, as redesignated, is amended by striking ''$50,000,000'' and inserting ''$75,000,000''.

(c) REPEAL OF PROVISIONS RELATING TO GERMANY AND A CERTIFICATION REQUIREMENT.—Section 614 of such Act is further amended by striking subsections (b) and (c).

(d) INAPPLICABLE OR WAIVABLE LAWS.—Such section, as amended by subsection (c), is further amended by adding at the end the following:

''(b) INAPPLICABLE OR WAIVABLE LAWS.—The provisions referred to in paragraphs (1) and (2) of subsection (a) are those set forth in any of the following:

''(1) Any provision of this Act.

''(2) Any provision of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

''(3) Any provision of law that authorizes the furnishing of foreign assistance or appropriates funds for foreign assistance.

''(4) Any other provision of law that restricts assistance, sales or leases, or other action under a provision of law referred to in paragraph (1), (2), or (3).

''(5) Any provision of law that relates to receipts and credits accruing to the United States.''.

SEC. 2214. PROHIBITION OF ASSISTANCE FOR COUNTRIES IN DEFAULT.

(a) CLARIFICATION OF PROHIBITED RECIPIENTS.—Section 620(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(q)) is amended—

(1) by striking ''any country'' and inserting ''the government of any country''; and

(2) by striking ''such country'' each place it appears and inserting ''such government''.

(b) PERIOD OF PROHIBITION.—Such section 620(q) is further amended by striking ''six calendar months'' and inserting ''one year''.

SEC. 2215. MILITARY COUPS.

Section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370) is amended by inserting after subsection (l) the following new subsection (m):

''(m)(1) No assistance may be furnished under this Act or the Arms Export Control Act (22 U.S.C. 2751 et seq.) for the government of a country if the duly elected head of government for such country is deposed by decree or military coup. The prohibition in the preceding sentence shall cease to apply to a country if the President determines and certifies to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives that after the termination of assistance a democratically elected government for such country has taken office.

''(2) Paragraph (1) does not apply to assistance to promote democratic elections or public participation in democratic processes.

''(3) The President may waive the application of paragraph (1), and any comparable provision of law, to a country upon determining that it is important to the national security interest of the United States to do so.''.

SEC. 2216. DESIGNATION OF POSITION FOR WHICH APPOINTEE IS NOMINATED.

Section 624 of the Foreign Assistance Act of 1961 (22 U.S.C. 2584) is amended by inserting after subsection (c) the following new subsection (d):

''(d) NOMINATION OF OFFICERS.—Whenever the President submits to the Senate a nomination of an individual for appointment to a position authorized under subsection (a), the President shall designate the particular position in the agency for which the individual is nominated.''.

SEC. 2217. EXCEPTIONS TO REQUIREMENT FOR CONGRESSIONAL NOTIFICATION OF PROGRAM CHANGES.

Section 634A(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1(b)) is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(3) of funds if the advance notification would pose a substantial risk to human health or welfare, but such notification shall be provided to the committees of Congress named in subsection (a) not later than 3 days after the action is taken; or

''(4) of funds made available under section 23 of the Arms Export Control Act (22 U.S.C. 2763) for the provision of major defense equipment (other than conventional ammunition), aircraft, ships, missiles, or combat vehicles in quantities not in excess of 20 percent of the quantities previously justified under section 25 of such Act (22 U.S.C. 2765).''.

SEC. 2218. COMMITMENTS FOR EXPENDITURES OF FUNDS.

Section 635(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2395(h)) is amended by striking ''available'' and all that follows through ''may,'' and inserting ''made available under this Act may,''.

SEC. 2219. ALTERNATIVE DISPUTE RESOLUTION.

Section 635(i) of the Foreign Assistance Act of 1961 (22 U.S.C. 2395(i)) is amended to read as follows:

''(i) Notwithstanding any other provision of law, claims arising as a result of operations under this Act may be settled (including by use of alternative dispute resolution procedures) or arbitrated with the consent of the parties. Payment made pursuant to any such settlement or arbitration shall be final and conclusive.''.

SEC. 2220. ADMINISTRATIVE AUTHORITIES.

Section 636 of the Foreign Assistance Act of 1961 (22 U.S.C. 2396) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by—

(i) striking ''abroad''; and

(ii) striking ''Civil Service Commission'' and inserting ''Office of Personnel Management'';

(B) by striking paragraph (5) and inserting the following:

''(5) purchase and hire of passenger motor vehicles;''; and

(C) in paragraph (10), by striking ''for not to exceed ten years'';

(2) in subsection (c), by striking ''not to exceed $6,000,000 of the''; and

(3) in subsection (d), by striking ''Not to exceed $2,500,000 of funds'' and inserting ''Funds''.

SEC. 2221. ASSISTANCE FOR LAW ENFORCEMENT FORCES.

Section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420) is amended—

(1) in subsection (b)—

(A) in paragraph (6), by striking ''and the provision of professional'' and all that follows through ''democracy'' and inserting ''including any regional, district, municipal, or other subnational entity emerging from instability'';

(B) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(8) with respect to assistance to combat corruption in furtherance of the objectives for which programs are authorized to be established under section 133 of this Act (22 U.S.C. 2152c);

''(9) with respect to the provision of professional public safety training, including training in internationally recognized standards of human rights, the rule of law, and the promotion of civilian police roles that support democracy; and

''(10) with respect to assistance to combat trafficking in persons.''; and

(2) by striking subsection (d) and inserting the following:

''(d) Subsection (a) does not apply to assistance for law enforcement forces for which the Secretary, on a case-by-case basis, determines that it is important to the national interest of the United States to furnish such assistance and submits to the committees of the Congress referred to in subsection (a) of section 634A of this Act (22 U.S.C. 2394–1) an advance notification of the obligation of funds for such assistance in accordance with such section 634A.''.

SEC. 2222. SPECIAL DEBT RELIEF FOR THE POOREST.

The Foreign Assistance Act of 1961 is amended by adding at the end the following:

''PART VI—SPECIAL DEBT RELIEF FOR THE POOREST

''SEC. 901. SPECIAL DEBT RELIEF FOR THE POOREST.

''(a) AUTHORITY.—Subject to subsections (b) and (c), the President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of any of the following transactions:

''(1) Concessional loans extended under part I of this Act, or chapter 4 of part II of this Act, or antecedent foreign economic assistance laws.

''(2) Guarantees issued under sections 221 and 222 of this Act.

''(3) Credits extended or guarantees issued under the Arms Export Control Act (22 U.S.C. 2751 et seq.).

''(4) Any obligation, or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to—

''(A) section 5(f) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(f));

''(B) section 201(b) of the Agricultural Trade Act of 1978 (7 U.S.C. 5621(b)); or

''(C) section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622).

''(b) GENERAL LIMITATIONS.—

''(1) EXCLUSIVE CONDITIONS.—The authority provided in subsection (a) may be exercised—

''(A) only to implement multilateral official debt relief and referendum agreements, commonly referred to as 'Paris Club Agreed Minutes';

''(B) only in such amounts or to such extent as is provided in advance in appropriations Acts; and

''(C) only with respect to countries with heavy debt burdens that—

''(i) are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as 'IDA-only' countries; and

''(ii) are not determined ineligible under subsection (c).

''(2) ADVANCE NOTIFICATION OF CONGRESS.—The authority provided by subsection (a) shall be subject to the requirements of section 634A of this Act (22 U.S.C. 2394–1).

''(c) ELIGIBILITY LIMITATIONS.—The authority provided by subsection (a) may be exercised only with respect to a country the government of which, as determined by the President—

''(1) does not make an excessive level of military expenditures;

''(2) has not repeatedly provided support for acts of international terrorism;

''(3) is not failing to cooperate on international narcotics control matters;

''(4) does not engage, through its military or security forces or by other means, in a consistent pattern of gross violations of internationally recognized human rights; and

''(5) is not ineligible for assistance under section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2370a).

''(d) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection

(a) may not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided in subsection (a) may be exercised notwithstanding section 620(r) of this Act (22 U.S.C. 2370(r)) or section 321 of the International Development and Food Assistance Act of 1975 (22 U.S.C. 2220a note).''.

SEC. 2223. CONGO BASIN FOREST PARTNERSHIP.

(a) FINDINGS.—Congress makes the following findings:

(1) Deforestation and environmental degradation in the Congo Basin in central Africa pose a major threat to the wellbeing and livelihood of the African people and to the world at large.

(2) It is in the national interest of the United States to assist the countries of the Congo Basin to reduce the rate of forest degradation and loss of biodiversity.

(3) The Congo Basin Forest Partnership, an initiative involving the Central Africa Regional Program for the Environment of the United States Agency for International Development, and also the Department of State, the United States Fish and Wildlife Service, the National Park Service, the National Forest Service, and National Aeronautics and Space Administration, was established to address in a variety of ways the environmental conditions in the Congo Basin.

(4) In partnership with nongovernmental environmental groups, the Congo Basin Forest Partnership will foster improved conservation and management of natural resources through programs at the local, national, and regional levels to help reverse the environmental degradation of the Congo Basin.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Congo Basin Forest Partnership program represents a significant effort at addressing the complex environmental and development challenges in the Congo Basin; and

(2) the President should make available for fiscal year 2004 at least the total level of assistance that the President requested for such fiscal year for all agencies participating in the Congo Basin Forest Partnership program for fiscal year 2004.

SEC. 2224. LANDMINE CLEARANCE PROGRAMS.

The Secretary of State is authorized to support cooperative arrangements commonly known as public-private partnerships for landmine clearance programs by grant or cooperative agreement.

SEC. 2225. MIDDLE EAST FOUNDATION.

(a) PURPOSES.—The purposes of this section are to support, through the provision of grants, technical assistance, training, and other programs, in the countries of the Middle East, the expansion of—

(1) civil society;

(2) opportunities for political participation for all citizens;

(3) protections for internationally recognized human rights, including the rights of women;

(4) educational system reforms;

(5) independent media;

(6) policies that promote economic opportunities for citizens;

(7) the rule of law; and

(8) democratic processes of government.

(b) MIDDLE EAST FOUNDATION.—

(1) DESIGNATION.—The Secretary of State is authorized to designate an appropriate private, nonprofit organization that is organized or incorporated under the laws of the United States or of a State as the Middle East Foundation (referred to in this section as the ''Foundation'').

(2) FUNDING.—The Secretary of State is authorized to provide funding to the Foundation through the Middle East Partnership Initiative of the Department of State. The Foundation shall use amounts provided under this paragraph to carry out the purposes of this section, including through making grants and providing other assistance to entities to carry out programs for such purposes.

(3) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Secretary shall notify the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives before designating an appropriate organization as the Foundation.

(c) GRANTS FOR PROJECTS.—

(1) FOUNDATION TO MAKE GRANTS.—The Secretary of State shall enter into an agreement with the Foundation that requires the Foundation to use the funds provided under subsection (b)(2) to make grants to persons (other than governments or government entities) located in the Middle East or working with local partners based in the Middle East to carry out projects that support the purposes specified in subsection (a).

(2) CENTER FOR PUBLIC POLICY.—Under the agreement described in paragraph (1), the Foundation may make a grant to an institution of higher education located in the Middle East to create a center for public policy for the purpose of permitting scholars and professionals from the countries of the Middle East and from other countries, including the United States, to carry out research, training programs, and other activities to inform public policymaking in the Middle East and to promote broad economic, social, and political reform for the people of the Middle East.

(3) APPLICATIONS FOR GRANTS.—An entity seeking a grant from the Foundation under this section shall submit an application to the head of the Foundation at such time, in such manner, and including such information as the head of the Foundation may reasonably require.

(d) PRIVATE CHARACTER OF THE FOUNDATION.—Nothing in this section shall be construed to—

(1) make the Foundation an agency or establishment of the United States Government, or to make the officers or employees of the Foundation officers or employees of the United States for purposes of title 5, United States Code; or

(2) to impose any restriction on the Foundation's acceptance of funds from private and public sources in support of its activities consistent with the purposes of this section.

(e) LIMITATION ON PAYMENTS TO FOUNDATION PERSONNEL.—No part of the funds provided to the Foundation under this section shall inure to the benefit of any officer or employee of the Foundation, except as salary or reasonable compensation for services.

(f) RETENTION OF INTEREST.—The Foundation may hold funds provided under this section in interest-bearing accounts prior to the disbursement of such funds to carry out the purposes of this section, and may retain for use for such purposes any interest earned without returning such interest to the Treasury of the United States and without further appropriation by Congress.

(g) FINANCIAL ACCOUNTABILITY.—

(1) INDEPENDENT PRIVATE AUDITS OF THE FOUNDATION.—The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of the independent audit shall be included in the annual report required by subsection (h).

(2) GAO AUDITS.—The financial transactions undertaken pursuant to this section by the Foundation may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States.

(3) AUDITS OF GRANT RECIPIENTS.—

(A) IN GENERAL.—A recipient of a grant from the Foundation shall agree to permit an audit of the books and records of such recipient related to the use of the grant funds.

(B) RECORDKEEPING.—Such recipient shall maintain appropriate books and records to facilitate an audit referred to subparagraph (A), including—

(i) separate accounts with respect to the grant funds;

(ii) records that fully disclose the use of the grant funds;

(iii) records describing the total cost of any project carried out using grant funds; and

(iv) the amount and nature of any funds received from other sources that were combined with the grant funds to carry out a project.

(h) ANNUAL REPORTS.—Not later than January 31, 2005, and annually thereafter, the Foundation shall submit to Congress and make available to the public an annual report that includes, for the fiscal year prior to the fiscal year in which the report is submitted, a comprehensive and detailed description of—

(1) the operations and activities of the Foundation that were carried out using funds provided under this section;

(2) grants made by the Foundation to other entities with funds provided under this section;

(3) other activities of the Foundation to further the purposes of this section; and

(4) the financial condition of the Foundation.

Subtitle B—Arms Export Control Act Amendments and Related Provisions

SEC. 2231. THRESHOLDS FOR ADVANCE NOTICE TO CONGRESS OF SALES OR UPGRADES OF DEFENSE ARTICLES, DESIGN AND CONSTRUCTION SERVICES, AND MAJOR DEFENSE EQUIPMENT.

(a) LETTERS OF OFFER TO SELL.—Subsection (b) of section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking ''Subject to paragraph (6), in'' and inserting ''In'';

(B) by striking ''$50,000,000'' and inserting ''$100,000,000'';

(C) by striking ''services for $200,000,000'' and inserting ''services for $350,000,000'';

(D) by striking ''$14,000,000'' and inserting ''$50,000,000''; and

(E) by inserting ''and in other cases if the President determines it is appropriate,'' before ''before such letter'';

(2) in the first sentence of paragraph (5)(C)—

(A) by striking ''Subject to paragraph (6), if'' and inserting ''If'';

(B) by striking ''$14,000,000'' and inserting ''$50,000,000'';

(C) by striking ''$50,000,000'' and inserting ''$100,000,000'';

(D) by striking ''or $200,000,000'' and inserting ''or $350,000,000''; and

(E) by inserting ''and in other cases if the President determines it is appropriate,'' before ''then the President''; and

(3) by striking paragraph (6).

(b) EXPORT LICENSES.—Subsection (c) of section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking ''Subject to paragraph (5), in'' and inserting ''In'';

(B) by striking ''$14,000,000'' and inserting ''$50,000,000'';

(C) by striking ''$50,000,000'' and inserting ''$100,000,000''; and

(D) by inserting ''and in other cases if the President determines it is appropriate,'' before ''before issuing such'';

(2) in the last sentence of paragraph (2), by striking ''(A) and (B)'' and inserting ''(A), (B), and (C)''; and

(3) by striking paragraph (5).

(c) PRESIDENTIAL CONSENT.—Section 3(d) of the Arms Export Control Act (22 U.S.C. 2753(d)) is amended—

(1) in paragraphs (1) and (3)(A)—

(A) by striking ''Subject to paragraph (5), the'' and inserting ''The'';

(B) by striking ''$14,000,000'' and inserting ''$50,000,000''; and

(C) by striking ''$50,000,000'' and inserting ''$100,000,000''; and

(2) by striking paragraph (5).

SEC. 2232. CLARIFICATION OF REQUIREMENT FOR ADVANCE NOTICE TO CONGRESS OF COMPREHENSIVE EXPORT AUTHORIZATIONS.

Subsection (d) of section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(1) in paragraph (1)—

(A) by inserting ''(A)'' after ''(1)'';

(B) by striking ''this subsection'' and inserting ''this subparagraph''; and

(C) by adding at the end the following new subparagraph:

''(B) Notwithstanding section 27(g), in the case of a comprehensive authorization described in section 126.14 of title 22, Code of Federal Regulations (or any corresponding similar regulation) for the proposed export of defense articles or defense services in an amount that exceeds a limitation set forth in subsection (c)(1), before the comprehensive authorization is approved or the addition of a foreign government or other foreign partner to the comprehensive authorization is approved, the President shall submit a certification with respect to the comprehensive authorization in a manner similar to the certification required under subsection (c)(1) of this section and containing comparable information, except that the last sentence of such subsection shall not apply to certifications submitted pursuant to this subparagraph.''; and

(2) in paragraph (4), by striking ''Approval for an agreement subject to paragraph (1) may not be given under section 38'' and inserting ''Approval for an agreement subject to paragraph (1)(A), or for a comprehensive authorization subject to paragraph (1)(B), may not be given under section 38 or section 126.14 of title 22, Code of Federal Regulations (or any corresponding similar regulation), as the case may be,''.

SEC. 2233. EXCEPTION TO BILATERAL AGREEMENT REQUIREMENTS FOR TRANSFERS OF DEFENSE ITEMS WITHIN AUSTRALIA AND THE UNITED KINGDOM.

(a) EXCEPTION ON TRANSFERS WITHIN AUSTRALIA.—Subsection (j) of section 38 of the Arms Export Control Act (22 U.S.C. 2778(j)) is amended by adding at the end the following new paragraph:

''(5) EXCEPTION FROM BILATERAL AGREEMENT REQUIREMENTS.—

''(A) AUSTRALIA.—Subject to the provisions of section 2233(c) of the Foreign Affairs Act, Fiscal Year 2004, the requirements for a bilateral agreement described in paragraph (2)(A) of this subsection shall not apply to such a bilateral agreement between the United States Government and the Government of Australia with respect to transfers or changes in end use within Australia of defense items that will remain subject to the licensing requirements of this Act after the agreement enters into force.

''(B) UNITED KINGDOM.—Subject to the provisions of section 2233(c) of the Foreign Affairs Act, Fiscal Year 2004, the requirements for a bilateral agreement described in paragraphs (1)(A)(ii), (2)(A)(i) and (2)(A)(ii) of this subsection shall not apply to the bilateral agreement between the United States Government and the Government of the United Kingdom for an exemption from the licensing requirements of this Act, or any other form of agreement between the United States Government and the Government of the United Kingdom to gain an exemption from the licensing requirements of this Act.''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of such subsection (22 U.S.C. 2778(j)(2)) is amended in the material preceding subparagraph (A) by striking ''A bilateral agreement'' and inserting ''Except as provided in paragraph 5, a bilateral agreement''.

(c) ADDITIONAL CERTIFICATIONS FOR THE UNITED KINGDOM AND AUSTRALIA.—Not later than 14 days before authorizing an exemption from the licensing requirements of the Arms Export Control Act in accordance with any bilateral agreement entered into with the United Kingdom or Australia under section 38(j) of the Arms Export Control Act (22 U.S.C. 2778)(j), the President shall certify to the appropriate congressional committees that such agreement—

(1) is in the national interest of the United States and will advance the non-proliferation and export control interests of the United States;

(2) does not adversely affect the ability of the licensing regime under the Arms Export Control Act to provide consistent and adequate controls for items not exempt under such agreement from the licensing regime; and

(3) will not adversely affect the duties or requirements of the Secretary under such Act.

(d) REPORT ON ISSUES RAISED IN CONSULTATIONS PURSUANT TO BILATERAL AGREEMENTS WITH AUSTRALIA AND UNITED KINGDOM.—Not later than one year after the date of the enactment of this Act and annually thereafter for each of the following 5 years, the President shall submit to the appropriate congressional committees a report on issues raised during the previous year in consultations conducted under the terms of the bilateral agreement with Australia, or under the terms of the bilateral agreement or any other form of an agreement with the United Kingdom, for exemption from the licensing requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.). Each report shall contain detailed information—

(1) on any notifications or consultations between the United States and the United Kingdom under the terms of the agreement with the United Kingdom, or between the United States and Australia under the terms of the agreement with Australia, concerning the modification, deletion, or addition of defense items on the United States Munitions List, the United Kingdom Military List, or the Australian Defense and Strategic Goods List;

(2) listing all United Kingdom or Australia persons and entities that have been designated as qualified persons eligible to receive United States origin defense items exempt from the licensing requirements of the Arms Export Control Act under the terms of such agreements, and listing any modification, deletion, or addition to such lists, pursuant to the requirements of the agreement with the United Kingdom or the agreement with Australia;

(3) on consultations or steps taken pursuant to the agreement with the United Kingdom or the agreement with Australia concerning cooperation and consultation with either government on the effectiveness of the defense trade control systems of such government;

(4) on provisions and procedures undertaken pursuant to—

(A) the agreement with the United Kingdom with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in the United Kingdom; and

(B) the agreement with Australia with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in Australia;

(5) on any new understandings, including the text of such understandings, between the United States and the United Kingdom concerning retransfer of United States origin defense items made pursuant to the agreement with the United Kingdom or any other form of agreement with the United Kingdom to gain exemption from the licensing requirements of the Arms Export Control Act;

(6) on consultations with the Government of the United Kingdom or the Government of Australia concerning the legal enforcement of these agreements;

(7) on United States origin defense items with respect to which the United States has provided an exception under the Memorandum of Understanding between the United States and the United Kingdom and the agreement between the United States and Australia from the requirement for United States Government re-export consent that was not provided for under United States laws and regulations in effect on June 30, 2003; and

(8) on any significant concerns that have arisen between the Government of Australia or the Government of the United Kingdom and the United States Government concerning any aspect of the bilateral agreements between such country and the United States or of any other form of agreement between the United Kingdom and the United States to gain exemption from the licensing requirements of the Arms Export Control Act.

(e) SPECIAL REPORTS ON UNAUTHORIZED END-USE OR DIVERSION.—The Secretary shall notify the appropriate congressional committees, in a manner consistent with ongoing efforts to investigate and bring civil or criminal charges regarding such matters, not later than 90 days after receiving any credible information regarding the unauthorized end-use or diversion of United States exports made pursuant to any agreement with a country to gain exemption from the licensing requirements of the Arms Export Control Act. Such notification may be made in classified or unclassified form and shall include—

(1) a description of the good or service;

(2) the United States origin of the good or service;

(3) the authorized recipient of the good or service;

(4) a detailed description of the unauthorized end-use or diversion of the good or service, including any knowledge by the United States exporter of such unauthorized end-use or diversion;

(5) any enforcement action taken by the Government of the United States; and

(6) any enforcement action taken by the government of the recipient nation.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means the Committee on International Relations of the

House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 2234. AUTHORITY TO PROVIDE CATALOGING DATA AND SERVICES TO NON-NATO COUNTRIES.

Section 21(h)(2) of the Arms Export Control Act (22 U.S.C. 2761(h)(2)) is amended by striking ''to the North Atlantic Treaty Organization or to any member government of that Organization if that Organization or member government'' and inserting ''to the North Atlantic Treaty Organization, to any member government of that Organization, or to the government of any other country if that Organization, member government, or other government''.

SEC. 2235. FREEDOM SUPPORT ACT PERMANENT WAIVER AUTHORITY.

(a) AUTHORITY TO WAIVE RESTRICTIONS AND ELIGIBILITY REQUIREMENTS.—If the President submits the certification and report described in subsection (b) with respect to an independent state of the former Soviet Union for a fiscal year, funds may be obligated and expended during that fiscal year under sections 503 and 504 of the FREEDOM Support Act (22 U.S.C. 5853 and 5854) for assistance or other programs and activities for that state even if that state has not met one or more of the requirements for eligibility under paragraphs (1) through (4) of section 502 of such Act (22 U.S.C. 5852).

(b) CERTIFICATION AND REPORT.—

(1) IN GENERAL.—The certification and report referred to in subsection (a) are a written certification submitted by the President to Congress that the waiver of the restriction under such section 502 and the requirements in that section during the fiscal year covered by such certification is important to the national security interests of the United States, together with a report containing the following:

(A) A description of the activity or activities that prevent the President from certifying that the state is committed to the matters set forth in the provisions of law specified in subsection (a) in such fiscal year.

(B) An explanation of why the waiver is important to the national security interests of the United States.

(C) A description of the strategy, plan, or policy of the President for promoting the commitment of the state to, and compliance by the state with, such matters, notwithstanding the waiver.

(2) FORM OF REPORT.—A report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 2236. EXTENSION OF PAKISTAN WAIVERS.

The Act entitled ''An Act to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes'', approved October 27, 2001 (Public Law 107–57; 115 Stat. 403), is amended—

(1) in section 1(a)—

(A) by striking ''2002'' in the heading and inserting ''2004''; and

(B) by striking ''2002'' in paragraph (1) and inserting ''2004'';

(2) in paragraph (2) of section 3, by striking ''Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 2002, as is'' and inserting ''annual foreign operations, export financing, and related programs appropriations Acts for fiscal years 2002, 2003, and 2004, as are''; and

(3) in section 6, by striking ''October 1, 2003'' and inserting ''October 1, 2004''.

SEC. 2237. CONSOLIDATION OF REPORTS ON NONPROLIFERATION IN SOUTH ASIA.

Section 1601(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 is amended to read as follows:

''(c) REPORT.—The report required to be submitted to Congress not later than April 1, 2004 pursuant to section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c)) shall include a description of the efforts of the United States Government to achieve the objectives described in subsections (a) and (b), the progress made toward achieving such objectives, and the likelihood that such objectives will be achieved by September 30, 2004.''.

SEC. 2238. HAITIAN COAST GUARD.

The Government of Haiti shall be eligible to purchase defense articles and services for the Haitian Coast Guard under the Arms Export Control Act (22 U.S.C. 2751 et seq.), subject to the prior notification requirements under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

SEC. 2239. MARKETING INFORMATION FOR COMMERCIAL COMMUNICATIONS SATELLITES.

(a) IN GENERAL.—A license shall not be required under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for the transfer of marketing information for the purpose of providing information directly related to the sale of commercial communications satellites and related parts to a member country of the North Atlantic Treaty Organization (NATO) and Australia, Japan, and New Zealand.

(b) MARKETING INFORMATION.—In this section, the term ''marketing information'' means data that a seller must provide to a potential customer (including a foreign end-user) that will enable the customer to make a purchase decision to award a contract for goods or services, including system description, functional information, price and schedule information, information required for installation, operation, maintenance, and repair, and includes that level of data necessary to ensure safe use of the product, but does not include sensitive encryption and source code data, detailed design data, engineering analysis, or manufacturing know-how.

(c) EXCEPTION.—Nothing in this section shall exempt commercial communications satellites from any licensing requirement under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for defense items and defense services, except as described in subsection (a).

SEC. 2240. TRANSFERS OF SMALL ARMS AND LIGHT WEAPONS.

(a) EXPORTS UNDER THE ARMS EXPORT CONTROL ACT.—

(1) LETTERS OF OFFER.—Section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) is amended by inserting after ''such certification).'' in the fourth sentence the following: ''Each numbered certification regarding the proposed export of firearms listed in category I of the United States Munitions List shall include, with regard to the proposed export, a summary of the views of the office in the Department of State that has responsibility for programs relating to the collection and destruction of excess small arms and light weapons, together with a summary of any provision of the letter of offer or any related arrangement for the recipient State to dispose of firearms that would become excess as a result of the proposed export.''.

(2) LICENSES.—Section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) is amended by inserting after the second sentence the following: ''Each numbered certification regarding the proposed export of firearms listed in category I of the United States Munitions List shall include, with regard to the proposed export, a summary of the views of the office in the Department of State that has responsibility for programs relating to the collection and destruction of excess small arms and light weapons, together with a summary of any provision of the license or any related arrangement for the recipient State to dispose of firearms that would become excess as a result of the proposed export.''.

(b) TRANSFERS UNDER THE FOREIGN ASSISTANCE ACT OF 1961.—Subsection 516(f)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) for any proposed transfer of firearms listed in category I of the United States Munitions List that would require a license for international export under section 36 of the Arms Export Control Act (22 U.S.C. 2776)—

''(i) with regard to the proposed transfer, the views of the office in the Department of State that has responsibility for programs relating to the collection and destruction of excess small arms and light weapons; and

''(ii) a summary of any provision under the transfer or any related arrangement for the recipient State to dispose of firearms that would become excess as a result of the proposed transfer; and''.

TITLE XXIII—RADIOLOGICAL TERRORISM THREAT REDUCTION

SEC. 2301. SHORT TITLE.

This title may be cited as the ''Radiological Terrorism Threat Reduction Act of 2003''.

SEC. 2302. FINDINGS.

Congress makes the following findings:

(1) It is feasible for terrorists to obtain and disseminate radioactive material by using a radiological dispersion device (RDD) or by emplacing discrete radioactive sources in major public places.

(2) An attack by terrorists using radiological material could cause catastrophic economic and social damage, although it might kill few, if any, Americans.

(3) The first line of defense against radiological terrorism is preventing the acquisition of radioactive material by terrorists.

SEC. 2303. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) BYPRODUCT MATERIAL.—The term ''byproduct material'' has the meaning given the term in section 11 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)).

(3) IAEA.—The term ''IAEA'' means the International Atomic Energy Agency.

(4) INDEPENDENT STATES OF THE FORMER SOVIET UNION.—The term ''independent states of the former Soviet Union'' has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

(5) RADIOACTIVE MATERIAL.—The term ''radioactive material'' means—

(A) source material and special nuclear material, but does not include natural or depleted uranium;

(B) nuclear byproduct material;

(C) material made radioactive by bombardment in an accelerator; and

(D) all refined isotopes of radium.

(6) RADIOACTIVE SOURCE.—The term ''radioactive source'' means radioactive material that is permanently sealed in a capsule or closely bonded and includes any radioactive material released if the source is leaking or stolen, but does not include any material within the nuclear fuel cycle of a research or power reactor.

(7) RADIOISOTOPE THERMAL GENERATOR.—The term ''radioisotope thermal generator'' means an electrical generator which derives its power from the heat produced by the decay of a radioactive source by the emission of alpha, beta, or gamma radiation. The term does not include nuclear reactors deriving their energy from the fission or fusion of atomic nuclei.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of State.

(9) SOURCE MATERIAL.—The term ''source material'' has the meaning given the term in section 11 z. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

(10) SPECIAL NUCLEAR MATERIAL.—The term ''special nuclear material'' has the meaning given the term in section 11 aa. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

SEC. 2304. INTERNATIONAL STORAGE FACILITIES FOR RADIOACTIVE SOURCES.

(a) AGREEMENTS ON TEMPORARY SECURE STORAGE.—The Secretary is authorized to propose that the IAEA conclude agreements with up to 8 countries under which agreement each country would provide temporary secure storage for orphaned, unused, surplus, or other radioactive sources (other than special nuclear material, nuclear fuel, or spent nuclear fuel). Such agreements shall be consistent with the IAEA Code of Conduct on the Safety and Security of Radioactive Sources, and shall address the need for storage of such radioactive sources in countries or regions of the world where convenient access to secure storage of such radioactive sources does not exist.

(b) VOLUNTARY CONTRIBUTIONS TO IAEA AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to make voluntary contributions to the IAEA for use by the Department of Nuclear Safety of the IAEA to fund the United States share of the costs of activities associated with or under agreements under subsection (a).

(2) UNITED STATES SHARE IN FISCAL YEAR 2004.—The United States share of the costs of activities under agreements under subsection (a) in fiscal year 2004 may be 100 percent of the costs of such activities in that fiscal year.

(c) TECHNICAL ASSISTANCE.—The Secretary is authorized to provide the IAEA and other countries with technical assistance to carry out activities under agreements under subsection (a) in a manner that meets the standards of the IAEA Code of Conduct on the Safety and Security of Radioactive Sources.

(d) APPLICABILITY OF ENVIRONMENTAL LAWS.—

(1) INAPPLICABILITY OF NEPA TO FACILITIES OUTSIDE UNITED STATES.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply with respect to any temporary secure storage facility constructed outside the United States under an agreement under subsection (a).

(2) APPLICABILITY OF FOREIGN ENVIRONMENTAL LAWS.—The construction and operation of a facility described in paragraph (1) shall be governed by any applicable environmental laws of the country in which the facility is constructed.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated under this division for Nonproliferation, Anti-terrorism, Demining, and Related Programs, there is authorized to be appropriated to the President for fiscal year 2004, $4,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts authorized to be appropriated by paragraph (1) are authorized to remain available until expended.

SEC. 2305. DISCOVERY, INVENTORY, AND RECOVERY OF RADIOACTIVE SOURCES.

(a) AUTHORITY.—The Secretary is authorized to provide assistance, including through voluntary contributions to the IAEA under subsection (b), to support a program of the Division of Radiation and Waste Safety of the Department of Nuclear Safety of the IAEA to promote the discovery, inventory, and recovery of radioactive sources in member nations of the IAEA.

(b) VOLUNTARY CONTRIBUTIONS TO IAEA AUTHORIZED.—The Secretary is authorized to make voluntary contributions to the IAEA to fund the United States share of the program described in subsection (a).

(c) TECHNICAL ASSISTANCE.—The Secretary is authorized to provide the IAEA and other countries with technical assistance to carry out the program described in subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated under this Act for Nonproliferation, Anti-terrorism, Demining, and Related Programs, there is authorized to be appropriated to the President for fiscal year 2004, $4,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts authorized to be appropriated by paragraph (1) are authorized to remain available until expended.

SEC. 2306. RADIOISOTOPE THERMAL GENERATOR POWER UNITS IN THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) SUBSTITUTION WITH OTHER POWER UNITS.—

(1) IN GENERAL.—The Secretary is authorized to assist the Government of the Russian Federation to substitute solar (or other nonnuclear) power sources for radioisotope thermal power units operated by the Russian Federation and other independent states of the former Soviet Union in applications such as lighthouses in the Arctic, remote weather stations, and for providing electricity in remote locations.

(2) TECHNOLOGY REQUIREMENT.—Any power unit utilized as a substitute power unit under paragraph (1) shall, to the maximum extent practicable, be based upon tested technologies that have operated for at least one full year in the environment where the substitute power unit will be used.

(b) CONSULTATION.—The Secretary shall consult with the Secretary of Energy to ensure that substitute power sources provided under this section are for facilities from which the radioisotope thermal generator power units have been or are being removed.

(c) ACTIVITIES OUTSIDE FORMER SOVIET UNION.—The Secretary may use not more than 20 percent of the funds available under this section in any fiscal year to replace dangerous radioisotope thermal power facilities that are similar to the facilities described in subsection (a) in countries other than the independent states of the former Soviet Union.

(d) FUNDING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated under this Act for Nonproliferation, Anti-terrorism, Demining, and Related Programs, there is authorized to be appropriated to the President for fiscal year 2004, $5,000,000 to carry out this section.

(2) AVAILABILITY OF FUNDS.—Amounts available under paragraph (1) are authorized to remain available until expended.

SEC. 2307. FOREIGN FIRST RESPONDERS.

(a) IN GENERAL.—The Secretary is authorized to assist foreign countries, or to propose that the IAEA assist foreign countries, in the development of appropriate national response plans and the training of first responders to—

(1) detect, identify, and characterize radioactive material;

(2) understand the hazards posed by radioactive contamination;

(3) understand the risks encountered at various dose rates;

(4) enter contaminated areas safely and speedily; and

(5) evacuate persons within a contaminated area.

(b) CONSIDERATIONS.—In carrying out activities under subsection (a), the Secretary shall take into account the findings of the threat assessment report required by section 2308 and the location of any storage facilities for radioactive sources under section 2304.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated under this Act for Nonproliferation, Anti-terrorism, Demining, and Related Programs, there is authorized to be appropriated to the President for fiscal year 2004, $2,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts authorized to be appropriated by paragraph (1) are authorized to remain available until expended.

SEC. 2308. THREAT ASSESSMENT REPORTS.

(a) REPORTS REQUIRED.—The Secretary shall, at the times specified in subsection (c), submit to the appropriate congressional committees a report—

(1) detailing the preparations made at United States diplomatic missions abroad to detect and mitigate a radiological attack on United States missions and other United States facilities under the control of the Secretary;

(2) setting forth a rank-ordered list of the Secretary's priorities for improving radiological security and consequence management at United States missions; and

(3) providing a rank-ordered list of the missions where such improvement is most important.

(b) BUDGET REQUEST.—Each report under subsection (a) shall also include a proposed budget to carry out the improvements described in subsection (a)(2) under such report.

(c) TIMING.—

(1) FIRST REPORT.—The first report under subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act.

(2) SUBSEQUENT REPORTS.—Subsequent reports under subsection (a) shall be submitted with the budget justification materials submitted by the Secretary to Congress in support of the budget of the President for the fiscal year (as submitted under section 1105(a) of title 31, United States Code) for each fiscal year commencing with fiscal year 2006.

(d) FORM.—Each report shall be submitted in unclassified form, but may include a classified annex.

TITLE XXIV—GLOBAL PATHOGEN SURVEILLANCE

SEC. 2401. SHORT TITLE.

This title may be cited as the ''Global Pathogen Surveillance Act of 2003''.

SEC. 2402. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Bioterrorism poses a grave national security threat to the United States. The insidious nature of the threat, the likely delayed recognition in the event of an attack, and the underpreparedness of the domestic public health infrastructure may produce catastrophic consequences following a biological weapons attack upon the United States.

(2) A contagious pathogen engineered as a biological weapon and developed, tested, produced, or released in another country can quickly spread to the United States. Given the realities of international travel, trade, and migration patterns, a dangerous pathogen released anywhere in the world can spread to United States territory in a matter of days, before any effective quarantine or isolation measures can be implemented.

(3) To effectively combat bioterrorism and ensure that the United States is fully prepared to prevent, diagnose, and contain a biological weapons attack, measures to strengthen the domestic public health infrastructure and improve domestic surveillance and monitoring, while absolutely essential, are not sufficient.

(4) The United States should enhance cooperation with the World Health Organization, regional health organizations, and individual countries, including data sharing with appropriate United States departments and agencies, to help detect and quickly contain infectious disease outbreaks or bioterrorism agents before they can spread.

(5) The World Health Organization (WHO) has done an impressive job in monitoring infectious disease outbreaks around the world, including the recent emergence of the Severe Acute Respiratory Syndrome (SARS) epidemic, particularly with the establishment in April 2000 of the Global Outbreak Alert and Response network.

(6) The capabilities of the World Health Organization are inherently limited by the quality of the data and information it receives from member countries, the narrow range of diseases (plague, cholera, and yellow fever) upon which its disease surveillance and monitoring is based, and the consensus process it uses to add new diseases to the list. Developing countries in particular often cannot devote the necessary resources to build and maintain public health infrastructures.

(7) In particular, developing countries could benefit from—

(A) better trained public health professionals and epidemiologists to recognize disease patterns;

(B) appropriate laboratory equipment for diagnosis of pathogens;

(C) disease reporting based on symptoms and signs (known as ''syndrome surveillance''), affording the earliest possible opportunity to conduct an effective response;

(D) a narrowing of the existing technology gap in syndrome surveillance capabilities and real-time information dissemination to public health officials; and

(E) appropriate communications equipment and information technology to efficiently transmit information and data within national and regional health networks, including inexpensive, Internet-based Geographic Information Systems (GIS) and relevant telephone-based systems for early recognition and diagnosis of diseases.

(8) An effective international capability to monitor and quickly diagnose infectious disease outbreaks will offer dividends not only in the event of biological weapons development, testing, production, and attack, but also in the more likely cases of naturally occurring infectious disease outbreaks that could threaten the United States. Furthermore, a robust surveillance system will serve to deter terrorist use of biological weapons, as early detection will help mitigate the intended effects of such malevolent uses.

(b) PURPOSE.—The purposes of this title are as follows:

(1) To enhance the capability and cooperation of the international community, including the World Health Organization and individual countries, through enhanced pathogen surveillance and appropriate data sharing, to detect, identify, and contain infectious disease outbreaks, whether the cause of those outbreaks is intentional human action or natural in origin.

(2) To enhance the training of public health professionals and epidemiologists from eligible developing countries in advanced Internet-based and other electronic syndrome surveillance systems, in addition to traditional epidemiology methods, so that they may better detect, diagnose, and contain infectious disease outbreaks, especially those due to pathogens most likely to be used in a biological weapons attack.

(3) To provide assistance to developing countries to purchase appropriate public health laboratory equipment necessary for infectious disease surveillance and diagnosis.

(4) To provide assistance to developing countries to purchase appropriate communications equipment and information technology, including, as appropriate, relevant computer equipment, Internet connectivity mechanisms, and telephone-based applications to effectively gather, analyze, and transmit public health information for infectious disease surveillance and diagnosis.

(5) To make available greater numbers of United States Government public health professionals to international health organizations, regional health networks, and United States diplomatic missions where appropriate.

(6) To establish ''lab-to-lab'' cooperative relationships between United States public health laboratories and established foreign counterparts.

(7) To expand the training and outreach activities of overseas United States laboratories, including Centers for Disease Control and Prevention and Department of Defense entities, to enhance the disease surveillance capabilities of developing countries.

(8) To provide appropriate technical assistance to existing regional health networks and, where appropriate, seed money for new regional networks.

SEC. 2403. DEFINITIONS.

In this title:

(1) BIOLOGICAL WEAPONS CONVENTION.—The term ''Biological Weapons Convention'' means the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed at Washington, London, and Moscow April 10, 1972.

(2) ELIGIBLE DEVELOPING COUNTRY.—The term ''eligible developing country'' means any developing country that—

(A) has agreed to the objective of fully complying with requirements of the World Health Organization on reporting public health information on outbreaks of infectious diseases;

(B) has not been determined by the Secretary, for purposes of section 40 of the Arms Export Control Act (22 U.S.C. 2780), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405), to have repeatedly provided support for acts of international terrorism, unless the Secretary exercises a waiver certifying that it is in the national interest of the United States to provide assistance under the provisions of this title;

(C) is a state party to the Biological Weapons Convention; and

(D) is determined by the United States Government not to have an offensive biological weapons program.

(3) ELIGIBLE NATIONAL.—The term ''eligible national'' means any citizen or national of an eligible developing country who—

(A) is eligible to receive a visa under the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) is not currently or previously affiliated with or employed by a laboratory or entity determined by the United States Government to be involved in offensive biological weapons activities.

(4) INTERNATIONAL HEALTH ORGANIZATION.—The term ''international health organization'' includes the World Health Organization and the Pan American Health Organization.

(5) LABORATORY.—The term ''laboratory'' means a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings.

(6) SECRETARY.—Unless otherwise provided, the term ''Secretary'' means the Secretary of State.

(7) SELECT AGENT.—The term ''select agent'' has the meaning given such term for purposes of section 72.6 of title 42, Code of Federal Regulations.

(8) SYNDROME SURVEILLANCE.—The term ''syndrome surveillance'' means the recording of symptoms (patient complaints) and signs (derived from physical examination) combined with simple geographic locators to track the emergence of a disease in a population.

SEC. 2404. PRIORITY FOR CERTAIN COUNTRIES.

Priority in the provision of United States assistance for eligible developing countries under all the provisions of this title shall be given to those countries that permit personnel from the World Health Organization and the Centers for Disease Control and Prevention to investigate outbreaks of infectious diseases on their territories, provide early notification of disease outbreaks, and provide pathogen surveillance data to appropriate United States departments and agencies in addition to international health organizations.

SEC. 2405. RESTRICTION.

Notwithstanding any other provision of this title, no foreign nationals participating in programs authorized under this title shall have access, during the course of such participation, to select agents that may be used as, or in, a biological weapon, except in a supervised and controlled setting.

SEC. 2406. FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—There is established a fellowship program (in this section referred to as the ''program'') under which the Secretary, in consultation with the Secretary of Health and Human Services and subject to the availability of appropriations, shall award fellowships to eligible nationals to pursue public health education or training, as follows:

(1) MASTER OF PUBLIC HEALTH DEGREE.—Graduate courses of study leading to a master of public health degree with a concentration in epidemiology from an institution of higher education in the United States with a Center for Public Health Preparedness, as determined by the Centers for Disease Control and Prevention.

(2) ADVANCED PUBLIC HEALTH EPIDEMIOLOGY TRAINING.—Advanced public health training in epidemiology to be carried out at the Centers for Disease Control and Prevention (or equivalent State facility), or other Federal facility (excluding the Department of Defense or United States National Laboratories), for a period of not less than 6 months or more than 12 months.

(b) SPECIALIZATION IN BIOTERRORISM.—In addition to the education or training specified in subsection (a), each recipient of a fellowship under this section (in this section referred to as a ''fellow'') may take courses of study at the Centers for Disease Control and Prevention or at an equivalent facility on diagnosis and containment of likely bioterrorism agents.

(c) FELLOWSHIP AGREEMENT.—

(1) IN GENERAL.—In awarding a fellowship under the program, the Secretary, in consultation with the Secretary of Health and Human Services, shall require the recipient

to enter into an agreement under which, in exchange for such assistance, the recipient—

(A) will maintain satisfactory academic progress (as determined in accordance with regulations issued by the Secretary and confirmed in regularly scheduled updates to the Secretary from the institution providing the education or training on the progress of the recipient's education or training);

(B) will, upon completion of such education or training, return to the recipient's country of nationality or last habitual residence (so long as it is an eligible developing country) and complete at least four years of employment in a public health position in the government or a nongovernmental, not-for-profit entity in that country or, with the approval of the Secretary, complete part or all of this requirement through service with an international health organization without geographic restriction; and

(C) agrees that, if the recipient is unable to meet the requirements described in subparagraph (A) or (B), the recipient will reimburse the United States for the value of the assistance provided to the recipient under the fellowship, together with interest at a rate determined in accordance with regulations issued by the Secretary but not higher than the rate generally applied in connection with other Federal loans.

(2) WAIVERS.—The Secretary may waive the application of paragraph (1)(B) and (1)(C) if the Secretary determines that it is in the national interest of the United States to do so.

(d) IMPLEMENTATION.—The Secretary, in consultation with the Secretary of Health and Human Services, is authorized to enter into an agreement with any eligible developing country under which the country agrees—

(1) to establish a procedure for the nomination of eligible nationals for fellowships under this section;

(2) to guarantee that a fellow will be offered a professional public health position within the country upon completion of his studies; and

(3) to certify to the Secretary when a fellow has concluded the minimum period of employment in a public health position required by the fellowship agreement, with an explanation of how the requirement was met.

(e) PARTICIPATION OF UNITED STATES CITIZENS.—On a case-by-case basis, the Secretary may provide for the participation of United States citizens under the provisions of this section if the Secretary determines that it is in the national interest of the United States to do so. Upon completion of such education or training, a United States recipient shall complete at least 5 years of employment in a public health position in an eligible developing country or an international health organization.

SEC. 2407. IN-COUNTRY TRAINING IN LABORATORY TECHNIQUES AND SYNDROME SURVEILLANCE.

(a) IN GENERAL.—In conjunction with the Centers for Disease Control and Prevention and the Department of Defense, the Secretary shall, subject to the availability of appropriations, support short training courses in-country (not in the United States) for laboratory technicians and other public health personnel from eligible developing countries in laboratory techniques relating to the identification, diagnosis, and tracking of pathogens responsible for possible infectious disease outbreaks. Training under this section may be conducted in overseas facilities of the Centers for Disease Control and Prevention or in Overseas Medical Research Units of the Department of Defense, as appropriate. The Secretary shall coordinate such training courses, where appropriate, with the existing programs and activities of the World Health Organization.

(b) TRAINING IN SYNDROME SURVEILLANCE.—In conjunction with the Centers for Disease Control and Prevention and the Department of Defense, the Secretary shall, subject to the availability of appropriations, establish and support short training courses in-country (not in the United States) for public health personnel from eligible developing countries in techniques of syndrome surveillance reporting and rapid analysis of syndrome information using Geographic Information System (GIS) and other Internet-based tools. Training under this subsection may be conducted via the Internet or in appropriate facilities as determined by the Secretary. The Secretary shall coordinate such training courses, where appropriate, with the existing programs and activities of the World Health Organization.

SEC. 2408. ASSISTANCE FOR THE PURCHASE AND MAINTENANCE OF PUBLIC HEALTH LABORATORY EQUIPMENT.

(a) AUTHORIZATION.—The President is authorized, on such terms and conditions as the President may determine, to furnish assistance to eligible developing countries to purchase and maintain public health laboratory equipment described in subsection (b).

(b) EQUIPMENT COVERED.—Equipment described in this subsection is equipment that is—

(1) appropriate, where possible, for use in the intended geographic area;

(2) necessary to collect, analyze, and identify expeditiously a broad array of pathogens, including mutant strains, which may cause disease outbreaks or may be used as a biological weapon;

(3) compatible with general standards set forth, as appropriate, by the World Health Organization and the Centers for Disease Control and Prevention, to ensure interoperability with regional and international public health networks;

(4) necessary to secure and monitor pathogen collections containing select agents; and

(5) not defense articles or defense services as those terms are defined under section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to exempt the exporting of goods and technology from compliance with applicable provisions of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (or successor statutes).

(d) LIMITATION.—Amounts appropriated to carry out this section shall not be made available for the purchase from a foreign country of equipment that, if made in the United States, would be subject to the Arms Export Control Act (22 U.S.C. 2751 et seq.) or likely be barred or subject to special conditions under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (or successor statutes).

(e) HOST COUNTRY'S COMMITMENTS.—The assistance provided under this section shall be contingent upon the host country's commitment to provide the resources, infrastructure, and other assets required to house, maintain, support, secure, monitor, and maximize use of this equipment and appropriate technical personnel.

SEC. 2409. ASSISTANCE FOR IMPROVED COMMUNICATION OF PUBLIC HEALTH INFORMATION.

(a) ASSISTANCE FOR PURCHASE OF COMMUNICATION EQUIPMENT AND INFORMATION TECHNOLOGY.—The President is authorized to provide, on such terms and conditions as the President may determine, assistance to eligible developing countries for the purchase and maintenance of communications equipment and information technology described in subsection (b), and supporting equipment, necessary to effectively collect, analyze, and transmit public health information.

(b) COVERED EQUIPMENT.—Equipment (and information technology) described in this subsection is equipment that—

(1) is suitable for use under the particular conditions of the area of intended use;

(2) meets appropriate World Health Organization standards to ensure interoperability with like equipment of other countries and international health organizations; and

(3) is not defense articles or defense services as those terms are defined under section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to exempt the exporting of goods and technology from compliance with applicable provisions of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (or successor statutes).

(d) LIMITATION.—Amounts appropriated to carry out this section shall not be made available for the purchase from a foreign country of equipment that, if made in the United States, would be subject to the Arms Export Control Act or likely be barred or subject to special conditions under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (or successor statutes).

(e) ASSISTANCE FOR STANDARDIZATION OF REPORTING.—The President is authorized to provide, on such terms and conditions as the President may determine, technical assistance and grant assistance to international health organizations to facilitate standardization in the reporting of public health information between and among developing countries and international health organizations.

(f) HOST COUNTRY'S COMMITMENTS.—The assistance provided under this section shall be contingent upon the host country's commitment to provide the resources, infrastructure, and other assets required to house, support, maintain, secure, and maximize use of this equipment and appropriate technical personnel.

SEC. 2410. ASSIGNMENT OF PUBLIC HEALTH PERSONNEL TO UNITED STATES MISSIONS AND INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—Upon the request of a United States chief of diplomatic mission or an international health organization, and with the concurrence of the Secretary of State, the head of a Federal agency may assign to the respective United States mission or organization any officer or employee of the agency occupying a public health position within the agency for the purpose of enhancing disease and pathogen surveillance efforts in developing countries.

(b) REIMBURSEMENT.—The costs incurred by a Federal agency by reason of the detail of personnel under subsection (a) may be reimbursed to that agency out of the applicable appropriations account of the Department of State if the Secretary determines that the relevant agency may otherwise be unable to assign such personnel on a non-reimbursable basis.

SEC. 2411. EXPANSION OF CERTAIN UNITED STATES GOVERNMENT LABORATORIES ABROAD.

(a) IN GENERAL.—Subject to the availability of appropriations, the Centers for Disease Control and Prevention and the Department of Defense shall each—

(1) increase the number of personnel assigned to laboratories of the Centers or the Department, as appropriate, located in eligible developing countries that conduct research and other activities with respect to infectious diseases; and

(2) expand the operations of those laboratories, especially with respect to the implementation of on-site training of foreign nationals and regional outreach efforts involving neighboring countries.

(b) COOPERATION AND COORDINATION BETWEEN LABORATORIES.—Subsection (a) shall be carried out in such a manner as to foster cooperation and avoid duplication between and among laboratories.

(c) RELATION TO CORE MISSIONS AND SECURITY.—The expansion of the operations of overseas laboratories of the Centers or the Department under this section shall not—

(1) detract from the established core missions of the laboratories; or

(2) compromise the security of those laboratories, as well as their research, equipment, expertise, and materials.

SEC. 2412. ASSISTANCE FOR REGIONAL HEALTH NETWORKS AND EXPANSION OF FOREIGN EPIDEMIOLOGY TRAINING PROGRAMS.

(a) AUTHORITY.—The President is authorized, on such terms and conditions as the President may determine, to provide assistance for the purposes of—

(1) enhancing the surveillance and reporting capabilities of the World Health Organization and existing regional health networks; and

(2) developing new regional health networks.

(b) EXPANSION OF FOREIGN EPIDEMIOLOGY TRAINING PROGRAMS.—The Secretary of Health and Human Services is authorized to establish new country or regional Foreign Epidemiology Training Programs in eligible developing countries.

SEC. 2413. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated under this division for Nonproliferation, Anti-terrorism, Demining and Related Programs, there is authorized to be appropriated $35,000,000 for the fiscal year 2004 to carry out this title.

(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1)—

(A) $25,000,000 for the fiscal year 2004 is authorized to be available to carry out sections 2406, 2407, 2408, and 2409;

(B) $500,000 for the fiscal year 2004 is authorized to be available to carry out section 2410;

(C) $2,500,000 for the fiscal year 2004 is authorized to be available to carry out section 2411; and

(D) $7,000,000 for the fiscal year 2004 is authorized to be available to carry out section 2412.

(b) AVAILABILITY OF FUNDS.—The amount appropriated pursuant to subsection (a) is authorized to remain available until expended.

(c) REPORTING REQUIREMENT.—Not later than 120 days after the date of enactment of this title, the Secretary shall submit a report, in conjunction with the Secretary of Health and Human Services and the Secretary of Defense, containing—

(1) a description of the implementation of programs under this title; and

(2) an estimate of the level of funding required to carry out those programs at a sufficient level.

TITLE XXV—REPORTING REQUIREMENTS AND OTHER MATTERS

Subtitle A—Elimination and Modification of Certain Reporting Requirements

SEC. 2501. ANNUAL REPORT ON TERRITORIAL INTEGRITY.

Section 560 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (titles I through V of Public Law 103–87; 107 Stat. 966) is amended by striking subsection (g).

SEC. 2502. ANNUAL REPORTS ON ACTIVITIES IN COLOMBIA.

Section 694 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 116 Stat. 1415; 22 U.S.C. 2291 note) is amended by adding at the end the following:

''(c) REPORT CONSOLIDATION.—The Secretary may satisfy the annual reporting requirements of this section by incorporating the required information with the annual report submitted pursuant to section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)).''.

SEC. 2503. ANNUAL REPORT ON FOREIGN MILITARY TRAINING.

Subsection (a)(1) of section 656 of the Foreign Assistance Act of 1961 (22 U.S.C. 2416) is amended by striking ''January 31'' and inserting ''March 1''.

SEC. 2504. REPORT ON HUMAN RIGHTS IN HAITI.

Section 616(c) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (section 101(b) of division A of Public Law 105–277; 112 Stat. 2681–114), is amended—

(1) in paragraph (2), by striking ''not later than 3 months after the date of enactment of this Act'' and inserting ''as part of the annual report submitted under paragraph (4) of this subsection''; and

(2) in paragraph (3), by inserting '', as part of the annual report submitted under paragraph (4) of this subsection,'' after ''the appropriate congressional committees''.

Subtitle B—Other Matters

SEC. 2511. CERTAIN CLAIMS FOR EXPROPRIATION BY THE GOVERNMENT OF NICARAGUA.

Section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 108 Stat. 475; 22 U.S.C. 2370a) is amended by adding at the end the following new subsection:

''(i) CERTAIN CLAIMS FOR EXPROPRIATION BY THE GOVERNMENT OF NICARAGUA.—

''(1) MATTERS NOT TO BE CONSIDERED.—Any action described in subsection (a)(1) that was taken by the Government of Nicaragua during the period beginning on January 1, 1956, and ending on January 9, 2002, may not be considered in implementing the prohibition under subsection (a) unless the action has been presented in accordance with the procedure set forth in paragraph (2).

''(2) ACTIONS PRESENTED.—An action shall be deemed presented for purposes of paragraph (1) if, not later than 120 days after the date prescribed under paragraph (3), a written description of the action is—

''(A) submitted to the Secretary of State by a United States person; and

''(B) received by the Department of State at—

''(i) the headquarters of the Department of State in Washington, District of Columbia; or

''(ii) the Embassy of the United States of America to Nicaragua.

''(3) TIME FOR PRESENTATION.—The Secretary of State shall prescribe the date on which the presentation deadline is based for the purposes of paragraph (2) and shall publish a notice of such date in the Federal Register. The prescribed date may be any date selected by the Secretary in the Secretary's sole discretion, except that such date may not be the date on which this subsection takes effect or any date before such effective date.''.

SEC. 2512. SUPPORT FOR SIERRA LEONE.

(a) FINDINGS.—Congress makes the following findings:

(1) As of January 1, 2003, the United States had provided a total of $516,000,000 to the United Nations Mission in Sierra Leone and to Operation Focus Relief for the purpose of bringing peace and stability to Sierra Leone.

(2) In fiscal year 2003, Congress appropriated $144,850,000 to support the United Nations Mission in Sierra Leone, and the President has requested $84,000,000 for fiscal year 2004 to support such Mission.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the considerable United States investment in stability in Sierra Leone should be secured through appropriate support for activities aimed at enhancing Sierra Leone's long-term prospect for peaceful development.

(c) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development shall submit a report to the appropriate congressional committees on the feasibility of establishing a United States mission in Sierra Leone.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(d) AVAILABILITY OF FUNDS.—Of the amounts made available under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or chapter 4 of part II of such Act (22 U.S.C. 2346 et seq.), up to $15,000,000 may be made available in fiscal year 2004 to support in Sierra Leone programs—

(1) to increase access to primary and secondary education in rural areas;

(2) designed to alleviate poverty; and

(3) to eliminate government corruption.

SEC. 2513. SUPPORT FOR INDEPENDENT MEDIA IN ETHIOPIA.

Of the amounts made available under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), such sums as are necessary may be made available in fiscal year 2004 to support independent media in Ethiopia, including providing support to—

(1) strengthen the capacity of journalists; and

(2) increase access to printing facilities by individuals who work in the print media.

SEC. 2514. SUPPORT FOR SOMALIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should work—

(A) to support efforts to strengthen state capacity in Somalia;

(B) to curtail opportunities for terrorists and other international criminals in Somalia;

(C) to engage sectors of Somali society that are working to improve the conditions of the Somali people; and

(D) to provide alternatives to extremist influences in Somalia by vigorously pursuing small-scale human development initiatives; and

(2) supporting stability in Somalia is in the national interest of the United States.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives on the strategy for engaging with pockets of competence within the borders of Somalia to both strengthen local capacity and to establish incentives for other communities to seek stability.

(2) CONTENT.—The report shall—

(A) outline a multiyear strategy for increasing—

(i) access to primary and secondary education and basic health care services, including projected staffing and resource needs in light of Somalia's current capacity;

(ii) support for the efforts underway to establish clear systems for effective regulation and monitoring of Somali remittance companies; and

(iii) support initiatives to rehabilitate Somalia's livestock export sector; and

(B) evaluate the feasibility of using the Ambassador's Fund for Cultural Preservation to support Somalia's cultural heritage, including the oral traditions of the Somali people.

SEC. 2515. SUPPORT FOR CENTRAL AFRICAN STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) In recent years, the Central African States of Burundi, the Democratic Republic of the Congo, Rwanda, and Uganda have all been involved in overlapping conflicts that have destabilized the region and contributed to the deaths of millions of civilians.

(2) The Department of State's 2002 Country Report on Human Rights Practices in Burundi states that, ''impunity for those who committed serious human rights violations, and the continuing lack of accountability for those who committed past abuses, remained key factors in the country's continuing instability.''

(3) The Department of State's 2002 Country Report on Human Rights Practices in the Democratic Republic of the Congo states that, ''the judiciary continued to be underfunded, inefficient, and corrupt. It largely was ineffective as a deterrent to human rights abuses or as a corrective force.''

(4) The Department of State's 2002 Country Report on Human Rights Practices in Rwanda states that ''there were credible reports that Rwandan Defense Force units operating in the [Democratic Republic of the Congo] committed deliberate unlawful killings and other serious abuses, and impunity remained a problem,'' and that ''the Government continued to conduct genocide trials at a slow pace.''

(5) The Department of State's 2002 Country Report on Human Rights Practices in Uganda states that ''security forces used excessive force, at times resulting in death, and committed or failed to prevent extrajudicial killings of suspected rebels and civilians. The Government enacted measures to improve the discipline and training of security forces and punished some security force officials who were guilty of abuses; however, abuses by the security forces remained a problem.''

(6) Ongoing human rights abuses in the Democratic Republic of the Congo, including ethnically-based conflict in Ituri province, threaten the integrity and viability of the Congolese peace process.

(b) STATEMENT OF POLICY.—It is the policy of the United States Government to support—

(1) efforts aimed at accounting for the grave human rights abuses and crimes against humanity that have taken place throughout the central African region since 1993;

(2) programs to encourage reconciliation in communities affected by such crimes; and

(3) efforts aimed at preventing such crimes in the future.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the actions taken by the United States Government to implement the policy set out in subsection (b).

(d) AUTHORIZATION.—Of the amounts made available under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.), up to $12,000,000 may be made available for fiscal year 2004 to support the development of responsible justice and reconciliation mechanisms in the Democratic Republic of the Congo, Rwanda, Burundi, and Uganda, including programs to increase awareness of gender-based violence and to improve local capacity to prevent and respond to such violence.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

SEC. 2516. AFRICAN CONTINGENCY OPERATIONS TRAINING AND ASSISTANCE PROGRAM.

(a) AVAILABILITY OF FUNDS.—Of the amounts made available under chapter 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C 2348 et seq.), $15,000,000 may be made available in fiscal year 2004 to support the African Contingency Operations Training and Assistance program (in this section referred to as ''ACOTA'') to enhance the capacity of African militaries to participate in peace support operations.

(b) ELIGIBILITY FOR PARTICIPATION.—

(1) CRITERIA.—Countries receiving ACOTA support shall be selected on the basis of—

(A) the country's willingness to participate in peace support operations;

(B) the country's military capability;

(C) the country's democratic governance;

(D) the nature of the relations between the civil and military authorities within the country;

(E) the human rights record of the country, with particular attention paid to the record of the military; and

(F) the relations between the country and its neighboring states.

(2) ELIGIBILITY REVIEW.—The eligibility status of participating countries shall be reviewed at least annually.

(c) SENSE OF CONGRESS ON LOCAL CONSULTATIONS.—It is the sense of Congress that the Department of State should—

(1) provide information about the nature and purpose of ACOTA training to nationals of a country participating in ACOTA, including parliamentarians and nongovernmental humanitarian and human rights organizations; and

(2) to the extent possible, provide such information prior to the beginning of ACOTA training activities in such country.

(d) SENSE OF CONGRESS ON MONITORING.—It is the sense of Congress that—

(1) the Department of State and other relevant departments and agencies should monitor the performance and conduct of military units that receive ACOTA training or support; and

(2) the Department of State should provide to the appropriate congressional committees an annual report on the information gained through such monitoring.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

SEC. 2517. CONDITION ON THE PROVISION OF CERTAIN FUNDS TO INDONESIA.

(a) CONDITION ON ASSISTANCE.—Subject to subsection (c), no funds made available under section 23 of the Arms Export Control Act (22 U.S.C. 2763) or chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) in fiscal year 2004, other than funds made available for expanded military education and training under such chapter, may be available for a program that involves the Government of Indonesia or the Indonesian Armed Forces until the President makes the certification described in subsection (b).

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification submitted by the President to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are taking effective measures, including cooperating with the Director of the Federal Bureau of Investigation—

(1) to conduct a full investigation of the attack on United States citizens in West Papua, Indonesia on August 31, 2002; and

(2) to criminally prosecute the individuals responsible for such attack.

(c) LIMITATION.—Nothing in this section shall prohibit the United States Government from continuing to conduct programs or training with the Indonesian Armed Forces, including counter-terrorism training, officer visits, port visits, or educational exchanges that are being conducted on the date of the enactment of this Act.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

SEC. 2518. ASSISTANCE TO COMBAT HIV/AIDS IN CERTAIN COUNTRIES OF THE CARIBBEAN REGION.

Section 1(f)(2)(B)(ii)(VII) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(f)(2)(B)(ii)(VII)) is amended by inserting after ''Zambia,'' the following: ''Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad and Tobago, Dominican Republic,''.

SEC. 2519. EMERGENCY FOOD AID FOR HIV/AIDS VICTIMS.

(a) FINDINGS.—The Senate finds the following:

(1) The Centers for Disease Control and Prevention found that ''For persons living with HIV/AIDS, practicing sound nutrition can play a key role in preventing malnutrition and wasting syndrome, which can weaken an already compromised immune system.''.

(2) There are immediate needs for additional food aid in sub-Saharan Africa where the World Food Program has estimated that more than 40,000,000 people are at risk of starvation.

(3) Prices of certain staple commodities have increased by 30 percent over the past year, which was not anticipated by the President's fiscal year 2004 budget request.

(4) The Commodity Credit Corporation has the legal authority to finance up to $30,000,000,000 for ongoing agriculture programs and $250,000,000 represents a use of less than 1 percent of such authority to combat the worst public health crisis in 500 years.

(b) COMMODITY CREDIT CORPORATION.—

(1) IN GENERAL.—The Secretary of Agriculture shall immediately use the funds, facilities, and authorities of the Commodity Credit Corporation to provide an additional $250,000,000 in fiscal year 2003 to carry out programs authorized under title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) to assist in mitigating the effects of HIV/AIDS on affected populations in sub-Saharan Africa and other developing nations, and by September 30, 2003, the Administrator of the United States Agency for International Development shall enter into agreements with private voluntary organizations, nongovernmental organizations, and other appropriate organizations for the provision of such agricultural commodities through programs that—

(A) provide nutritional assistance to individuals with HIV/AIDS and to children, households, and communities affected by HIV/AIDS; and

(B) generate funds from the sale of such commodities for activities related to the prevention and treatment of HIV/AIDS, support

services and care for HIV/AIDS infected individuals and affected households, and the creation of sustainable livelihoods among individuals in HIV/AIDS affected communities, including income-generating and business activities.

(2) RELATIONSHIP TO PREVIOUS FOOD AID.—The food provided under this subsection shall be in addition to any other food aid acquired and provided by the Commodity Credit Corporation prior to the date of enactment of this Act. Agricultural commodities made available under this subsection may, notwithstanding any other provision of law, be shipped in fiscal years 2003 and 2004.

SEC. 2520. REPEAL OF OBSOLETE ASSISTANCE AUTHORITY.

Sections 495 through 495K of the Foreign Assistance Act of 1961 (22 U.S.C. 2292f through 2292q) are repealed.

SEC. 2521. TECHNICAL CORRECTIONS.

(a) ERROR IN ENROLLMENT.—Effective as of November 21, 1990, as if included therein, section 10(a)(1) of Public Law 101–623 (104 Stat. 3356), relating to an amendment of section 610(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2360(a)), is amended by striking ''(part I)'' and inserting ''(part I)''.

(b) REDESIGNATION OF DUPLICATIVELY NUMBERED SECTION.—Section 620G of the Foreign Assistance Act of 1961, as added by section 149 of Public Law 104–164 (110 Stat. 1436; 22 U.S.C. 2378a), is redesignated as section 620J.

(c) CORRECTION OF SHORT TITLE.—Effective as of September 30, 1961, as if included therein, section 111 of Public Law 87–329 (75 Stat. 719; 22 U.S.C. 2151 note) is amended by striking ''(The Foreign'' and inserting ''the 'Foreign''.

SEC. 2522. TECHNICAL CORRECTION RELATING TO THE ENHANCED HIPC INITIATIVE.

Section 1625(a)(1)(B)(ii) of the International Financial Institutions Act (as added by section 501 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25)) is amended by striking ''subparagraph (A)'' and inserting ''clause (i)''.

SEC. 2523. COMMENDATION OF THE LEADERSHIP AND PEOPLE OF COLOMBIA ON THE SUCCESSFUL IMPLEMENTATION OF PLAN COLOMBIA.

(a) FINDINGS.—Congress makes the following findings:

(1) July 13, 2003, marks the third anniversary of the enactment of legislation providing initial United States assistance for the Plan Colombia initiative. Since then, the United States has provided over $3,000,000,000 in support of Plan Colombia.

(2) During this period, the Government of Colombia, with United States support, has made progress in the eradication and seizure of illegal drugs.

(3) According to reports—

(A) the total area of coca cultivation in Colombia has declined 59.9 percent from 163,289 hectares in 2000 to 102,071 at the end of 2002, with a further additional 65,000 hectares to be sprayed with herbicides in 2003;

(B) 3,300 hectares of poppy crop have been sprayed with herbicides in 2002, and an additional 1,658 hectares to be sprayed in 2003; and

(C) between January 2002 and May 2003, 100 tons of pure cocaine and 850 kilos of heroin have been seized with a street value of approximately $3,000,000,000.

(4) The armed forces of Colombia have 60 percent more combat-ready troops than in 1999, including three United States-trained counterdrug brigades and five riverine brigades.

(5) The armed forces of Colombia are taking steps against the drug traffickers and terrorists in Colombia, as demonstrated by the capture, as of July 2003, of some 3,553 guerrillas and 1,336 members of paramilitaries and the surrender of an additional 1,138 members of illegal groups, the destruction of more than 1,000 coca laboratories, the confiscation of solid and liquid chemicals used for manufacturing cocaine, and the seizure of weapons from guerrillas and drug traffickers.

(6) In the past several years, the Government of Colombia has extradited 78 persons to the United States to face trial on narcotics and terrorism charges.

(7) The Government of Colombia is working to establish law and order in Colombia—

(A) homicides have reportedly declined in Colombia during the first months of 2003, as compared to the same period in 2002; and

(B) kidnappings have reportedly declined during the first months of 2003, as compared to the same period in 2002.

(8) The Government of Colombia is training and equipping during 2003, thousands of new police officers who will be stationed in hundreds of rural towns where there is little or no police presence.

(9) The Government of Colombia plans to increase defense spending from 3.5 percent of its gross domestic product in 2002 to 5.8 percent of its gross domestic product by 2006, and to enlarge its armed forces by 126,000 troops.

(10) It is in the national interests of the United States to continue to support the efforts of President Alvaro Uribe Velez of Colombia, and the Government and people of Colombia, to stop narcotics trafficking, end terrorism, strengthen democracy, and protect human rights.

(b) COMMENDATION.—The Senate—

(1) commends President Alvaro Uribe Velez of Colombia and the Government and the people of Colombia on the third anniversary of Plan Colombia and for their efforts in fighting illegal drugs and terrorism; and

(2) supports and encourages the efforts of President Uribe and the Government and people of Colombia to preserve and strengthen democracy, protect human rights, and provide economic opportunity in Colombia.

SEC. 2524. IN APPRECIATION OF OUR ARMED FORCES AND REGARDING RESTORING STABILITY AND SECURITY IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Armed Forces, with the support of forces from Great Britain and other countries, historically and courageously liberated Iraq in 3 weeks.

(2) Conditions on the ground in parts of Iraq continue to pose a grave threat to American troops, thereby complicating efforts to restore law and order and essential public services for Iraqis and these efforts are further complicated by the absence of effective communication with the Iraqi people.

(3) Ultimately, maintaining law and order in Iraq and preserving its territorial integrity will require the creation of a professionally trained Iraqi police force and a reformed Iraqi military but that will take a significant amount of time and in the meantime international armed forces and police must assume these responsibilities.

(4) Approximately 145,000 United States troops are currently deployed in Iraq, meaning that American troops comprise roughly 90 percent of Coalition forces, and even if, as the Department of Defense has stated, an additional 10,000 international troops join the Coalition effort in Iraq by September, Americans will still comprise roughly 85 percent of Coalition forces.

(5) Maintaining the existing force level in Iraq currently requires $3,900,000,000 each month.

(6) The Department of Defense has stated that it will require 1 year to train a new Iraqi Army of 12,000 soldiers and 3 years to train 40,000 soldiers.

(7) The Coalition Provisional Authority has stated that it will require at least 1 year to recruit and train a police force of 40,000 officers capable of assuming minimal police functions in Iraq, that it will require 5 years to recruit and train a full force of 75,000 officers, and that at least 5,500 additional international police are needed to train, assist, and jointly patrol with the existing Iraqi police force.

(8) President Bush has noted that ''The rise of Iraq, as an example of moderation and democracy and prosperity, is a massive and long-term undertaking'', and it is clear that increasing the number of troops and police from countries other than the United States will reduce risks to American soldiers and the financial cost to the United States.

(9) Secretary Rumsfeld testified that ''We certainly want assistance from NATO and from NATO countries'' and it is clear that involving the North Atlantic Treaty Organization, as is being done in Afghanistan and has been done in Kosovo and Bosnia, allows the Coalition to maintain a robust military presence while decreasing the exposure and risk to American troops.

(10) Rebuilding Iraq's neglected infrastructure and economy and administering Iraq—including providing basic services and paying public sector salaries—is likely to require tens of billions of dollars over several years and projected Iraqi oil revenues will be insufficient to meet these costs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the national security interests of the United States to remain engaged in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government;

(2) the President should consider requesting formally and expeditiously that NATO raise a force for deployment in post-war Iraq similar to what it has done in Afghanistan, Bosnia, and Kosovo and Congress urges NATO allies and other nations to provide troops and police to Coalition efforts in Iraq; and

(3) the President should consider calling on the United Nations to urge its member states to provide military forces and civilian police to promote stability and security in Iraq and resources to help rebuild and administer Iraq.

DIVISION D—MILLENNIUM CHALLENGE ASSISTANCE

SEC. 3001. SHORT TITLE.

This division may be cited as the ''Millennium Challenge Act of 2003''.

SEC. 3002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) On March 14, 2002, President George W. Bush stated that ''America supports the international development goals in the U.N. Millennium Declaration, and believes that the goals are a shared responsibility of developed and developing countries.'' The President also called for a ''new compact for global development, defined by new accountability for both rich and poor nations'' and pledged support for increased assistance from the United States through the establishment of a Millennium Challenge Account for countries that govern justly, invest in their own people, and encourage economic freedom.

(2) The elimination of extreme poverty and the achievement of the other international development goals of the United Nations Millennium Declaration adopted by the United Nations General Assembly on September 8, 2000, are important objectives and

it is appropriate for the United States to make development assistance available in a manner that will assist in achieving such goals.

(3) The availability of financial assistance through a Millennium Challenge Account, linked to performance by developing countries, can contribute significantly to the achievement of the international development goals of the United Nations Millennium Declaration.

(b) PURPOSES.—The purposes of this division are—

(1) to provide United States assistance for global development through the Millennium Challenge Corporation, as described in section 3102; and

(2) to provide such assistance in a manner that promotes economic growth and the elimination of extreme poverty and strengthens good governance, economic freedom, and investments in people.

SEC. 3003. DEFINITIONS.

In this division:

(1) BOARD.—The term ''Board'' means the Millennium Challenge Board established by section 3101(c).

(2) CANDIDATE COUNTRY.—The term ''candidate country'' means a country that meets the criteria set out in section 3103.

(3) CEO.—The term ''CEO'' means the chief executive officer of the Corporation established by section 3101(b).

(4) CORPORATION.—The term ''Corporation'' means the Millennium Challenge Corporation established by section 3101(a).

(5) ELIGIBLE COUNTRY.—The term ''eligible country'' means a candidate country that is determined, under section 3104, as being eligible to receive assistance under this division.

(6) MILLENNIUM CHALLENGE ACCOUNT.—The term ''Millennium Challenge Account'' means the account established under section 3301.

TITLE XXXI—MILLENNIUM CHALLENGE ASSISTANCE

SEC. 3101. ESTABLISHMENT AND MANAGEMENT OF THE MILLENNIUM CHALLENGE CORPORATION.

(a) ESTABLISHMENT OF THE CORPORATION.—There is established in the executive branch a corporation within the meaning of section 103 of title 5, United States Code, to be known as the Millennium Challenge Corporation with the powers and authorities described in title XXXII.

(b) CEO OF THE CORPORATION.—

(1) IN GENERAL.—There shall be a chief executive officer of the Corporation who shall be responsible for the management of the Corporation.

(2) APPOINTMENT.—The President shall appoint, by and with the advice and consent of the Senate, the CEO.

(3) RELATIONSHIP TO THE SECRETARY OF STATE.—The CEO shall report to and be under the direct authority and foreign policy guidance of the Secretary of State. The Secretary of State shall coordinate the provision of United States foreign assistance.

(4) DUTIES.—The CEO shall, in consultation with the Board, direct the performance of all functions and the exercise of all powers of the Corporation, including ensuring that assistance under this division is coordinated with other United States economic assistance programs.

(5) EXECUTIVE LEVEL II.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''Chief Executive Officer, Millennium Challenge Corporation.''.

(c) MILLENNIUM CHALLENGE BOARD.—

(1) ESTABLISHMENT OF THE BOARD.—There is established a Millennium Challenge Board.

(2) COMPOSITION.—The Board shall be composed of the following members:

(A) The Secretary of State, who shall serve as the Chair of the Board.

(B) The Secretary of the Treasury.

(C) The Administrator of the United States Agency for International Development.

(D) The CEO.

(E) The United States Trade Representative.

(2) FUNCTIONS OF THE BOARD.—The Board shall perform the functions specified to be carried out by the Board in this division.

SEC. 3102. AUTHORIZATION FOR MILLENNIUM CHALLENGE ASSISTANCE.

(a) AUTHORITY.—The Corporation is authorized to provide assistance to an eligible entity consistent with the purposes of this division set out in section 3002(b) to conduct programs or projects consistent with the objectives of a Millennium Challenge Contract. Assistance provided under this division may be provided notwithstanding any other provision of law, except that the Corporation is prohibited from providing assistance to any entity for any project which is likely to—

(1) cause the substantial loss of United States jobs or the displacement of United States production; or

(2) pose an unreasonable or major environmental, health, or safety hazard.

(b) EXCEPTION.—Assistance under this division may not be used for military assistance or training.

(c) FORM OF ASSISTANCE.—Assistance under this division may be provided in the form of grants to eligible entities.

(d) COORDINATION.—The provision of assistance under this division shall be coordinated with other United States foreign assistance programs.

(e) APPLICATIONS.—An eligible entity seeking assistance under this division to conduct programs or projects consistent with the objectives of a Millennium Challenge Contract shall submit a proposal for the use of such assistance to the Board in such manner and accompanied by such information as the Board may reasonably require.

SEC. 3103. CANDIDATE COUNTRY.

(a) IN GENERAL.—A country is a candidate country for the purposes of this division—

(1) during fiscal year 2004, if such country is eligible to receive loans from the International Development Association;

(2) during fiscal year 2005, if the per capita income of such country is less than the historical per capita income cutoff of the International Development Association for that year; and

(3) during any fiscal year after 2005—

(A) for which more than $5,000,000,000 has been appropriated to the Millennium Challenge Account, if the country is classified as a lower middle income country by the World Bank on the first day of such fiscal year; or

(B) for which not more than $5,000,000,000 has been appropriated to such Millennium Challenge Account, the per capita income of such country is less than the historical per capita income cutoff of the International Development Association for that year.

(b) LIMITATION ON ASSISTANCE TO CERTAIN CANDIDATE COUNTRIES.—In a fiscal year in which subparagraph (A) of subsection (a)(3) applies with respect to determining candidate countries, not more than 20 percent of the amounts appropriated to the Millennium Challenge Account shall be available for assistance to countries that would not be candidate countries if subparagraph (B) of subsection (a)(3) applied during such year.

SEC. 3104. ELIGIBLE COUNTRY.

(a) DETERMINATION BY THE BOARD.—The Board shall determine whether a candidate country is an eligible country by evaluating the demonstrated commitment of the government of the candidate country to—

(1) just and democratic governance, including a demonstrated commitment to—

(A) promote political pluralism and the rule of law;

(B) respect human and civil rights;

(C) protect private property rights;

(D) encourage transparency and accountability of government; and

(E) limit corruption;

(2) economic freedom, including a demonstrated commitment to economic policies that—

(A) encourage citizens and firms to participate in global trade and international capital markets;

(B) promote private sector growth and the sustainable use of natural resources; and

(C) strengthen market forces in the economy; and

(3) investments in the people of such country, including improving the availability of educational opportunities and health care for all citizens of such country.

(b) ASSESSING ELIGIBILITY.—

(1) IN GENERAL.—To evaluate the demonstrated commitment of a candidate country for the purposes of subsection (a), the CEO shall recommend objective and quantifiable indicators, to be approved by the Board, of a candidate country's performance with respect to the criteria described in paragraphs (1), (2), and (3) of such subsection. In recognition of the essential role of women in developing countries, the CEO shall ensure that such indicators, where appropriate, take into account and assess the role of women and girls. The approved indicators shall be used in selecting eligible countries.

(2) ANNUAL PUBLICATION OF INDICATORS.—

(A) INITIAL PUBLICATION.—Not later than 45 days prior to the final publication of indicators under subparagraph (B) in any year, the Board shall publish in the Federal Register and make available on the Internet the indicators that the Board proposes to use for the purposes of paragraph (1) in such year.

(B) FINAL PUBLICATION.—Not later than 15 days prior to the selection of eligible countries in any year, the Board shall publish in the Federal Register and make available on the Internet the indicators that are to be used for the purposes of paragraph (1) in such year.

(3) CONSIDERATION OF PUBLIC COMMENT.—The Board shall consider any comments on the proposed indicators published under paragraph (2)(A) that are received within 30 days after the publication of such indicators when selecting the indicators to be used for the purposes of paragraph (1).

SEC. 3105. ELIGIBLE ENTITY.

(a) ASSISTANCE.—Any eligible entity may receive assistance under this division to carry out a project in an eligible country for the purpose of making progress toward achieving an objective of a Millennium Challenge Contract.

(b) DETERMINATIONS OF ELIGIBILITY.—The Board shall determine whether a person or governmental entity is an eligible entity for the purposes of this section.

(c) ELIGIBLE ENTITIES.—For the purposes of this section, an eligible entity is—

(1) a government, including a local or regional government; or

(2) a nongovernmental organization or other private entity.

SEC. 3106. MILLENNIUM CHALLENGE CONTRACT.

(a) IN GENERAL.—The Board shall invite the government of an eligible country to enter into a Millennium Challenge Contract with the Corporation. A Millennium Challenge Contract shall establish a multiyear plan for the eligible country to achieve specific objectives consistent with the purposes set out in section 3002(b).

(b) CONTENT.—A Millennium Challenge Contract shall include—

(1) specific objectives to be achieved by the eligible country during the term of the Contract;

(2) a description of the actions to be taken by the government of the eligible country and the United States Government for achieving such objectives;

(3) the role and contribution of private entities, nongovernmental organizations, and other organizations in achieving such objectives;

(4) a description of beneficiaries, to the extent possible disaggregated by gender;

(5) regular benchmarks for measuring progress toward achieving such objectives;

(6) a schedule for achieving such objectives;

(7) a schedule of evaluations to be performed to determine whether the country is meeting its commitments under the Contract;

(8) a statement that the Corporation intends to consider the eligible country's performance in achieving such objectives in making decisions about providing continued assistance under the Contract;

(9) the strategy of the eligible country to sustain progress made toward achieving such objectives after the expiration of the Contract;

(10) a plan to ensure financial accountability for any assistance provided to a person or government in the eligible country under this division; and

(11) a statement that nothing in the Contract may be construed to create a legally binding or enforceable obligation on the United States Government or on the Corporation.

(c) REQUIREMENT FOR CONSULTATION.—The Corporation shall seek to ensure that the government of an eligible country consults with private entities and nongovernmental organizations in the eligible country for the purpose of ensuring that the terms of a Millennium Challenge Contract entered into by the Corporation and the eligible country—

(1) reflect the needs of the rural and urban poor in the eligible country; and

(2) provide means to assist poor men and women in the eligible country to escape poverty through their own efforts.

(d) REQUIREMENT FOR APPROVAL BY THE BOARD.—A Millennium Challenge Contract shall be approved by the Board before the Corporation enters into the Contract.

SEC. 3107. SUSPENSION OF ASSISTANCE TO AN ELIGIBLE COUNTRY.

The Secretary of State shall direct the CEO to suspend the provision of assistance to an eligible country under a Millennium Challenge Contract during any period for which such eligible country is ineligible to receive assistance under a provision of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

SEC. 3108. DISCLOSURE.

(a) REQUIREMENT FOR DISCLOSURE.—The Corporation shall make available to the public on a continuous basis and on the earliest possible date, but not later than 15 days after the information is available to the Corporation, the following information:

(1) A list of the candidate countries determined to be eligible countries during any year.

(2) The text of each Millennium Challenge Contract entered into by the Corporation.

(3) For assistance provided under this division—

(A) the name of each entity to which assistance is provided;

(B) the amount of assistance provided to the entity; and

(C) a description of the program or project for which assistance was provided.

(4) For each eligible country, an assessment of—

(A) the progress made during each year by an eligible country toward achieving the objectives set out in the Millennium Challenge Contract entered into by the eligible country; and

(B) the extent to which assistance provided under this division has been effective in helping the eligible country to achieve such objectives.

(b) DISSEMINATION.—The information required to be disclosed under subsection (a) shall be made available to the public by means of publication in the Federal Register and posting on the Internet, as well as by any other methods that the Board determines appropriate.

SEC. 3109. MILLENNIUM CHALLENGE ASSISTANCE TO CANDIDATE COUNTRIES.

(a) AUTHORITY.—Notwithstanding any other provision of this division and subject to the limitation in subsection (c), the Corporation is authorized to provide assistance to a candidate country that meets the conditions in subsection (b) for the purpose of assisting such country to become an eligible country.

(b) CONDITIONS.—Assistance under subsection (a) may be provided to a candidate country that is not an eligible country under section 3104 because of—

(1) the unreliability of data used to assess its eligibility under section 3104; or

(2) the failure of the government of the candidate country to perform adequately with respect to only 1 of the indicators described in subsection (a) of section 3104.

(c) LIMITATION.—The total amount of assistance provided under subsection (a) in a fiscal year may not exceed 10 percent of the funds made available to the Millennium Challenge Account during such fiscal year.

SEC. 3110. ANNUAL REPORT TO CONGRESS.

Not later than January 31 of each year, the President shall submit to Congress a report on the assistance provided under this division during the prior fiscal year. The report shall include—

(1) information regarding obligations and expenditures for assistance provided to each eligible country in the prior fiscal year;

(2) a discussion, for each eligible country, of the objectives of such assistance;

(3) a description of the coordination of assistance under this division with other United States foreign assistance and related trade policies;

(4) a description of the coordination of assistance under this division with the contributions of other donors; and

(5) any other information the President considers relevant to assistance provided under this division.

TITLE XXXII—POWERS AND AUTHORITIES OF THE MILLENNIUM CHALLENGE CORPORATION

SEC. 3201. POWERS OF THE CORPORATION.

(a) POWERS.—The Corporation—

(1) shall have perpetual succession unless dissolved by an Act of Congress;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may prescribe, amend, and repeal such rules, regulations, and procedures as may be necessary for carrying out the functions of the Corporation;

(4) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation;

(5) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(6) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Corporation;

(7) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this division;

(8) may use the United States mails in the same manner and on the same conditions as the executive departments of Government;

(9) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(10) may hire or obtain passenger motor vehicles; and

(11) shall have such other powers as may be necessary and incident to carrying out this division.

(b) CONTRACTING AUTHORITY.—The functions and powers authorized by this division may be performed without regard to any provision of law regulating the making, performance, amendment, or modification of contracts, grants, and other agreements.

SEC. 3202. COORDINATION WITH USAID.

(a) REQUIREMENT FOR COORDINATION.—An employee of the Corporation assigned to a United States diplomatic mission or consular post or a United States Agency for International Development field mission in a foreign country shall, in a manner that is consistent with the authority of the Chief of Mission, coordinate the performance of the functions of the Corporation in such country with the officer in charge of the United States Agency of International Development programs located in such country.

(b) USAID PROGRAMS.—The Administrator of the United States Agency for International Development shall seek to ensure that appropriate programs of the Agency play a primary role in preparing candidate countries to become eligible countries under section 3104.

SEC. 3203. PRINCIPAL OFFICE.

The Corporation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

SEC. 3204. PERSONNEL AUTHORITIES.

(a) REQUIREMENT TO PRESCRIBE A HUMAN RESOURCES MANAGEMENT SYSTEM.—The CEO shall, jointly with the Director of the Office of Personnel Management, prescribe regulations that establish a human resources management system, including a retirement benefits program, for the Corporation.

(b) RELATIONSHIP TO OTHER LAWS.—

(1) INAPPLICABILITY OF CERTAIN LAWS.—Except as provided in paragraph (2), the provisions of title 5, United States Code, and of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) shall not apply to the human resource management program established pursuant to paragraph (1).

(2) APPLICATION OF CERTAIN LAWS.—The human resources management system established pursuant to subsection (a) may not waive, modify, or otherwise affect the application to employees of the Corporation of the following provisions:

(A) Section 2301 of title 5, United States Code.

(B) Section 2302(b) of such title.

(C) Chapter 63 of such title (relating to leave).

(D) Chapter 72 of such title (relating to antidiscrimination).

(E) Chapter 73 of such title (relating to suitability, security, and conduct).

(F) Chapter 81 of such title (relating to compensation for work injuries).

(G) Chapter 85 of such title (relating to unemployment compensation).

(H) Chapter 87 of such title (relating to life insurance).

(I) Chapter 89 of such title (relating to health insurance).

(J) Chapter 90 of such title (relating to long-term care insurance).

(3) RELATIONSHIP TO RETIREMENT BENEFITS LAWS.—The retirement benefits program referred to in subsection (a) shall permit the employees of the Corporation to be eligible, unless the CEO determines otherwise, for benefits under—

(A) subchapter III of chapter 83 and chapter 84 of title 5, United States Code (relating to retirement benefits); or

(B) chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) (relating to the Foreign Service Retirement and Disability System).

(c) APPOINTMENT AND TERMINATION.—Except as otherwise provided in this section, the CEO may, without regard to any civil service or Foreign Service law or regulation, appoint and terminate employees as may be necessary to enable the Corporation to perform its duties.

(d) COMPENSATION.—

(1) AUTHORITY TO FIX COMPENSATION.—Subject to the provisions of paragraph (2), the CEO may fix the compensation of employees of the Corporation.

(2) LIMITATIONS ON COMPENSATION.—The compensation for an employee of the Corporation may not exceed the lesser of—

(A) the rate of compensation established under title 5, United States Code, or any Foreign Service law for an employee of the Federal Government who holds a position that is comparable to the position held by the employee of the Corporation; or

(B) the rate of pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(e) TERM OF EMPLOYMENT.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no individual may be employed by the Corporation for a total period of employment that exceeds 5 years.

(2) EXCEPTED POSITIONS.—The CEO, and not more than 3 other employees of the Corporation who are designated by the CEO, may be employed by the Corporation for an unlimited period of employment.

(3) WAIVER.—The CEO may waive the maximum term of employment described in paragraph (1) if the CEO determines that such waiver is essential to the achievement of the purposes of this division.

(f) AUTHORITY FOR TEMPORARY EMPLOYEES.—The CEO may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(g) DETAIL OF FEDERAL EMPLOYEES TO THE CORPORATION.—Any Federal Government employee may be detailed to the Corporation on a fully or partially reimbursable or on a nonreimbursable basis, and such detail shall be without interruption or loss of civil service or Foreign Service status or privilege.

(h) REINSTATEMENT.—An employee of the Federal Government serving under a career or career conditional appointment, or the equivalent, in a Federal agency who transfers to or converts to an appointment in the Corporation with the consent of the head of the agency is entitled to be returned to the employee's former position or a position of like seniority, status, and pay without grade or pay reduction in the agency if the employee—

(1) is being separated from the Corporation for reasons other than misconduct, neglect of duty, or malfeasance; and

(2) applies for return to the agency not later than 30 days before the date of the termination of the employment in the Corporation.

SEC. 3205. PERSONNEL OUTSIDE THE UNITED STATES.

(a) ASSIGNMENT TO UNITED STATES EMBASSIES.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, may be assigned to a United States diplomatic mission or consular post or a United States Agency for International Development field mission.

(b) PRIVILEGES AND IMMUNITIES.—The Secretary of State shall seek to ensure that an employee of the Corporation, including an individual detailed to or contracted by the Corporation, and the members of the family of such employee, while the employee is performing duties in any country or place outside the United States, enjoy the privileges and immunities that are enjoyed by a member of the Foreign Service, or the family of a member of the Foreign Service, as appropriate, of comparable rank and salary of such employee, if such employee or a member of the family of such employee is not a national of or permanently resident in such country or place.

(c) RESPONSIBILITY OF CHIEF OF MISSION.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, and a member of the family of such employee, shall be subject to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) in the same manner as United States Government employees while the employee is performing duties in any country or place outside the United States if such employee or member of the family of such employee is not a national of or permanently resident in such country or place.

SEC. 3206. USE OF SERVICES OF OTHER AGENCIES.

The Corporation may utilize the information services, facilities and personnel of, or procure commodities from, any agency of the United States Government on a fully or partially reimbursable or nonreimbursable basis under such terms and conditions as may be agreed to by the head of such agency and the Corporation for carrying out this division.

SEC. 3207. ADMINISTRATIVE AUTHORITIES.

The Corporation is authorized to use any of the administrative authorities contained in the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) and the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) unless such authority is inconsistent with a provision of this division.

SEC. 3208. APPLICABILITY OF CHAPTER 91 OF TITLE 31, UNITED STATES CODE.

The Corporation shall be subject to chapter 91 of title 31, United States Code.

TITLE XXXIII—THE MILLENNIUM CHALLENGE ACCOUNT AND AUTHORIZATION OF APPROPRIATIONS

SEC. 3301. ESTABLISHMENT OF THE MILLENNIUM CHALLENGE ACCOUNT.

There is established on the books of the Treasury an account to be known as the Millennium Challenge Account that shall be administered by the CEO under the direction of the Board. All amounts made available to carry out the provisions of this division shall be deposited into such Account and such amounts shall be available to carry out such provisions.

SEC. 3302. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of this division $1,000,000,000 for fiscal year 2004, $2,300,000,000 for fiscal year 2005, and $5,000,000,000 for fiscal year 2006.

(b) AVAILABILITY.—Funds appropriated under subsection (a)—

(1) are authorized to remain available until expended, subject to appropriations acts; and

(2) are in addition to funds otherwise available for such purposes.

(c) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Corporation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this division. Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this division or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(2) NOTIFICATION.—The notification requirements of section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1(a)) shall apply to any allocation or transfer of funds made pursuant to paragraph (1).

SA 1975. Mr ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, between lines 6 and 7, insert the following new section:

CONDITION ON THE PROVISION OF IMET FUNDS TO INDONESIA

Sec. 692. (a) Subject to subsection (c), no funds appropriated by title IV of this Act, under the subheading ''INTERNATIONAL MILITARY EDUCATION AND TRAINING'' under the heading ''FUNDS APPROPRIATED TO THE PRESIDENT'' shall be made available for military education and training for Indonesia prior to the date on which the President makes the certification described in subsection (b).

(b) The certification referred to in subsection (a) is a certification submitted by the President to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are taking effective measures, including cooperating with the Director of the Federal Bureau of Investigation—

(1) to conduct a full investigation of the attack on United States citizens in West Papua, Indonesia on August 31, 2002; and

(2) to criminally prosecute the individuals responsible for such attack.

(c) Nothing in this section shall prohibit the United States Government from continuing to conduct programs or training with the Indonesian Armed Forces, including counter-terrorism training, officer visits, port visits, or educational exchanges that are being conducted on the date of the enactment of this Act.

(d) In this section, the term ''appropriate congressional committees'' means the Committee on Appropriations and Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

NOTICES 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, October 29, 2003 at 10 a.m. in room 106 of the Dirksen Senate Office Building to conduct a business meeting to consider pending committee business; to be followed immediately by a hearing on S. 1770, the Indian Money Account Claims Satisfaction Act of 2003.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that Mike Fitzgerald, a member of my staff who does not currently have floor privileges, be admitted to the floor for the duration of my remarks.

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

Mr. JEFFORDS. Mr. President, I ask unanimous consent that William Boyd, a minority fellow with the Committee on Environment and Public Works, be granted the privileges of the floor during debate on the Leavitt nomination.

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

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

On Thursday, October 23, 2003, the Senate passed H.R. 2989, as follows:

H.R. 2989

Resolved, That the bill from the House of Representatives (H.R. 2989) entitled ''An Act making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation and Treasury, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $91,276,000, of which not to exceed $2,500,000 shall be available for the immediate Office of the Secretary; not to exceed $706,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $15,403,000 shall be available for the Office of the General Counsel; not to exceed $12,312,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $8,536,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,477,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $28,882,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,915,000 shall be available for the Office of Public Affairs; not to exceed $1,458,000 shall be available for the Office of the Executive Secretariat; not to exceed $700,000 shall be available for the Board of Contract Appeals; not to exceed $1,268,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $1,792,000 for the Office of Intelligence and Security; and not to exceed $13,327,000 shall be available for the Office of the Chief Information Officer: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $8,569,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $15,836,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $116,715,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $500,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, to remain available until September 30, 2005: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $52,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $7,535,648,000, of which $6,000,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $6,047,300,000 shall be available for air traffic services program activities; not to exceed $873,374,000 shall be available for aviation regulation and certification program activities; not to exceed $218,481,000 shall be available for research and acquisition program activities; not to exceed $12,601,000 shall be available for commercial space transportation program activities; not to exceed $49,783,000 shall be available for financial services program activities; not to exceed $77,029,000 shall be available for human resources program activities; not to exceed $84,749,000 shall be available for regional coordination program activities; not to exceed $142,650,000 shall be available for staff offices; and not to exceed $29,681,000 shall be available for information services: Provided, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than $6,500,000 shall be for the contract tower cost-sharing program: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: Provided further, That of the amount appropriated under this heading, not to exceed $50,000 may be transferred to the Aircraft Loan Purchase Guarantee Program.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, hire of air navigation and experimental facilities and equipment and other capital facilities and equipment in direct support of the National Airspace System, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, $2,916,000,000, of which $2,480,520,000 shall remain available until September 30, 2006, and of which $435,480,000 shall remain available until September 30, 2004: Provided, That of the total

amount made available under this heading, $100,000,000 shall be transferred to the heading ''Grants-in-Aid for Airports'' and shall not be subject to the obligation limitation stated therein and shall remain available until expended: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2005 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which 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.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $118,939,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2006: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,400,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,400,000,000 in fiscal year 2004, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: Provided further, That notwithstanding any other provision of law, not more than $66,638,000 of funds limited under this heading shall be obligated for administration and not less than $20,000,000 shall be for the Small Community Air Service Development Pilot Program.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

GENERAL PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 101. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: Provided, That, the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 102. None of the funds in this Act may be used to compensate in excess of 350 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2004.

SEC. 103. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: 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 FAA for air traffic control.

SEC. 104. For an airport project that the Administrator of the Federal Aviation Administration (FAA) determines will add critical airport capacity to the national air transportation system, the Administrator is authorized to accept funds from an airport sponsor, including entitlement funds provided under the ''Grants-in-Aid for Airports'' program, for the FAA to hire additional staff or obtain the services of consultants: Provided, That the Administrator is authorized to accept and utilize such funds only for the purpose of facilitating the timely processing, review, and completion of environmental activities associated with such project.

SEC. 105. The Federal Aviation Administration shall give priority consideration to Paulding County, Georgia Airport Improvements for the Airport Improvement Program.

SEC. 106. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to establish or implement a pilot program under which not more than 10 designated essential air service communities located in proximity to hub airports are required to assume 10 percent of their essential air subsidy costs for a 4-year period, commonly referred to as the EAS local participation program.

SEC. 107. The Administrator of the Federal Aviation Administration may, for purposes of chapter 471 of title 49, United States Code, give priority consideration to a letter of intent application for funding submitted by the City of Gary, Indiana, or the State of Indiana, for the extension of the main runway at the Gary/Chicago Airport. The letter of intent application shall be considered upon completion of the environmental impact statement and benefit cost analysis in accordance with Federal Aviation Administration requirements. The Administrator shall consider the letter of intent application not later than 90 days after receiving it from the applicant.

SEC. 108. None of the funds in this Act may be used to adopt rules or regulations concerning travel agent service fees unless the Department of Transportation publishes in the Federal Register revisions to the proposed rule and provides a period for additional public comment on such proposed rule for a period not less than 60 days.

SEC. 109. It is the sense of the Senate that the Secretary of Transportation must, in connection with the Philadelphia International Airport Capacity Enhancement Program, consider the impact of aircraft noise on northern Delaware—

(1) within the scope of the environmental impact statement prepared in connection with the Program; and

(2) as part of any study of aircraft noise required under the National Environmental Protection Act of 1969 and conducted pursuant to part 150 of title 14, Code of Federal Regulations, or any successor regulations.

SEC. 110. Of the total amount appropriated under this title for the Federal Aviation Administration under the heading ''FACILITIES AND EQUIPMENT'', $2,000,000 shall be available for air traffic control facilities, John C. Stennis International Airport, Hancock County, Mississippi.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $337,834,000, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: Provided, That of the funds available under section 104(a)(1)(A) of title 23, United States Code: $20,000,000 shall be available to provide grants to States for the development or enhancement of notification or communications systems along highways for alerts and other information for the recovery of abducted children under section 303 of Public Law 108–21; $175,000,000 shall be available to enable the Secretary of Transportation to make grants for surface transportation projects, and shall remain available until expended; $7,000,000 shall be available for environmental streamlining activities, which may include making grants to, or entering into contracts, cooperative agreements, and other transactions, with a Federal agency, State agency, local agency, authority, association, nonprofit or for-profit corporation, or institution of higher education.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $33,843,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2004: Provided, That within the $33,843,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $462,500,000 shall be available for the implementation or execution of programs for transportation research (sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, Unites States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178) for fiscal year 2003: Provided further, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: Provided further, That within the $232,000,000 obligation limitation on Intelligent Transportation Systems, the following sums shall be made available for Intelligent Transportation System projects that are designed to achieve the goals and purposes set forth in section 5203 of the Intelligent Transportation Systems Act of 1998 (subtitle C of title V of Public Law 105–178; 112 Stat. 453; 23 U.S.C. 502 note) in the following specified areas:

511 Traveler Information Program, North Carolina, $400,000;

Advanced Ticket Collection and Passenger Information Systems, New Jersey, $1,500,000;

Advanced Traffic Analysis Center, North Dakota, $500,000;

Advanced Transportation Management Systems (AMTS), Montgomery County, Maryland, $1,000,000;

ATR Transportation Technology/CVISN, New Mexico, $1,000,000;

Auburn, Auburn Way South ITS, Washington, $1,600,000;

Cargo Watch Logistics Information System, New York, $4,000,000;

CCTA Intelligent Transportation Systems, Vermont, $1,000,000;

Central Florida Regional Transportation Authority: North Orange/South Seminole ITS Enhanced Circulator, $2,500,000;

City of Boston Intelligent Transportation Systems, Massachusetts, $1,750,000;

City of Huntsville, Alabama ITS, $5,000,000;

City of Shreveport Intelligent Transportation System Deployment, Louisiana, $1,000,000;

Clark County Transit, VAST ITS, Washington, $1,600,000;

Dynamic Changeable Message Signs—Urban Interstate System, Iowa, $1,000,000;

Fiber Optic Signal Interconnect System, Arizona, $4,000,000;

Germantown Parkway ITS Project, Tennessee, $3,000,000;

GMU ITS, Virginia, $1,000,000

George Washington University, Virginia Campus, $1,000,000

Great Lakes ITS, Michigan, $2,000,000;

Greater Philadelphia Chamber of Commerce ITS System, Pennsylvania, $2,000,000;

Hillsborough Area Regional Transit Bus Tracking, Communication and Security, Florida, $1,000,000;

Hoosier SAFE–T, Indiana, $3,500,000;

I–70 Incident Management Plan, Colorado, $3,000,000;

Intelligent Transportation Systems—Phases II and III, Ohio, $1,250,000;

Intelligent Transportation Systems [ITS] Statewide and Commercial Vehicle Information Systems Network [CVISN], Maryland, $1,000,000;

Intelligent Transportation Systems, Illinois, $4,000,000;

Iowa Transit Communications, $1,500,000;

ITS Expansion in Davis and Utah Counties, Utah, $1,250,000;

ITS, Cache Valley, Utah, $1,000,000;

Jacksonville Transportation Authority: Intelligent Transportation Systems Regional Planning, Florida, $1,000,000;

King County, Countywide Signaling Program, Washington, $1,500,000;

Lewis & Clark 511 Coalition, Montana, $1,000,000;

Lincoln, Nebraska StarTran Automatic Vehicle Location System, $1,000,000;

Maine Statewide ITS, $1,000,000;

MARTA Automated Fare Collection/Smart Card System, Georgia, $1,500,000;

Mid-America Surface Transportation Weather Research Institute, North Dakota, $1,000,000;

Missouri Statewide Rural ITS, $5,000,000;

Nebraska Statewide Intelligent Transportation System Deployment, $2,000,000;

Oklahoma Statewide ITS, $5,000,000;

Port of Anchorage Intermodal Facility, Alaska, $1,500,000;

Program of Projects, Washington, $5,400,000;

RIPTA ITS Program Phase II, Rhode Island, $1,500,000;

Real Time Transit Passenger Information System for the Prince George's County Department of Public Works, Maryland, $1,000,000;

Sacramento Area Council of Governments—ITS Projects, California, $4,000,000;

SCDOT InRoads, South Carolina, $3,000,000;

Seattle City Center ITS, Washington, $2,500,000;

Springfield, Missouri Regional ITS, $2,000,000;

State of Vermont Interstate Variable Message Signs and Weather Information Stations, $1,000,000;

Statewide AVL Initiative, Nebraska, $750,000;

TalTran: ITS Smart Bus Implementation, Florida, $1,500,000;

Texas Medical Center Early Warning Transportation System, $2,000,000;

Texas Statewide ITS Deployment and Integration, $1,000,000;

Town of Cary: Computerized Traffic Signal System Project, North Carolina, $1,600,000;

Transportation Research Center [TRC] for Freight, Trade, Security, and Economic Strength, Georgia, $1,000,000;

Tri-County Automated System Project, University of Southern Mississippi, $1,000,000;

Tukwila, Signalization Interconnect and Intelligent Transportation, Washington, $1,400,000;

Twin Cities, Minnesota Redundant Communications Pilot, $2,000,000;

UAB Center for Injury Sciences, Birmingham, Alabama, $2,000,000;

University of Alaska Transportation Research Center, $2,000,000;

University of Kentucky Transportation Center, $1,500,000;

University of Oklahoma Intelligent Bridge System Research, $3,000,000;

Wisconsin State Patrol Mobile Data Computer Network Phase II, $3,000,000;

Wyoming Statewide ITS Initiative, $5,000,000.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $34,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

(RESCISSION)

Of the unobligated balances of funds apportioned to each state under the program authorized under sections 1101(a)(1), 1101(a)(2), 1101(a)(3), 1101(a)(4), and 1101(a)(5) of Public Law 105–178, as amended, $156,000,000 are rescinded.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

For necessary expenses for the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240, as amended, $150,000,000, to remain available until expended.

GENERAL PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 110. (a) For fiscal year 2004, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a)(1)(A) of title 23, United States Code, for the highway use tax evasion program, and for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) for section 201 of the Appalachian Regional Development Act of 1965 and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year); and for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that such obligation authority has not lapsed or been used.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1943–1945).

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL RULE.—Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) Of the obligation limitation transferred to the National Highway Traffic Safety Administration for expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $94,543,500 shall remain available until September 30, 2006.

SEC. 111. Notwithstanding any other provision of law, whenever an allocation is made of the sums authorized to be appropriated for expenditure on the Federal lands highway program, and whenever an apportionment is made of the sums authorized to be appropriated for expenditure on the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, the Appalachian development highway system, and the minimum guarantee program, the Secretary of Transportation shall—

(1) deduct a sum in such amount not to exceed 2.55 percent of all sums so made available, as the Secretary determines necessary, to administer the provisions of law to be financed from appropriations for motor carrier safety programs and motor carrier safety research: Provided, That any deduction by the Secretary of Transportation in accordance with this subsection shall be deemed to be a deduction under section 104(a)(1)(B) of title 23, United States Code, and the sum so deducted shall remain available until expended; and

(2) deduct a sum in such amount not to exceed 1.05 percent of all sums so made available, as the Secretary determines necessary to administer the provisions of law to be financed from appropriations for the programs authorized under chapters 1 and 2 of title 23, United States Code, and to make transfers in accordance with section 104(a)(1)(A)(ii) of title 23, United States Code: Provided, That any deduction by the Secretary of Transportation in accordance with this subsection shall be deemed to be a deduction under section 104(a)(1)(A) of title 23, United States Code, and the sum so deducted shall remain available until expended.

SEC. 112. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 113. For fiscal year 2004, notwithstanding any other provision of law, historic covered bridges eligible for Federal assistance under section 1224 of the Transportation Equity Act for the 21st Century, as amended, may be funded from amounts set aside for the discretionary bridge program.

SEC. 114. (a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall enter into an agreement with the State of Nevada, the State of Arizona, or both, to provide a method of funding for construction of a Hoover Dam Bypass Bridge from funds allocated for the Federal Lands Highway Program under section 202(b) of title 23, United States Code.

(b) METHODS OF FUNDING.—

(1) The agreement entered into under subsection (a) shall provide for funding in a manner consistent with the advance construction and debt instrument financing procedures for Federal-aid highways set forth in section 115 and 122 of title 23, except that the funding source may include funds made available under the Federal Lands Highway Program.

(2) Eligibility for funding under this subsection shall not be construed as a commitment, guarantee, or obligation on the part of the United States to provide for payment of principal or interest of an eligible debt financing instrument as so defined in section 122, nor create a right of a third party against the United States for payment under an eligible debt financing instrument. The agreement entered into pursuant to subsection (a) shall make specific reference to this provision of law.

(3) The provisions of this section do not limit the use of other available funds for which the project referenced in subsection (a) is eligible.

SEC. 115. Section 1108 of the Intermodal Surface Transportation Efficiency Act of 1991, item number 8, is amended by striking ''To relocate'' and all that follows through ''Street'' and inserting the following, ''For road improvements and non-motorized enhancements in the Detroit East Riverfront, Detroit, Michigan''.

SEC. 116. The funds provided under the heading ''Transportation and Community and System Preservation Program'' in Conference Report 106–940 for the Lodge Freeway pedestrian overpass, Detroit, Michigan, shall be transferred to, and made available for, enhancements in the East Riverfront, Detroit, Michigan.

SEC. 117. The funds provided under the heading ''Transportation and Community and System Preservation Program'' in Conference Report 107–308 for the Eastern Market pedestrian overpass park, shall be transferred to, and made available for, enhancements in the East Riverfront, Detroit, Michigan.

SEC. 118. KANSAS RECREATION AREAS. Any unexpended balances of the amounts made available by the Consolidated Appropriations Resolution, 2003 (Public Law 108–7) from the Federal-aid highway account for improvements to Council Grove Lake, Kansas, shall be available to make improvements to Richey Cove, Santa Fe Recreation Area, Canning Creek Recreation Area, and other areas in the State of Kansas.

SEC. 119. Of the amounts made available under this title under the heading ''FEDERAL-AID HIGHWAYS'' for Texas Statewide ITS Deployment and Integration—

(1) $500,000 shall be made available for the deployment and implementation of an Intelligent Transportation System project at Port of Galveston, Texas; and

(2) $500,000 shall be made available for the deployment and implementation of an Intelligent Transportation System project at City of Lubbock, Texas.

SEC. 120. EXTENSION OF RESEARCH PROJECTS UNDER TEA–21. For fiscal year 2004 only, the Federal Highway Administration is instructed to extend and fund current research projects under title V of TEA–21 through February 29, 2004.

SEC. 121. Of the amount appropriated or otherwise made available for Transportation, Planning, and Research, $850,000 shall be available for interior air quality demonstration activities at the Bristol, Virginia, control facility to evaluate standard industrial fuel system performance and efficiency with drive-by-wire engine management and emissions systems and $1,000,000 shall be available for the Market Street enhancement project in Burlington, Vermont.

SEC. 122. Of the funds made available or limited in this Act, $3,000,000 shall be available for improvements to Bowman Road and Johnnie Dodds Boulevard, Highway 17, Mt. Pleasant, South Carolina; $1,000,000 shall be for the Arkwright Connector and no funds shall be available for the Northwest Bypass project.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY

LIMITATION ON ADMINISTRATIVE EXPENSES

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for administration of motor carrier safety programs and motor carrier safety research, pursuant to section 104(a)(1)(B) of title 23, United States Code, not to exceed $292,972,233 shall be paid in accordance with law from appropriations made available by this Act and from any available take-down balances to the Federal Motor Carrier Safety Administration, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration: Provided, That such amounts shall be available to carry out the functions and operations of the Federal Motor Carrier Safety Administration: Provided further, That notwithstanding any other provision of law, $11,744,000 of the funds made available under this heading shall be transferred to and merged with funding provided for grants to the States for implementation of section 210 of Public Law 106–159 under ''Federal Motor Carrier Safety Administration, Motor Carrier Safety Assistance Program'': Provided further, That of the funds made available under this heading, $47,000,000 shall be available for the border enforcement program as authorized under section 350 of the Department of Transportation and Related Agencies Appropriations Act, 2002.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 31102, 31106 and 31309, $190,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $190,000,000 for ''Motor Carrier Safety Grants'', and ''Information Systems''.

GENERAL PROVISION—MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 130. None of the funds appropriated or made available by this Act shall be used to implement or enforce any provision of the Final Rule issued on April 16, 2003 (Docket No. FMCSA–97–2350) as it may apply to operators of utility service vehicles as defined in 49 C.F.R. 395.2.

SEC. 131. No funds appropriated or otherwise made available by this Act may be used to implement or enforce any provisions of the Final Rule, issued on April 16, 2003 (Docket No. FMCSA–97–2350), with respect to either of the following:

(1) The operators of utility service vehicles, as that term is defined in section 395.2 of title 49, Code of Federal Regulations.

(2) Maximum daily hours of service for drivers engaged in the transportation of property or passengers to or from a motion picture or television production site located within a 100-air mile radius of the work reporting location of such drivers.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $148,102,000, to be derived from funds available under 104(a)(1)(A) of title 23, United States Code: Provided, That such funds shall be transferred to and administered by the National Highway Traffic Safety Administration: Provided further, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2004, are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, $3,600,000, to be derived from the Highway Trust Fund, and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, and 410, to remain available until expended, $225,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2004, are in excess of $225,000,000 for programs authorized under 23 U.S.C. 402, 405, and 410, of which $165,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402, $20,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405, and $40,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Grants'' under 23 U.S.C. 410: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: Provided further, That not to exceed $8,150,000 of the funds made available for section 402, not to exceed $1,000,000 of the funds made available for section 405, and not to exceed $2,000,000 of the funds made available for section 410 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: Provided further, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States.

GENERAL PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. Notwithstanding any other provision of law, States may use funds provided in this Act under section 402 of title 23, United States Code, to produce and place highway safety public service messages in television, radio, cinema, and print media, and on the Internet in accordance with guidance issued by the Secretary of Transportation: Provided, That any State that uses funds for such public service messages shall submit to the Secretary a report describing and assessing the effectiveness of the messages: Provided further, That $10,000,000 of the funds allocated under section 157 of title 23, United States Code, shall be used as directed by the National Highway Traffic Safety Administrator to purchase national paid advertising (including production and placement) to support national safety belt mobilizations: Provided further, That, of the funds allocated under section 163 of title 23, United States Code, $2,750,000 shall be used as directed by the Administrator to support national impaired driving mobilizations and enforcement efforts, $14,000,000 shall be used as directed by the Administrator to purchase national paid advertising (including production and placement) to support such national impaired driving mobilizations and enforcement efforts, $250,000 shall be used as directed by the Administrator to conduct an evaluation of alcohol-impaired driving messages, and $3,000,000 shall be used as directed by the Administrator to conduct an impaired driving demonstration program.

SEC. 141. Notwithstanding any other provision of law, funds appropriated or limited in the Act to educate the motoring public on how to share the road safely with commercial motor vehicles shall be administered by the National Highway Traffic Safety Administration.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $130,825,000, of which $11,712,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $34,225,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2004: Provided further, That no payments of principal or interest shall be collected during fiscal year 2004 for the direct loan made to the National Railroad Passenger Corporation under section 502 of such Act.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $29,350,000, to remain available until expended.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $25,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation, $1,346,000,000, to remain available until September 30, 2004: Provided, That the Secretary of Transportation shall approve funding to cover operating losses and capital expenditures for a train of the National Railroad Passenger Corporation only after receiving and reviewing a grant request for each specific train route: Provided further, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: Provided further, That the Secretary of Transportation and the Amtrak Board of Directors shall ensure that, of the amount made available under this heading, sufficient sums are reserved to satisfy the contractual obligations of the National Railroad Passenger Corporation for commuter and intercity passenger rail service: Provided further, That within 60 days of enactment of this Act, Amtrak shall transmit to the Secretary of Transportation and the House and Senate Committees on Appropriations a business plan for operating and capital improvements to be funded in fiscal year 2004 under section 24104(a) of title 49, United States Code: Provided further, That the business plan shall include a description of the work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: Provided further, That not later than June 1, 2003 and each month thereafter, Amtrak shall submit to the Secretary of Transportation and the House and Senate Committees on Appropriations a supplemental report regarding the business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes: Provided further, That none of the funds in this Act may be used for operating expenses and capital projects not approved by the Secretary of Transportation nor on the National Railroad Passenger Corporation's fiscal year 2004 business plan: Provided further, That none of the funds under this heading may be obligated or expended until the National Railroad Passenger Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 3, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $14,600,000: Provided, That no more than $73,000,000 of budget authority shall be available for these purposes: Provided further, That of the funds available not to exceed $980,000 shall be available for the Office of the Administrator; not to exceed $6,133,000 shall be available for the Office of Administration; not to exceed $3,750,000 shall be available for the Office of the Chief Counsel; not to exceed $1,160,000 shall be available for the Office of Communication and Congressional Affairs; not to exceed $7,250,000 shall be available for the Office of Program Management; not to exceed $6,200,000 shall be available for the Office of Budget and Policy; not to exceed $4,600,000 shall be available for the Office of Demonstration and Innovation; not to exceed $2,700,000 shall be available for the Office of Civil Rights; not to exceed $3,450,000 shall be available for the Office of Planning; not to exceed $17,777,000 shall be available for regional offices; and not to exceed $16,800,000 shall be available for the central account: Provided further, That the Administrator is authorized to transfer funds appropriated for an office of the Federal Transit Administration: Provided further, That no appropriation for an office shall

be increased or decreased by more than 3 percent by all such transfers: Provided further, That any change in funding greater than 3 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: Provided further, That not to exceed $2,200,000 for the National transit database shall remain available until expended.

FORMULA GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $767,800,000, to remain available until expended: Provided, That no more than $3,839,000,000 of budget authority shall be available for these purposes: Provided further, That notwithstanding section 3008 of Public Law 105–178, $50,000,000 of the funds to carry out 49 U.S.C. 5308 shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under ''Federal Transit Administration, Capital investment grants''.

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: Provided, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $24,400,000, to remain available until expended: Provided, That no more than $122,000,000 of budget authority shall be available for these purposes: Provided further, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)), $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315), $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)), $60,385,600 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305), $12,614,400 is available for State planning (49 U.S.C. 5313(b)); and $31,500,000 is available for the national planning and research program (49 U.S.C. 5314).

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $5,844,000,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: Provided, That $3,071,200,000 shall be paid to the Federal Transit Administration's formula grants account: Provided further, That $97,600,000 shall be paid to the Federal Transit Administration's transit planning and research account: Provided further, That $58,400,000 shall be paid to the Federal Transit Administration's administrative expenses account: Provided further, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: Provided further, That $100,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: Provided further, That $2,512,000,000 shall be paid to the Federal Transit Administration's capital investment grants account.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $628,000,000, to remain available until expended: Provided, That no more than $3,140,000,000 of budget authority shall be available for these purposes: Provided further, That there shall be available for fixed guideway modernization, $1,214,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $607,200,000, which shall include $50,000,000 made available under 5309(m)(3)(C) of this title, plus $50,000,000 transferred from ''Federal Transit Administration, Formula Grants''; and there shall be available for new fixed guideway systems $1,318,400,000, to be available as follows:

Alaska and Hawaii Ferry Projects, $10,296,000;

Baltimore—Central LRT Double Tracking, Maryland, $40,000,000;

Birmingham—Transit Corridor, Alabama, $6,000,000;

Boston—Silver Line Phase III, Massachusetts, $1,000,000;

Charlotte—South Corridor Light Rail Project, North Carolina, $18,000,000;

Chicago—Douglas Branch Reconstruction, Illinois, $85,000,000;

Chicago—North Central, Illinois, $20,000,000;

Chicago—UP West Line Extension, Illinois, $12,000,000;

Chicago—Metra Southwest Corridor Commuter Rail, Illinois, $20,000,000;

Chicago—Ravenswood Line Extension, Illinois, $10,000,000;

Commuter Rail Improvements, Delaware, $3,000,000;

Dallas—North Central LRT Extension, Texas, $30,161,283;

Denver—Southeast Corridor LRT, Colorado, $80,000,000;

Dulles Corridor Rapid Transit Project, Virginia, $25,000,000;

Euclid Corridor Transportation Project, Ohio, $15,000,000;

Ft. Lauderdale—Tri-Rail Commuter Rail Upgrade, Florida, $18,410,000;

Houston Advanced Metro Transit Plan, Texas, $10,000,000;

Integrated Intermodal project, Rhode Island, $6,000,000;

Kenosha-Racine-Milwaukee Commuter Rail Extension, Wisconsin, $4,000,000;

Las Vegas—Resort Corridor Fixed Guideway, Nevada, $25,000,000;

Little Rock—River Rail Project, Arkansas, $5,000,000;

Los Angeles—Eastside LRT, California, $5,000,000;

Maine Marine Highway, $2,000,000;

Memphis—Medical Center Extension, Tennessee, $9,247,588;

Minneapolis—Hiawatha Corridor LRT, Minnesota, $74,980,000;

Minneapolis—Northstar Commuter Rail Project, Minnesota, $10,000,000;

New Orleans—Canal Street Streetcar Project, Louisiana, $36,020,000;

New York—East Side Access Project, New York, $10,000,000;

Newark Rail Link (MOS–1), New Jersey, $22,566,022;

Northern New Jersey-Hudson-Bergen LRT–MOS–2, $100,000,000;

Northwest Corridor BRT, Atlanta, $4,000,000;

Philadelphia—Schuylkill Valley Metro, Pennsylvania, $16,000,000;

Pittsburgh—North Shore Connector LRT, Pennsylvania, $13,812,304;

Pittsburgh—Stage II LRT Reconstruction, Pennsylvania, $32,243,442;

Portland—Interstate MAX LRT Extension, Oregon, $77,500,000;

Regional Commuter Rail (Weber County to Salt Lake City), Utah, $12,000,000;

Salt Lake City—Medical Center, Utah, $30,663,361;

San Diego—Mission Valley East LRT Extension, California, $65,000,000;

San Diego—Oceanside Escondido Rail Project, California, $48,000,000;

San Juan—Tren Urbano Rapid Transit System, Puerto Rico, $20,000,000;

Scranton—NY City Rail Service, Pennsylvania, $5,000,000;

Seattle—Central Link LRT MOS–1, Washington, $75,000,000;

SF Area—BART Airport Extension, California, $100,000,000;

Silicon Valley Rapid Transit Corridor, California, $4,000,000;

Stamford Urban Transitway Phase II, Connecticut, $7,000,000;

Trans-Hudson Midtown Corridor, New Jersey, $5,000,000;

Triangle Transit Authority Regional Rail Phase I Project, North Carolina, $9,000,000;

VRE Parking Improvements, Virginia, $4,000,000;

Washington, DC/Maryland—Largo Extension, $65,000,000;

Wilmington Train Station Improvements, Delaware, $2,500,000;

Wilsonville-Beaverton Commuter Rail, Oregon, $6,000,000;

Yarmouth to Auburn Line, Maine, $3,000,000.

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $25,000,000, to remain available until expended: Provided, That no more than $125,000,000 of budget authority shall be available for these purposes: Provided further, That up to $300,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance and support and performance reviews of the Job Access and Reverse Commute Grants program.

GENERAL PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 150. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 151. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under ''Federal Transit Administration, Capital investment grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2006, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 152. Notwithstanding any other provision of law, any funds appropriated before October 1, 2003, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 153. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: Provided, That not more than $3,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project to test the viability of different intra-island and inter-island ferry boat routes and technology: Provided further, That notwithstanding 49 U.S.C. 5302(a)(7), funds made available for Alaska or Hawaii ferry boats may be used to acquire passenger ferry boats and to provide passenger ferry transportation services within areas of the State of Hawaii under the control or use of the National Park Service.

SEC. 154. Notwithstanding any other provision of law, funds made available to the Colorado

Roaring Fork Transportation Authority under ''Federal Transit Administration, Capital investment grants'' in Public Laws 106–69 and 106–346 shall be available for expenditure on park and ride lots in Carbondale and Glenwood Springs, Colorado as part of the Roaring Fork Valley Bus Rapid Transit project.

SEC. 155. Notwithstanding any other provision of law, unobligated funds made available for a new fixed guideway systems projects under the heading ''Federal Transit Administration, Capital Investment Grants'' in any appropriations act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 156. (a) IN GENERAL.—The Secretary shall establish a pilot program to determine the benefits of encouraging cooperative procurement of major capital equipment under sections 5307, 5309, and 5311. The program shall consist of three pilot projects. Cooperative procurements in these projects may be carried out by grantees, consortiums of grantees, or members of the private sector acting as agents of grantees.

(b) FEDERAL SHARE.—Notwithstanding any other provision of law, the Federal share for a grant under this pilot program shall be 90 percent of the net project cost.

(c) PERMISSIBLE ACTIVITIES.—

(1) DEVELOPING SPECIFICATIONS.—Cooperative specifications may be developed either by the grantees or their agents.

(2) REQUESTS FOR PROPOSALS.—To the extent permissible under state and local law, cooperative procurements under this section may be carried out, either by the grantees or their agents, by issuing one request for proposal for each cooperative procurement, covering all agencies that are participating in the procurement.

(3) BEST AND FINAL OFFERS.—The cost of evaluating best and final offers either by the grantees or their agents, is an eligible expense under this program.

(d) TECHNOLOGY.—To the extent feasible, cooperative procurements under this section shall maximize use of Internet-based software technology designed specifically for transit buses and other major capital equipment to develop specifications; aggregate equipment requirements with other transit agencies; generate cooperative request for proposal packages; create cooperative specifications; and automate the request for approved equals process.

(e) ELIGIBLE EXPENSES.—The cost of the permissible activities under (c) and procurement under (d) are eligible expenses under the pilot program.

(f) PROPORTIONATE CONTRIBUTIONS.—Cooperating agencies may contribute proportionately to the non-Federal share of any of the eligible expenses under (e).

(g) OUTREACH.—The Secretary shall conduct outreach on cooperative procurement. Under this program the Secretary shall: (1) offer technical assistance to transit agencies to facilitate the use of cooperative procurement of major capital equipment and (2) conduct seminars and conferences for grantees, nationwide, on the concept of cooperative procurement of major capital equipment.

(h) REPORT.—Not later than 30 days after delivery of the base order under each of the pilot projects, the Secretary shall submit to the House and Senate Committees on Appropriations a report on the results of that pilot project. Each report shall evaluate any savings realized through the cooperative procurement and the benefits of incorporating cooperative procurement, as shown by that project, into the mass transit program as a whole.

SEC. 157. Notwithstanding any other provision of law, new fixed guideway system funds available for the Yosemite, California, area regional transportation system project, in the Department of Transportation and Related Agencies Appropriations Act, 2002, Public Law 107–87, under ''Capital Investment Grants'', in the amount of $400,000 shall be available for obligation for the replacement, rehabilitation, or purchase of buses or related equipment, or the construction of bus related facilities: Provided, That this amount shall be in addition to the amount available in fiscal year 2002 for these purposes.

SEC. 158. Notwithstanding any other provision of law, for the purpose of calculating the non-New Starts share of the total project cost of both phases of San Francisco Muni's Third Street Light Rail Transit project for fiscal year 2004, the Secretary of Transportation shall include all non-New Starts contributions made towards Phase 1 of the two-phase project for engineering, final design and construction, and also shall allow non-New Starts funds expended on one element or phase of the project to be used to meet the non-New Starts share requirement of any element or phase of the project.

SEC. 159. Notwithstanding any other provision of law, funds made available under ''Federal Transit Administration, Capital Investment Grants'' in Public Law 105–277 for the Cleveland Berea Red Line Extension to the Hopkins International Airport project may be used for the Euclid Corridor Transportation Project.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $14,400,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $106,000,000, of which $13,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, and $7,063,000 shall remain available until September 30, 2005 for state maritime schoolship maintenance and repair.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $18,422,000, to remain available until expended.

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $98,700,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For administrative expenses to carry out the guaranteed loan program, not to exceed $4,498,000, which shall be transferred to and merged with the appropriation for Operations and Training.

GENERAL PROVISIONS—MARITIME ADMINISTRATION

SEC. 160. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 161. No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $42,516,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $3,473,000 shall remain available until September 30, 2006: Provided, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $67,612,000, of which $17,183,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2006; of which $50,429,000 shall be derived from the Pipeline Safety Fund, of which $22,710,000 shall remain available until September 30, 2006.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2006: Provided, That not more than $14,300,000 shall be made available for obligation in fiscal year 2004 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): Provided further, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $56,000,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3) to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $19,521,000: Provided, That notwithstanding any other provision of law, not to exceed $1,050,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: 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, to result in a final appropriation from the general fund estimated at no more than $18,471,000.

TITLE II—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $3,000,000, to remain available until September 30, 2005 for information technology modernization requirements; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $174,809,000: Provided, That the Office of Foreign Assets Control shall be funded at no less than $21,855,000 and 120 full time equivalent positions: Provided further, That of these amounts, $2,900,000 is available for grants to State and local law enforcement groups to help fight money laundering: Provided further, That of these amounts, $3,393,000, to remain available until September 30, 2005, shall be for the Treasury-wide Financial Statement Audit Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: Provided further, That this transfer authority shall be in addition to any other provided in this Act.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $36,928,000, to remain available until September 30, 2006: Provided, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems or Business Systems Modernization.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $12,687,000, of which not to exceed $2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $128,034,000.

AIR TRANSPORTATION STABILIZATION PROGRAM

For necessary expenses to administer the Air Transportation Stabilization Board established by section 102 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42), $2,538,000, to remain available until expended.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $25,000,000, to remain available until September 30, 2006.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $57,571,000, of which not to exceed $4,500,000 shall remain available until September 30, 2006; and of which $8,152,000 shall remain available until September 30, 2005: Provided, That funds appropriated in this account may be used to procure personal services contracts.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $228,558,000, of which not to exceed $9,220,000 shall remain available until September 30, 2006, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $80,000,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for Laboratory Services; and provision of laboratory assistance to State and local agencies with or without reimbursement.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2004 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $40,652,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $178,052,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: Provided, That the sum appropriated herein from the General Fund for fiscal year 2004 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2004 appropriation from the general fund estimated at $173,652,000. In addition, $40,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,048,238,000, of which up to $3,950,000 shall be for the Tax Counseling for the Elderly Program, of which $7,000,000 shall be available for low-income taxpayer clinic grants, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; resolving essential earned income tax credit compliance and error problems; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,172,808,000, of which not to exceed $1,000,000 shall remain available until September 30, 2006, for research: Provided, That such sums may be transferred as necessary from this account to the IRS Processing, Assistance, and Management appropriation or the IRS Information Systems appropriation solely for the purposes of management of the Earned Income Tax Compliance program and to reimburse the Social Security Administration for the cost of implementing section 1090 of the Taxpayer Relief Act of 1997 (Public Law 105–33): Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,590,962,000, of which $200,000,000 shall remain available until September 30, 2005.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, $429,000,000, to remain available until September 30, 2006, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for

expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11 part 3; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107–210), $35,000,000, to remain available until September 30, 2005.

GENERAL PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 201. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 202. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 203. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 204. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

SEC. 205. None of the funds made available in this Act may be used by the Secretary of the Treasury or his delegate to issue any rule or regulation which implements the proposed amendments to Internal Revenue Service regulations set forth in REG–209500–86 and REG–164464–02, filed December 10, 2002, or any amendments reaching results similar to such proposed amendments.

SEC. 206. STUDY ON EARNED INCOME TAX CREDIT CERTIFICATION PROGRAM. (A) STUDY.—The Internal Revenue Service shall conduct a study, as a part of any program that requires certification (including pre-certification) in order to claim the earned income tax credit under section 32 of the Internal Revenue Code of 1986, on the following matters:

(1) The costs (in time and money) incurred by the participants in the program.

(2) The administrative costs incurred by the Internal Revenue Service in operating the program.

(3) The percentage of individuals included in the program who were not certified for the credit, including the percentage of individuals who were not certified due to—

(A) ineligibility for the credit; and

(B) failure to complete the requirements for certification.

(4) The percentage of individuals to whom paragraph (3)(B) applies who were—

(A) otherwise eligible for the credit; and

(B) otherwise ineligible for the credit.

(5) The percentage of individuals to whom paragraph (3)(B) applies who—

(A) did not respond to the request for certification; and

(B) responded to such request but otherwise failed to complete the requirements for certification.

(6) The reasons—

(A) for which individuals described in paragraph (5)(A) did not respond to requests for certification; and

(B) for which individuals described in paragraph (5)(B) had difficulty in completing the requirements for certification.

(7) The characteristics of those individuals who were denied the credit due to—

(A) failure to complete the requirements for certification; and

(B) ineligibility for the credit.

(8) The impact of the program on non-English speaking participants.

(9) The impact of the program on homeless and other highly transient individuals.

(b) REPORT.—

(1) PRELIMINARY REPORT.—Not later than July 30, 2004, the Commissioner of the Internal Revenue Service shall submit to Congress a preliminary report on the study conducted under subsection (a).

(2) FINAL REPORT.—Not later than June 30, 2005, the Commissioner of the Internal Revenue Service shall submit to Congress a final report detailing the findings of the study conducted under subsection (a).

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 210. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; 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 5 U.S.C. 3109.

SEC. 211. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crime Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 212. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 213. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 214. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 215. The Secretary of the Treasury may transfer funds from ''Salaries and Expenses'', Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection: Provided, That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 216. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking ''5 years'' and inserting ''6 years''.

SEC. 217. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 218. Beginning in fiscal year 2004 and thereafter, there are appropriated to the Secretary of the Treasury such sums as may be necessary to reimburse financial institutions in their capacity as depositaries and financial agents of the United States for all services required or directed by the Secretary of the Treasury, or his designee, to be performed by such financial institutions on behalf of the Treasury or other Federal agencies, including services rendered prior to fiscal year 2004.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: Provided further, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $61,937,000: Provided, That $8,650,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $12,501,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating

to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $4,225,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,461,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $331,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisors in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $4,502,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $4,109,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $10,551,000.

HOMELAND SECURITY COUNCIL

For necessary expenses of the Homeland Security Council, including services authorized by 5 U.S.C. 3109, $8,331,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $77,164,000, of which $20,578,000 shall remain available until expended for the Capital Investment Plan for continued modernization of the information technology infrastructure within the Executive Office of the President: Provided, That the Executive Office of the President shall submit a report to the Committees on Appropriations that includes a current description of: (1) the Enterprise Architecture, as defined in OMB Circular A–130 and the Federal Chief Information Officers Council guidance; (2) the Information Technology (IT) Human Capital Plan; (3) the capital investment plan for implementing the Enterprise Architecture; and (4) the IT capital planning and investment control process: Provided further, That this report shall be reviewed and approved by the Office of Management and Budget, and reviewed by the General Accounting Office.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $75,417,000, of which not to exceed $3,000 shall be available for official representation expenses: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs: Provided further, That none of the funds appropriated in this Act may be available to pay the salary or expenses of any employee of the Office of Management and Budget who calculates, prepares, or approves any tabular or other material that proposes the sub-allocation of budget authority or outlays by the Committees on Appropriations among their subcommittees.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $27,996,500; of which $1,350,000 shall remain available until expended for policy research and evaluation; and $1,500,000 for the National Alliance for Model State Drug Laws: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $42,000,000, which shall remain available until expended, consisting of $18,000,000 for counternarcotics research and development projects, and $24,000,000 for the continued operation of the technology transfer program: Provided, That the $18,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $226,350,000, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: Provided, That up to 49 percent, to remain available until September 30, 2005, may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which not less than $2,100,000 shall be used for auditing services and associated activities: Provided further, That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2002, shall be funded at no less than the fiscal year 2002 initial allocation levels unless the Director submits to the Committees on Appropriations, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Areas Programs, as well as published Office of National Drug Control Policy performance measures of effectiveness: Provided further, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of funds of an amount in excess of the fiscal year 2004 budget request: Provided further, That such request shall be made in compliance with the reprogramming guidelines: Provided further, That no funds shall be used for any further or additional consolidation of the Southwest Border High Intensity Drug Trafficking Area, except for the operation of an office with a coordinating role, until the Office submits a report on the structure of the Southwest Border High Intensity Drug Trafficking Area.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $174,000,000, to remain available until expended, of which the following amounts are available as follows: $100,000,000 to support a national media campaign, as authorized by the Drug-Free Media Campaign Act of 1998;

$60,000,000 to continue a program of matching grants to drug-free communities, of which $1,000,000 shall be a directed grant to the Community Anti-Drug Coalitions of America for the National Community Anti-Drug Coalition Institute, as authorized in chapter 2 of the National Narcotics Leadership Act of 1988, as amended; $1,500,000 for the Counterdrug Intelligence Executive Secretariat; $2,000,000 for evaluations and research related to National Drug Control Program performance measures; $1,000,000 for the National Drug Court Institute; $7,200,000 for the United States Anti-Doping Agency for anti-doping activities; and $800,000 for the United States membership dues to the World Anti-Doping Agency: Provided, That such funds may be transferred to other Federal departments and agencies to carry out such activities.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

TITLE IV—INDEPENDENT AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended $5,401,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,725,000.

ELECTION ASSISTANCE COMMISSION

For necessary expenses of the Election Assistance Commission, $1,500,000,000, for providing grants to assist State and local efforts to improve election technology and the administration of Federal elections, as authorized by the Help America Vote Act of 2002: Provided, That no more than 1/10 of 1 percent of funds available for requirements payments under Section 257 of the Help America Vote Act of 2002 shall be allocated to any territory.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $50,440,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $29,611,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, $18,471,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to be deposited in, and to be used for the purposes of, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592), $407,000,000. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $6,717,247,000, of which: (1) $659,668,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

Alabama:

Anniston, United States Courthouse, $4,400,000

Tuscaloosa, Federal Building, $7,500,000

California:

Los Angeles, United States Courthouse, $50,000,000

San Diego, Border Station, $34,211,000

Colorado:

Denver Federal Center, site remediation, $6,000,000

Florida:

Orlando, United States Courthouse, $7,200,000

Maine:

Jackman, Border Station, $7,712,000

Maryland:

Montgomery County, Food and Drug Administration Consolidation, $45,000,000

Suitland, United States Census Bureau, $146,451,000

Michigan:

Detroit, Ambassador Bridge Border Station, $25,387,000

New York:

Champlain, Border Station, $31,031,000

North Carolina:

Charlotte, United States Courthouse, $8,500,000

Ohio:

Toledo, United States Courthouse, $6,500,000

Pennsylvania:

Harrisburg, PA, United States Courthouse, $26,000,000

South Carolina:

Greenville, United States Courthouse, $11,000,000

Texas:

Del Rio, Border Station, $23,966,000

Eagle Pass, Border Station, $31,980,000

Houston, Federal Bureau of Investigation, $58,080,000

McAllen, Border Station, $17,938,000

San Antonio, United States Courthouse, $8,000,000

Virginia:

Richmond, United States Courthouse, $83,000,000

Washington:

Blaine, Border Station, $9,812,000

Nonprospectus Construction, $10,000,000:

Provided, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That all funds for direct construction projects shall expire on September 30, 2005, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $1,000,939,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services: Provided further, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project, as follows, except each project may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount:

Repairs and Alterations:

Colorado:

Denver, Byron G. Rogers Federal Building—Courthouse, $39,436,000

District of Columbia:

320 First Street, $7,485,000

Eisenhower Executive Office Building, $65,757,000

Federal Office Building 8, $134,872,000

Main Interior Building, $15,603,000

Fire & Life Safety, $68,188,000

Georgia:

Atlanta, Richard B. Russell Federal Building, $32,173,000

Illinois:

Chicago, Dirksen Courthouse & Kluczynski Federal Building, $24,056,000

Springfield, Paul H. Findley Federal Building—Courthouse, $6,183,000

Indiana:

Terra Haute Federal Building—Post Office, $4,600,000

Massachusetts:

Boston, John W. McCormack Post Office and Courthouse, $73,037,000

New York:

Brooklyn, Emanuel Celler Courthouse, $65,511,000

North Dakota:

Fargo, Federal Building—Post Office, $5,801,000

Ohio:

Columbus, John W. Bricker Federal Building, $10,707,000

Washington:

Auburn, Building 7, Auburn Federal Building, $18,315,000

Bellingham, Federal Building, $2,610,000

Seattle, Henry M. Jackson Federal Building, $6,868,000

Special Emphasis Programs:

Chlorofluorocarbons Program, $5,000,000

Energy Program, $5,000,000
Glass Fragmentation Program, $20,000,000
Design Program, $34,737,000
Basic Repairs and Alterations, $355,000,000:

Provided further, That funds made available in any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2005 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects: Provided further, That the funds available herein for repairs to the Bellingham, Washington, Federal Building, shall be available for transfer to the city of Bellingham, Washington, subject to disposal of the building to the city; (3) $169,745,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $3,278,187,000 for rental of space which shall remain available until expended; and (5) $1,608,708,000 for building operations which shall remain available until expended: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592(b)(2)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 2004, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 592(b)(2)) in excess of $6,717,247,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109, $61,781,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; telecommunications, information technology management, and related technology activities; providing citizens with Internet access to Federal information and services; agency-wide policy direction and management, and Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses, $85,083,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $39,169,000: Provided, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT (E-GOV) FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $5,000,000, to remain available until expended: Provided, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Committees on Appropriations.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $3,393,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2004 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2005 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: Provided, That the fiscal year 2005 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757) and sections 5124(b) and 5128 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1424(b) and 1428), for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading ''Federal Buildings Fund, Limitations on Availability of Revenue'', claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. (a) Notwithstanding any other provision of law, the Administrator of General Services is authorized to acquire, under such terms and conditions as he deems to be in the interests of the United States, approximately 27 acres of land, identified as Site 7 and located at 234 Corporate Drive, Pease International Tradeport, Portsmouth, NH 03801, as a site for the public building needs of the Federal Government, and to design and construct upon the site a new Federal Office Building of approximately 98,000 gross square feet: Provided, That the Administrator shall not acquire any property under this subsection until the Administrator determines that the property is in compliance with applicable environmental laws, and that the property is suitable and available for use as a site to house the Federal agencies presently located in the Thomas J. McIntyre Federal Building.

(b) For the site acquisition, design, construction, and relocation, $11,149,000 shall be available from funds previously provided under the heading ''General Services Administration, Real Property Activities, Federal Buildings Fund'' in Public Law 108–7 for repairs and alterations to the Thomas J. McIntyre Federal Building in Portsmouth, New Hampshire, which was included in the plan for expenditure of repairs and alterations funds as required by accompanying House Report 108–10.

(c) For any additional costs of construction, management and inspection of the new facility to house the Federal agencies relocated from the McIntyre Federal Office Building, and for the

costs of relocating the Federal agencies occupying the McIntyre Federal Office Building, $13,669,000 shall be deposited into the Federal Buildings Fund (40 U.S.C. 592) from the General Fund; which amount, together with the amount set forth in subsection (b) of this section shall remain available until expended and shall be subject to such escalation and reprogramming authorities available to the Administrator for any other new construction projects under the heading ''Federal Building Fund Limitations on Availability of Revenue''.

(d) The Administrator is authorized and directed to convey, without consideration, the Thomas J. McIntyre Federal Office Building to the City of Portsmouth, New Hampshire for economic development purposes subject to the following conditions: (i) that all Federal agencies currently occupying the McIntyre Building except the United States Postal Service are completely relocated to the new Federal Building for so long as those agencies have continuing mission needs for that new location, (ii) that the requirements of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411 et seq.) shall not apply to this conveyance; and (iii) that the Administrator may include in the conveyance documents such terms and conditions as the Administrator determines in the best interest of the United States.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $32,877,000 together with not to exceed $2,626,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $1,996,000, to remain available until expended: Provided, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,309,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $258,191,000: Provided, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $13,483,000, to remain available until expended, of which $2,025,000 is for land acquisition for a site in Anchorage, Alaska to construct a new regional archives and records facility and of which $5,000,000 is for the repair and restoration of the plaza that surrounds the Lyndon Baines Johnson Presidential Library and that is under the joint control and custody of the University of Texas: Provided, That such funds may be transferred directly to the University and used, together with University funds, for repair and restoration of the plaza and remain available until expended for this purpose: Provided further, That the same transfer authority shall extend to funds previously appropriated in Public Law 108–7 for this purpose.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $5,000,000, to remain available until expended.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $72,170,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

EMERGENCY FUND

For necessary expenses of the National Transportation Safety Board for accident investigations, $600,000, to remain available until expended: Provided, That these funds shall be available only to the extent necessary to restore the balance of the emergency fund to $2,000,000 (29 U.S.C. 1118 (b)).

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $10,738,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $118,748,000, of which $2,000,000 shall remain available until expended for the cost of the enterprise human resources integration project, and $2,500,000 shall remain available until expended for the cost of leading the government-wide initiative to modernize the Federal payroll systems and service delivery and $2,500,000 shall remain available through September 30, 2005 to coordinate and conduct program evaluation and performance measurement; and in addition $135,914,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $36,700,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), 8909(g), and 9004(f)(1)(A) and (2)(A) of title 5, United States Code: Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2004, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,498,000, and in addition, not to exceed $14,427,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil

Service Reform Act of 1978 (Public Law 95–454), as amended, the Whistleblower Protection Act of 1989 (Public Law 101–12), as amended, Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $13,504,000.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $65,521,000, of which $36,521,000 shall not be available for obligation until October 1, 2004: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2004.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $40,187,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

For necessary expenses of the White House Commission on the National Moment of Remembrance, $250,000.

TITLE V—GENERAL PROVISIONS

THIS ACT

(INCLUDING TRANSFERS OF FUNDS)

SEC. 501. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 502. Such sums as may be necessary for fiscal year 2004 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 503. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 504. None of the funds in this Act shall be available for salaries and expenses of more than 106 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision or political and Presidential appointees in an independent agency funded in this Act may be assigned on temporary detail outside the Department of Transportation or such independent agency.

SEC. 505. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 506. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 507. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 508. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 509. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 510. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Transit Planning and Research'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 511. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 512. None of the funds in title I of this Act may be used to make a grant unless the Secretary of Transportation, or the Secretary of the department in which the Transportation Security Administration is operating, notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 513. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 514. None of the funds in this Act may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 515. Funds appropriated or limited in title I of this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

SEC. 516. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 517. Funds provided in this Act for the Working Capital Fund shall be reduced by $17,816,000, which limits fiscal year 2004 Working Capital Fund obligational authority for elements of the Department of Transportation funded in this Act to no more than $98,899,000: Provided, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Working Capital Fund.

SEC. 518. AMENDMENTS TO PRIOR SURFACE TRANSPORTATION LAWS. (a) ISTEA HIGH PRIORITY CORRIDORS.—

(1) Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032–2033) as amended, is further amended by inserting after paragraph (44) the following:

''(45) U.S. 78 from Tupelo, Mississippi, to Memphis, Tennessee.''.

(2) Section 1105(e)(5)(A) of such Act as amended is further amended by striking ''and subsection (c)(42)'' and inserting after ''(c)(40),'' the following: ''in subsection (c)(42), and in subsection (c)(45)''.

(3) Section 1105(e)(5)(B)(i) of such Act is amended by adding at the end the following: ''The portion of the route referred to in subsection (c)(45) and the portion of the route referred to in subsection (c)(42) between Tupelo, Mississippi, and Birmingham, Alabama, are designated as Interstate Route I–22.''.

SEC. 519. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments: Provided, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: Provided, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: Provided further, That for purposes of this section, the term ''improper payments'', has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 520. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from ''Office of the Secretary, Salaries and expenses'' to ''Minority Business Outreach''.

SEC. 521. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public

record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 522. In conducting the rulemaking mandated by Section 352 of Public Law 108–7, the Department of Transportation and any other agencies involved in the rulemaking shall ensure that the proposed rules fully and accurately reflect the findings in the General Accounting Office. The study concerns the adequacy of the Department's procedures used prior to the passage of Public Law 108–7 in order to ensure the security of facilities and activities described in Section 352.

SEC. 523. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 524. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy America Act'').

SEC. 525. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 526. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 527. 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. 528. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 529. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 530. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 531. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 532. Notwithstanding any other provision of law, any bridge that is owned and operated by a state agency (1) whose toll revenues are administered by a Metropolitan Planning Organization (MPO), and (2) whose toll revenues provide for subsidizing of non-capital transportation costs, shall be eligible for assistance under this section but the amount of toll revenues expended for non-capital transportation costs shall in no event exceed the cumulative amount of local toll revenues used for federal interstate and federal-aid highway construction and improvement projects in the toll bridge corridors. Before authorizing an expenditure of funds under this subsection, the Secretary shall determine that the cumulative amount of toll revenues used for construction and improvement to the federal interstate and federal-aid highway system is greater than the cumulative amount of toll revenue used for non-capital transportation projects not directly related to the on-going operation and maintenance of the toll bridges.

SEC. 533. Notwithstanding any other provision of this Act, amounts appropriated or limited in this Act are hereby reduced by $128,076,000. Such reductions shall—

(1) be administered by the Director, Office of Management and Budget;

(2) be assessed by the Director within 30 days of enactment of this Act;

(3) be derived solely from funds appropriated or limited for activities under:

(A) Object Class 21.0—Travel and Transportation of Persons, with the exception of funds provided for the travel of safety inspectors within the Department of Transportation and enforcement personnel within the Department of the Treasury;

(B) Object Class 22.0—Transportation of Things;

(C) Object Class 23.3—Communications, Utilities, and Miscellaneous Charges, with the exception of the telecommunication costs associated with the FAA air traffic control system and the Internal Revenue Service;

(D) Object Class 24.0—Printing and Reproduction, with the exception of such expenses within the Internal Revenue Service;

(E) Object Class 25.1—Advisory and Assistance Services;

(F) Object Class 26.0—Supplies and Materials, with the exception of such expenses in the United States Mint;

(G) Object Class 31.0—Equipment, with the exception of such expenses under the Internal Revenue Service and the FAA Facilities and Equipment account.

(4) be assessed by the Director on a pro-rata basis against all agencies funded in this Act with adjustments necessitated by the exceptions cited under subsection (3); and

(5) not be assessed against the Department of Transportation's Working Capital Fund.

SEC. 534. None of the funds appropriated or limited in title I of this Act may be used to change weight restrictions or prior permission rules at Teterboro Airport.

SEC. 535. Section 414(h) of title 39, United States Code, is amended by striking ''2003'' and inserting ''2005''.

SEC. 536. After the last section of the Federal Transit Act, 49 U.S.C. Chapter 53, add the following section:

"SEC. ___. UTAH TRANSPORTATION PROJECTS.

''(a) COORDINATION.—FTA and FHWA are directed to work with the Utah Transit Authority and the Utah Department of Transportation to coordinate the development regional commuter rail and the northern segment of I–15 reconstruction located in the Wasatch Front corridor extending from Brigham City to Payson, Utah. Coordination includes integration of preliminary engineering and design, a simplified method for allocating project costs among eligible FTA and FHWA funding sources, and a unified accounting and audit process.

''(b) GOVERNMENTAL FUNDING.—For purposes of determining and allocating the nongovernmental and governmental share of costs, the following projects comprise a related program of projects: regional commuter rail, the TRAX light rail system, TRAX extensions to the Medical Center and to the Gateway Intermodal Center, and the northern segment of I–15 reconstruction. The governmental share of project costs appropriated from the Section 5309 New Start program shall conform to the share specified in the extension or reauthorization of TEA21.''.

SEC. 537. Funds apportioned to the Charleston Area Regional Transportation Authority to carry out section 5307 of title 49, United States Code, may be used to lease land, equipment, or facilities used in public transportation from another governmental authority in the same geographic area: Provided, That the non-Federal share under section 5307 may include revenues from the sale of advertising and concessions: Provided further, That this provision shall remain in effect until September 30, 2004, or until the Federal interest in the land, equipment or facilities leased reaches 80 percent of its fair market value at disposition, whichever occurs first.

SEC. 538. Notwithstanding any other provision of law, funds designated to the Pennsylvania Cumberland/Dauphin County Corridor I project in committee reports accompanying this Act may be available to the recipient for any project activities authorized under sections 5307 and 5309 of title 49, United States Code.

SEC. 539. None of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch). If such proposed regulations are final regulations on the date of enactment of this Act, none of the funds appropriated or made available under this Act may be used to implement, administer, or enforce such final regulations.

SEC. 540. JACKSON HOLE, WYOMING RADAR UNIT. Priority consideration shall be given to the Jackson Hole, Wyoming, Airport for an ASR–11 radar unit or provisions shall be made for the acquisition or transfer of a comparable radar unit.

SEC. 541. Within the funds provided for the Federal Aviation Administration's Facilities and Equipment account, no less than $14,000,000 shall be available for the Technical Center Facilities in New Jersey.

SEC. 542. To the extent that funds provided by the Congress for the Memphis Medical Center light rail extension project through the Section 5309 ''new fixed guideway systems'' program remain available upon the closeout of the project,

Federal Transit Administration is directed to permit the Memphis Area Transit Authority to use all of those funds for planning, engineering, design, construction or acquisition projects pertaining to the Memphis Regional Rail Plan. Such funds shall remain available until expended.

SEC. 543. Section 30303(d)(3) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by inserting at the end:

''(D) Memphis-Shelby International Airport intermodal facility.''.

SEC. 544. Within available funds provided for ''Facilities and equipment'', $1,500,000 shall be provided for a precision instrument approach landing system (ILS) at Lee Gilmer Memorial Airport, Gainesville, Georgia.

SEC. 545. (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activity or function of an executive agency that, on or after the date of the enactment of this Act, is performed by executive agency employees unless the conversion is based on the results of a public-private competition process that requires a determination regarding whether, overall performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the executive agency by an amount that equals or exceeds the lesser of (1) 10 percent of the cost of performing the activity with government personnel or, if a more efficient organization has been developed, 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (2) $10,000,000.

(b) With respect to the use of any funds appropriated by this Act for the Department of Defense—

(1) subsections (a), (b), and (c) of section 2461 of title 10, United States Code, do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

(2) Nothing in this section shall effect depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(3) The conversion of any activity or function of an executive agency in accordance with this section shall be credited toward any competitive or outsourcing goal, target or measurement that may be established by statute, regulation or policy and shall be deemed to be awarded under the authority of and in compliance with section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or section 2304 of title 10, United States Code, as the case may be, for the competition or outsourcing of commercial activities.

(c) In this section, the term ''executive agency'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(d) Nothing in this section shall be construed to effect, amend, or repeal section 8014 of the Defense Appropriations Act, 2004 (Public Law 108–87).

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2004 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1,

1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2004, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2004, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2004, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2004 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2004 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2003, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2003, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2003.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the term ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 616. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 617. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for the current fiscal year shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 618. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 619. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 620. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the

conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 621. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 622. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 623. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 624. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 625. (a) In this section the term ''agency''—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 626. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 627. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse the ''Policy and Citizen Services'' account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Procurement Executives Council for procurement initiatives). The total funds transferred or reimbursed shall not exceed $12,250,000. Such transfers or reimbursements may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 628. None of the funds made available in this or any other Act may be used by the Office of Personnel Management or any other department or agency of the Federal Government to (a) operate an online employment information service for the Federal Government under any contract awarded under the request for quotations number SOLO30000003 issued by the Office of Personnel Management unless the Office of Personnel Management complies with the recommendations of the Comptroller General in the General Accounting Office decision of April 29, 2003, referred to as Symplicity Corporation, B–291902; or (b) prohibit any agency from using appropriated funds as they see fit to independently contract with private companies to provide online employment applications and processing services.

SEC. 629. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 630. Nothwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: Provided, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 631. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 632. Subsection (f) of section 403 of Public Law 103–356 (31 U.S.C. 501 note) is amended by striking ''October 1, 2003'' and inserting ''October 1, 2004''.

SEC. 633. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF PERSONAL INFORMATION ON USE OF INTERNET.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term ''regulatory'' means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term ''supervisory'' means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 634. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 635. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 636. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2004 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 4.1 percent, and this adjustment shall apply to civilian employees in the Department of Defense and the Department of Homeland Security and such adjustments shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2004.

(b) Notwithstanding section 713 of this Act, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2004 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentage in paragraph (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304 of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5 and prevailing rate employees described in section 5343(a)(5) of title 5 shall be considered to be located in the pay locality designated as ''Rest of US'' pursuant to section 5304 of title 5 for purposes of this paragraph.

(c) Funds used to carry out this section shall be paid from appropriations, which are made to

each applicable department or agency for salaries and expenses for fiscal year 2004.

SEC. 637. Not later than 6 months after the date of enactment of this Act, the Inspector General of each applicable department or agency shall submit to the Committee on Appropriations a report detailing what policies and procedures are in place for each department or agency to give first priority to the location of new offices and other facilities in rural areas, as directed by the Rural Development Act of 1972.

SEC. 638. None of the funds made available under this or any other Act for fiscal year 2004 shall be expended for the purchase of a product or service offered by Federal Prison Industries, Inc. unless the agency making such purchase determines that such offered product or service provides the best value to the buying agency pursuant to governmentwide procurement regulations, issued pursuant to section 25(c)(1) of the Office of Federal Procurement Act (41 U.S.C. 421(c)(1)) that impose procedures, standards, and limitations of section 2410n of title 10, United States Code.

SEC. 639. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 640. Each Executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government purchase charge card or government travel charge card. The department or agency may not issue a government purchase charge card or government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: Provided, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to (a) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card, or (b) an individual who lacks a credit history. Each Executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct. Disciplinary actions may include, but are not limited to, the review of the security clearance of the individual involved and the modification or revocation of such security clearance in light of the review.

SEC. 641. Notwithstanding any other provision of law, no executive branch 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. 642. Not later than December 31 of each year, the head of each agency shall submit to Congress a report on the competitive sourcing activities performed during the previous fiscal year by Federal Government sources that are on the list required under the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note). The report shall include—

(1) the number of full time equivalent Federal employees studied for competitive sourcing;

(2) the total agency cost required to carry out its competitive sourcing program;

(3) the costs attributable to paying outside consultants and contractors to carry out the agency's competitive sourcing program;

(4) the costs attributable to paying agency personnel to carry out its competitive sourcing program; and

(5) an estimate of the savings attributed as a result of the agency competitive sourcing program.

SEC. 643. (a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.

(b) The limitation established in subsection (a) shall not apply to the administration of general or specific licenses for travel or travel-related transactions, shall not apply to section 515.204, 515.206, 515.332, 515.536, 515.544, 515.547, 515.560(c)(3), 515.569, 515.571, or 515.803 of such part 515, and shall not apply to transactions in relation to any business travel covered by section 515.560(g) of such part 515.

(c) This section shall take effect one day after date of enactment.

SEC. 644. (a) Not later than December 31 of each year, the head of each executive agency shall submit to Congress (instead of the report required by section 642) a report on the competitive sourcing activities on the list required under the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note) that were performed for such executive agency during the previous fiscal year by Federal Government sources. The report shall include—

(1) the total number of competitions completed;

(2) the total number of competitions announced, together with a list of the activities covered by such competitions;

(3) the total number (expressed as a full-time employee equivalent number) of the Federal employees studied under completed competitions;

(4) the total number (expressed as a full-time employee equivalent number) of the Federal employees that are being studied under competitions announced but not completed;

(5) the incremental cost directly attributable to conducting the competitions identified under paragraphs (1) and (2), including costs attributable to paying outside consultants and contractors;

(6) an estimate of the total anticipated savings, or a quantifiable description of improvements in service or performance, derived from completed competitions;

(7) actual savings, or a quantifiable description of improvements in service or performance, derived from the implementation of competitions completed after May 29, 2003;

(8) the total projected number (expressed as a full-time employee equivalent number) of the Federal employees that are to be covered by competitions scheduled to be announced in the fiscal year covered by the next report required under this section; and

(9) a general description of how the competitive sourcing decisionmaking processes of the executive agency are aligned with the strategic workforce plan of that executive agency.

(b) The head of an executive agency may not be required, under Office of Management and Budget Circular A–76 or any other policy, directive, or regulation, to conduct a follow-on public-private competition to a prior public-private competition conducted under such circular within five years of the prior public-private competition if the activity or function covered by the prior public-private competition was performed by Federal Government employees as a result of the prior public-private competition.

(c) Hereafter, the head of an executive agency may expend funds appropriated or otherwise made available for any purpose to the executive agency under this or any other Act to monitor (in the administration of responsibilities under Office of Management and Budget Circular A–76 or any related policy, directive, or regulation) the performance of an activity or function of the executive agency that has previously been subjected to a public-private competition under such circular.

(d) For the purposes of subchapter V of chapter 35 of title 31, United States Code—

(1) the person designated to represent employees of the Federal Government in a public-private competition regarding the performance of an executive agency activity or function under Office of Management and Budget Circular A–76—

(A) shall be treated as an interested party on behalf of such employees; and

(B) may submit a protest with respect to such public-private competition on behalf of such employees; and

(2) the Comptroller General shall dispose of such a protest in accordance with the policies and procedures applicable to protests described in section 3551(1) of such title under the procurement protest system provided under such subchapter.

(e) An activity or function of an executive agency that is converted to contractor performance under Office of Management and Budget Circular A–76 may not be performed by the contractor at a location outside the United States except to the extent that such activity or function was previously been performed by Federal Government employees outside the United States.

(f) The process that applies to the selection of architects and engineers for meeting the requirements of an executive agency for architectural and engineering services under chapter 11 of title 40, United States Code, shall apply to a public-private competition for the performance of architectural and engineering services for an executive agency.

(g) In this section, the term ''executive agency'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SEC. 645. MOTORIST INFORMATION CONCERNING PHARMACY SERVICES. (a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall amend the Manual on Uniform Traffic Control Devices to include a provision requiring that information be provided to motorists to assist motorists in locating licensed 24-hour pharmacy services open to the public.

(b) LOGO PANEL.—The provision under subsection (a) shall require placement of a logo panel that displays information disclosing the names or logos of pharmacies described in subsection (a) that are located within 3 miles of an interchange on the Federal-aid system (as defined in section 101 of title 23, United States Code).

SEC. 646. (a) None of the funds appropriated or otherwise made available by this Act may be used to remove any area within a locality pay area established under section 5304 of title 5, United States Code, from coverage under that locality pay area.

(b) Subsection (a) shall not apply to the Rest of U.S. locality pay area.

SEC. 647. Notwithstanding section 1346 of title 31, United States Code, and section 610 of this Act, the head of each executive department and agency shall transfer to or reimburse the Federal Aviation Administration, with the approval of the Director of the Office of Management and Budget, funds made available by this or any other Act for the purposes described below, and shall submit budget requests for such purposes. These funds shall be administered by the Federal Aviation Administration as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director to ensure the operation of the Midway Atoll Airfield by the Federal Aviation Administration pursuant to an operational agreement with the

Department of the Interior. The total funds transferred or reimbursed shall not exceed $6,000,000 and shall not be available for activities other than the operation of the airfield. The Director of the Office of Management and Budget shall notify the Committees on Appropriations of such transfers or reimbursements within 15 days of this Act. Such transfers or reimbursements shall begin within 30 days of enactment of this Act.

This Act may be cited as the ''Transportation, Treasury, and General Government Appropriations Act, 2004''.

THREE AFFILIATED TRIBES HEALTH FACILITY COMPENSATION ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 308, S. 1146.

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

The legislative clerk read as follows:

A bill (S. 1146) to implement the recommendations of the Garrison Unit Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota.

There being no objection, the Senate proceeded to consider the bill which was reported from the Committee on Indian Affairs with an amendment, as follows:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1146

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 ''Three Affiliated Tribes Health Facility Compensation Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) in 1949, the United States assumed jurisdiction over more than 150,000 prime acres on the Fort Berthold Indian Reservation, North Dakota, for the construction of the Garrison Dam and Reservoir;

(2) the reservoir flooded and destroyed vital infrastructure on the reservation, including a hospital of the Indian Health Service;

(3) the United States made a commitment to the Three Affiliated Tribes of the Fort Berthold Indian Reservation to replace the lost infrastructure;

(4) on May 10, 1985, the Secretary of the Interior established the Garrison Unit Joint Tribal Advisory Committee to examine the effects of the Garrison Dam and Reservoir on the Fort Berthold Indian Reservation;

(5) the final report of the Committee issued on May 23, 1986, acknowledged the obligation of the Federal Government to replace the infrastructure destroyed by the Federal action;

(6) the Committee on Indian Affairs of the Senate—

(A) acknowledged the recommendations of the final report of the Committee in Senate Report No. 102–250; and

(B) stated that every effort should be made by the Administration and Congress to provide additional Federal funding to replace the lost infrastructure; and

(7) on August 30, 2001, the Chairman of the Three Affiliated Tribes testified before the Committee on Indian Affairs of the Senate that the promise to replace the lost infrastructure, particularly the hospital, still had not been kept.

SEC. 3. RURAL HEALTH CARE FACILITY, FORT BERTHOLD INDIAN RESERVATION, NORTH DAKOTA.

The Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act is amended—

(1) in section 3504 (106 Stat. 4732), by adding at the end the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''; and

(2) by striking section 3511 (106 Stat. 4739) and inserting the following:

[''SEC. 3511. RURAL HEALTH CARE FACILITY, FORT BERTHOLD INDIAN RESERVATION, NORTH DAKOTA.

[''There is authorized to be appropriated to the Secretary of Health and Human Services for the construction of a rural health care facility on the Fort Berthold Indian Reservation of the Three Affiliated Tribes, North Dakota, $20,000,000.''.**]**

''SEC. 3511. RURAL HEALTH CARE FACILITY, FORT BERTHOLD INDIAN RESERVATION, NORTH DAKOTA.

''There are authorized to be appropriated to the Secretary of Health and Human Services $20,000,000 for the construction of, and such sums as are necessary for other expenses relating to, a rural health care facility on the Fort Berthold Indian Reservation of the Three Affiliated Tribes, North Dakota.''.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee amendment be agreed to.

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

The committee amendment was agreed to.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1146), as amended, was read the third time and passed, as follows:

S. 1146

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 ''Three Affiliated Tribes Health Facility Compensation Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) in 1949, the United States assumed jurisdiction over more than 150,000 prime acres on the Fort Berthold Indian Reservation, North Dakota, for the construction of the Garrison Dam and Reservoir;

(2) the reservoir flooded and destroyed vital infrastructure on the reservation, including a hospital of the Indian Health Service;

(3) the United States made a commitment to the Three Affiliated Tribes of the Fort Berthold Indian Reservation to replace the lost infrastructure;

(4) on May 10, 1985, the Secretary of the Interior established the Garrison Unit Joint Tribal Advisory Committee to examine the effects of the Garrison Dam and Reservoir on the Fort Berthold Indian Reservation;

(5) the final report of the Committee issued on May 23, 1986, acknowledged the obligation of the Federal Government to replace the infrastructure destroyed by the Federal action;

(6) the Committee on Indian Affairs of the Senate—

(A) acknowledged the recommendations of the final report of the Committee in Senate Report No. 102–250; and

(B) stated that every effort should be made by the Administration and Congress to provide additional Federal funding to replace the lost infrastructure; and

(7) on August 30, 2001, the Chairman of the Three Affiliated Tribes testified before the Committee on Indian Affairs of the Senate that the promise to replace the lost infrastructure, particularly the hospital, still had not been kept.

SEC. 3. RURAL HEALTH CARE FACILITY, FORT BERTHOLD INDIAN RESERVATION, NORTH DAKOTA.

The Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act is amended—

(1) in section 3504 (106 Stat. 4732), by adding at the end the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''; and

(2) by striking section 3511 (106 Stat. 4739) and inserting the following:

''SEC. 3511. RURAL HEALTH CARE FACILITY, FORT BERTHOLD INDIAN RESERVATION, NORTH DAKOTA.

''There are authorized to be appropriated to the Secretary of Health and Human Services $20,000,000 for the construction of, and such sums as are necessary for other expenses relating to, a rural health care facility on the Fort Berthold Indian Reservation of the Three Affiliated Tribes, North Dakota.''.

MENTALLY ILL OFFENDER TREATMENT AND CRIME REDUCTION ACT OF 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Calendar No. 321, S. 1194.

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

The legislative clerk read as follows:

A bill (S. 1194) to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, as follows:

[Strike the part in black brackets and insert the part in Italics.]

S. 1194

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 ''Mentally Ill Offender Treatment and Crime Reduction Act of 2003''.

[SEC. 2. FINDINGS.

[Congress finds the following:

[(1) According to the Bureau of Justice Statistics, over 16 percent of adults incarcerated in United States jails and prisons have a mental illness.

[(2) According to the Office of Juvenile Justice and Delinquency Prevention, approximately 20 percent of youth in the juvenile justice system have serious mental health problems, and a significant number

have co-occurring mental health and substance abuse disorders.

[(3) According to the National Alliance for the Mentally Ill, up to 40 percent of adults who suffer from a serious mental illness will come into contact with the American criminal justice system at some point in their lives.

[(4) According to the Office of Juvenile Justice and Delinquency Prevention, over 150,000 juveniles who come into contact with the juvenile justice system each year meet the diagnostic criteria for at least 1 mental or emotional disorder.

[(5) A significant proportion of adults with a serious mental illness who are involved with the criminal justice system are homeless or at imminent risk of homelessness; and many of these individuals are arrested and jailed for minor, nonviolent offenses.

[(6) The majority of individuals with a mental illness or emotional disorder who are involved in the criminal or juvenile justice systems are responsive to medical and psychological interventions that integrate treatment, rehabilitation, and support services.

[(7) Collaborative programs between mental health, substance abuse, and criminal or juvenile justice systems that ensure the provision of services for those with mental illness or co-occurring mental illness and substance abuse disorders can reduce the number of such individuals in adult and juvenile corrections facilities, while providing improved public safety.

[SEC. 3. PURPOSE.

[The purpose of this Act is to increase public safety by facilitating collaboration among the criminal justice, juvenile justice, mental health treatment, and substance abuse systems. Such collaboration is needed to—

[(1) reduce rearrests among adult and juvenile offenders with mental illness, or co-occurring mental illness and substance abuse disorders;

[(2) provide courts, including existing and new mental health courts, with appropriate mental health and substance abuse treatment options;

[(3) maximize the use of alternatives to prosecution through diversion in appropriate cases involving non-violent offenders with mental illness;

[(4) promote adequate training for criminal justice system personnel about mental illness and substance abuse disorders and the appropriate responses to people with such illnesses;

[(5) promote adequate training for mental health treatment personnel about criminal offenders with mental illness and the appropriate response to such offenders in the criminal justice system;

[(6) promote communication between criminal justice or juvenile justice personnel, mental health treatment personnel, nonviolent offenders with mental illness, and other support services such as housing, job placement, community, and faith-based organizations; and

[(7) promote communication, collaboration, and intergovernmental partnerships among municipal, county, and State elected officials with respect to mentally ill offenders.

[SEC. 4. DEPARTMENT OF JUSTICE MENTAL HEALTH AND CRIMINAL JUSTICE COLLABORATION PROGRAM.

[(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

[''PART HH—ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS

[''SEC. 2991. ADULT AND JUVENILE COLLABORATION PROGRAMS.

[''(a) DEFINITIONS.—In this section, the following definitions shall apply:

[''(1) APPLICANT.—The term 'applicant' means States, units of local government, Indian tribes, and tribal organizations that apply for a grant under this section.

[''(2) COLLABORATION PROGRAM.—The term 'collaboration program' means a program to promote public safety by ensuring access to adequate mental health and other treatment services for mentally ill adults or juveniles that is overseen cooperatively by—

[''(A) a criminal justice agency, a juvenile justice agency, or a mental health court; and

[''(B) a mental health agency.

[''(3) CRIMINAL OR JUVENILE JUSTICE AGENCY.—The term 'criminal or juvenile justice agency' means an agency of a State or local government that is responsible for detection, arrest, enforcement, prosecution, defense, adjudication, incarceration, probation, or parole relating to the violation of the criminal laws of that State or local government.

[''(4) DIVERSION AND ALTERNATIVE PROSECUTION AND SENTENCING.—

[''(A) IN GENERAL.—The terms 'diversion' and 'alternative prosecution and sentencing' mean the appropriate use of effective mental health treatment alternatives to juvenile justice or criminal justice system institutional placements for preliminarily qualified offenders.

[''(B) APPROPRIATE USE.—In this paragraph, the term 'appropriate use' includes the discretion of the judge or supervising authority and the leveraging of justice sanctions to encourage compliance with treatment.

[''(5) MENTAL HEALTH AGENCY.—The term 'mental health agency' means an agency of a State or local government that is responsible for mental health services.

[''(6) MENTAL HEALTH COURT.—The term 'mental health court' means a judicial program that meets the requirements of part V of this title.

[''(7) MENTAL ILLNESS.—The term 'mental illness' means a diagnosable mental, behavioral, or emotional disorder—

[''(A) of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

[''(B) that has resulted in functional impairment that substantially interferes with or limits 1 or more major life activities.

[''(8) PRELIMINARILY QUALIFIED OFFENDER.—The term 'preliminarily qualified offender' means an adult or juvenile who—

[''(A)(i) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness or co-occurring mental illness and substance abuse disorders; or

[''(ii) manifests obvious signs of mental illness or co-occurring mental illness and substance abuse disorders during arrest or confinement or before any court; and

[''(B) has faced or is facing criminal charges and is deemed eligible by a designated pretrial screening and diversion process, or by a magistrate or judge, on the ground that the commission of the offense is the product of the person's mental illness.

[''(9) SECRETARY.—The term 'Secretary' means the Secretary of the Department of Health and Human Services.

[''(10) UNIT OF LOCAL GOVERNMENT.—The term 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, including a State court, local court, or a governmental agency located within a city, county, township, town, borough, parish, or village.

[''(b) PLANNING AND IMPLEMENTATION GRANTS.—

[''(1) IN GENERAL.—The Attorney General, in consultation with the Secretary, may award nonrenewable grants to eligible applicants to prepare a comprehensive plan for and implement an adult or juvenile collaboration program, which targets adults or juveniles with mental illness or co-occurring mental illness and substance abuse disorders in order to promote public safety and public health.

[''(2) PURPOSES.—Grants awarded under this section shall be used to create or expand—

[''(A) mental health courts or other court-based programs for preliminarily qualified offenders;

[''(B) programs that offer specialized training to the officers and employees of a criminal or juvenile justice agency and mental health personnel in procedures for identifying the symptoms of mental illness and co-occurring mental illness and substance abuse disorders in order to respond appropriately to individuals with such illnesses;

[''(C) programs that support cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety by offering mental health treatment services and, where appropriate, substance abuse treatment services for—

[''(i) preliminarily qualified offenders with mental illness or co-occurring mental illness and substance abuse disorders; or

[''(ii) adult offenders with mental illness during periods of incarceration, while under the supervision of a criminal justice agency, or following release from correctional facilities; and

[''(D) programs that support intergovernmental cooperation between State and local governments with respect to the mentally ill offender.

[''(3) APPLICATIONS.—

[''(A) IN GENERAL.—To receive a planning grant or an implementation grant, the joint applicants shall prepare and submit a single application to the Attorney General at such time, in such manner, and containing such information as the Attorney General and the Secretary shall reasonably require. An application under part V of this title may be made in conjunction with an application under this section.

[''(B) COMBINED PLANNING AND IMPLEMENTATION GRANT APPLICATION.—The Attorney General and the Secretary shall develop a procedure under which applicants may apply at the same time and in a single application for a planning grant and an implementation grant, with receipt of the implementation grant conditioned on successful completion of the activities funded by the planning grant.

[''(4) PLANNING GRANTS.—

[''(A) APPLICATION.—The joint applicants may apply to the Attorney General for a nonrenewable planning grant to develop a collaboration program.

[''(B) CONTENTS.—The Attorney General and the Secretary may not approve a planning grant unless the application for the grant includes or provides, at a minimum, for a budget and a budget justification, a description of the outcome measures that will be used to measure the effectiveness of the program in promoting public safety and public health, the activities proposed (including the provision of substance abuse treatment services, where appropriate) and a schedule for completion of such activities, and the personnel necessary to complete such activities.

[''(C) PERIOD OF GRANT.—A planning grant shall be effective for a period of 1 year, beginning on the first day of the month in which the planning grant is made. Applicants may not receive more than 1 such planning grant.

[''(D) AMOUNT.—The amount of a planning grant may not exceed $75,000, except that the Attorney General may, for good cause, approve a grant in a higher amount.

[''(E) COLLABORATION SET ASIDE.—Up to 5 percent of all planning funds shall be used to foster collaboration between State and local governments in furtherance of the purposes set forth in the Mentally Ill Offender Treatment and Crime Reduction Act of 2003.

[''(5) IMPLEMENTATION GRANTS.—

[''(A) APPLICATION.—Joint applicants that have prepared a planning grant application may apply to the Attorney General for approval of a nonrenewable implementation grant to develop a collaboration program.

[''(B) COLLABORATION.—To receive an implementation grant, the joint applicants shall—

[''(i) document that at least 1 criminal or juvenile justice agency (which can include a mental health court) and 1 mental health agency will participate in the administration of the collaboration program;

[''(ii) describe the responsibilities of each participating agency, including how each agency will use grant resources to jointly ensure that the provision of mental health treatment services is integrated with the provision of substance abuse treatment services, where appropriate;

[''(iii) in the case of an application from a unit of local government, document that a State mental health authority has provided comment and review; and

[''(iv) involve, to the extent practicable, in developing the grant application—

[''(I) individuals with mental illness or co-occurring mental illness and substance abuse disorders; or

[''(II) the families and advocates of such individuals under subclause (I).

[''(C) CONTENT.—To be eligible for an implementation grant, joint applicants shall comply with the following:

[''(i) DEFINITION OF TARGET POPULATION.—Applicants for an implementation grant shall—

[''(I) describe the population with mental illness or co-occurring mental illness and substance abuse disorders that is targeted for the collaboration program; and

[''(II) develop guidelines that can be used by personnel of a criminal or juvenile justice agency to identify individuals with mental illness or co-occurring mental illness and substance abuse disorders.

[''(ii) SERVICES.—Applicants for an implementation grant shall—

[''(I) ensure that preliminarily qualified offenders who are to receive treatment services under the collaboration program will first receive individualized, needs-based assessments to determine, plan, and coordinate the most appropriate services for such individuals;

[''(II) specify plans for making mental health treatment services available and accessible to mentally ill offenders at the time of their release from the criminal justice system, including outside of normal business hours;

[''(III) ensure that preliminarily qualified offenders served by the collaboration program will have access to effective and appropriate community-based mental health services, or, where appropriate, integrated substance abuse and mental health treatment services;

[''(IV) make available, to the extent practicable, other support services that will ensure the preliminarily qualified offender's successful reintegration into the community (such as housing, education, job placement, mentoring, and health care and benefits, as well as the services of faith-based and community organizations for mentally ill individuals served by the collaboration program); and

[''(V) include strategies to address developmental and learning disabilities and problems arising from a documented history of physical or sexual abuse.

[''(D) HOUSING AND JOB PLACEMENT.—Recipients of an implementation grant may use grant funds to assist mentally ill offenders compliant with the program in seeking housing or employment assistance.

[''(E) POLICIES AND PROCEDURES.—Applicants for an implementation grant shall strive to ensure prompt access to defense counsel by criminal defendants with mental illness who are facing charges that would trigger a constitutional right to counsel.

[''(F) FINANCIAL.—Applicants for an implementation grant shall—

[''(i) explain the applicant's inability to fund the collaboration program adequately without Federal assistance;

[''(ii) specify how the Federal support provided will be used to supplement, and not supplant, State, local, Indian tribe, or tribal organization sources of funding that would otherwise be available, including billing third-party resources for services already covered under programs (such as medicaid, medicare, and the State Children's Insurance Program); and

[''(iii) outline plans for obtaining necessary support and continuing the proposed collaboration program following the conclusion of Federal support.

[''(G) OUTCOMES.—Applicants for an implementation grant shall—

[''(i) identify methodology and outcome measures, as required by the Attorney General and the Secretary, to be used in evaluating the effectiveness of the collaboration program;

[''(ii) ensure mechanisms are in place to capture data, consistent with the methodology and outcome measures under clause (i); and

[''(iii) submit specific agreements from affected agencies to provide the data needed by the Attorney General and the Secretary to accomplish the evaluation under clause (i).

[''(H) STATE PLANS.—Applicants for an implementation grant shall describe how the adult or juvenile collaboration program relates to existing State criminal or juvenile justice and mental health plans and programs.

[''(I) USE OF FUNDS.—Applicants that receive an implementation grant may use funds for 1 or more of the following purposes:

[''(i) MENTAL HEALTH COURTS AND DIVERSION/ALTERNATIVE PROSECUTION AND SENTENCING PROGRAMS.—Funds may be used to create or expand existing mental health courts that meet program requirements established by the Attorney General under part V of this title or diversion and alternative prosecution and sentencing programs (including crisis intervention teams and treatment accountability services for communities) that meet requirements established by the Attorney General and the Secretary.

[''(ii) TRAINING.—Funds may be used to create or expand programs, such as crisis intervention training, which offer specialized training to—

[''(I) criminal justice system personnel to identify and respond appropriately to the unique needs of an adult or juvenile with mental illness or co-occurring mental illness and substance abuse disorders; or

[''(II) mental health system personnel to respond appropriately to the treatment needs of preliminarily qualified offenders.

[''(iii) SERVICE DELIVERY.—Funds may be used to create or expand programs that promote public safety by providing the services described in subparagraph (C)(ii) to preliminarily qualified offenders.

[''(iv) IN-JAIL AND TRANSITIONAL SERVICES.—Funds may be used to promote and provide mental health treatment for those incarcerated or for transitional re-entry programs for those released from any penal or correctional institution.

[''(J) GEOGRAPHIC DISTRIBUTION OF GRANTS.—The Attorney General, in consultation with the Secretary, shall ensure that planning and implementation grants are equitably distributed among the geographical regions of the United States and between urban and rural populations.

[''(c) PRIORITY.—The Attorney General, in awarding funds under this section, shall give priority to applications that—

[''(1) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;

[''(2) demonstrate the active participation of each co-applicant in the administration of the collaboration program; and

[''(3) have the support of both the Attorney General and the Secretary.

[''(d) MATCHING REQUIREMENTS.—

[''(1) FEDERAL SHARE.—The Federal share of the cost of a collaboration program carried out by a State, unit of local government, Indian tribe, or tribal organization under this section shall not exceed—

[''(A) 80 percent of the total cost of the program during the first 2 years of the grant;

[''(B) 60 percent of the total cost of the program in year 3; and

[''(C) 25 percent of the total cost of the program in years 4 and 5.

[''(2) NON-FEDERAL SHARE.—The non-Federal share of payments made under this section may be made in cash or in-kind fairly evaluated, including planned equipment or services.

[''(e) FEDERAL USE OF FUNDS.—The Attorney General, in consultation with the Secretary, in administering grants under this section, may use up to 3 percent of funds appropriated to—

[''(1) research the use of alternatives to prosecution through pretrial diversion in appropriate cases involving individuals with mental illness;

[''(2) offer specialized training to personnel of criminal and juvenile justice agencies in appropriate diversion techniques;

[''(3) provide technical assistance to local governments, mental health courts, and diversion programs, including technical assistance relating to program evaluation;

[''(4) help localities build public understanding and support for community reintegration of individuals with mental illness;

[''(5) develop a uniform program evaluation process; and

[''(6) conduct a national evaluation of the collaboration program that will include an assessment of its cost-effectiveness.

[''(f) INTERAGENCY TASK FORCE.—

[''(1) IN GENERAL.—The Attorney General and the Secretary shall establish an interagency task force with the Secretaries of Housing and Urban Development, Labor, Education, and Veterans Affairs and the Commissioner of Social Security, or their designees.

[''(2) RESPONSIBILITIES.—The task force established under paragraph (1) shall—

[''(A) identify policies within their departments which hinder or facilitate local collaborative initiatives for adults or juveniles

with mental illness or co-occurring mental illness and substance abuse disorders; and

[''(B) submit, not later than 2 years after the date of enactment of this section, a report to Congress containing recommendations for improved interdepartmental collaboration regarding the provision of services to adults and juveniles with mental illness or co-occurring mental illness and substance abuse disorders.

[''(g) MINIMUM ALLOCATION.—Unless all eligible applications submitted by any State or unit of local government within such State for a planning or implementation grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for planning or implementation grants pursuant to this section.

[''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this section—

[''(1) $100,000,000 for each of fiscal years 2004 and 2005; and

[''(2) such sums as may be necessary for fiscal years 2006 through 2008.''.

[(b) LIST OF ''BEST PRACTICES''.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall develop a list of ''best practices'' for appropriate diversion from incarceration of adult and juvenile offenders.

[(c) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

[''PART HH—ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS

[''Sec. 2991. Adult and juvenile collaboration programs.''.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mentally Ill Offender Treatment and Crime Reduction Act of 2003''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) According to the Bureau of Justice Statistics, over 16 percent of adults incarcerated in United States jails and prisons have a mental illness.

(2) According to the Office of Juvenile Justice and Delinquency Prevention, approximately 20 percent of youth in the juvenile justice system have serious mental health problems, and a significant number have co-occurring mental health and substance abuse disorders.

(3) According to the National Alliance for the Mentally Ill, up to 40 percent of adults who suffer from a serious mental illness will come into contact with the American criminal justice system at some point in their lives.

(4) According to the Office of Juvenile Justice and Delinquency Prevention, over 150,000 juveniles who come into contact with the juvenile justice system each year meet the diagnostic criteria for at least 1 mental or emotional disorder.

(5) A significant proportion of adults with a serious mental illness who are involved with the criminal justice system are homeless or at imminent risk of homelessness; and many of these individuals are arrested and jailed for minor, nonviolent offenses.

(6) The majority of individuals with a mental illness or emotional disorder who are involved in the criminal or juvenile justice systems are responsive to medical and psychological interventions that integrate treatment, rehabilitation, and support services.

(7) Collaborative programs between mental health, substance abuse, and criminal or juvenile justice systems that ensure the provision of services for those with mental illness or co-occurring mental illness and substance abuse disorders can reduce the number of such individuals in adult and juvenile corrections facilities, while providing improved public safety.

SEC. 3. PURPOSE.

The purpose of this Act is to increase public safety by facilitating collaboration among the criminal justice, juvenile justice, mental health treatment, and substance abuse systems. Such collaboration is needed to—

(1) reduce rearrests among adult and juvenile offenders with mental illness or co-occurring mental illness and substance abuse disorders;

(2) provide courts, including existing and new mental health courts, with appropriate mental health and substance abuse treatment options;

(3) maximize the use of alternatives to prosecution through diversion in appropriate cases involving non-violent offenders with mental illness;

(4) promote adequate training for criminal justice system personnel about mental illness and substance abuse disorders and the appropriate responses to people with such illnesses;

(5) promote adequate training for mental health and substance abuse treatment personnel about criminal offenders with mental illness or co-occurring mental illness of substance abuse disorders and the appropriate response to such offenders in the criminal justice system;

(6) promote communication between criminal justice or juvenile justice personnel, mental health and co-occurring mental illness and substance abuse disorders treatment personnel, nonviolent offenders with mental illness or co-occurring mental illness and substance abuse disorders, and other support services such as housing, job placement, community, and faith-based organizations; and

(7) promote communication, collaboration, and intergovernmental partnerships among municipal, county, and State elected officials with respect to mentally ill offenders.

SEC. 4. DEPARTMENT OF JUSTICE MENTAL HEALTH AND CRIMINAL JUSTICE COLLABORATION PROGRAM.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

"PART HH—ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS

"SEC. 2991. ADULT AND JUVENILE COLLABORATION PROGRAMS.

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) APPLICANT.—The term 'applicant' means States, units of local government, Indian tribes, and tribal organizations that apply for a grant under this section.

''(2) COLLABORATION PROGRAM.—The term 'collaboration program' means a program to promote public safety by ensuring access to adequate mental health and other treatment services for mentally ill adults or juveniles that is overseen cooperatively by—

''(A) a criminal justice agency, a juvenile justice agency, or a mental health court; and

''(B) a mental health agency.

''(3) CRIMINAL OR JUVENILE JUSTICE AGENCY.—The term 'criminal or juvenile justice agency' means an agency of a State or local government or its contracted agency that is responsible for detection, arrest, enforcement, prosecution, defense, adjudication, incarceration, probation, or parole relating to the violation of the criminal laws of that State or local government.

''(4) DIVERSION AND ALTERNATIVE PROSECUTION AND SENTENCING.—

''(A) IN GENERAL.—The terms 'diversion' and 'alternative prosecution and sentencing' mean the appropriate use of effective mental health treatment alternatives to juvenile justice or criminal justice system institutional placements for preliminarily qualified offenders.

''(B) APPROPRIATE USE.—In this paragraph, the term 'appropriate use' includes the discretion of the judge or supervising authority, the leveraging of justice sanctions to encourage compliance with treatment, and law enforcement diversion, including crisis intervention teams.

''(5) MENTAL HEALTH AGENCY.—The term 'mental health agency' means an agency of a State or local government or its contracted agency that is responsible for mental health services or co-occurring mental health and substance abuse disorders.

''(6) MENTAL HEALTH COURT.—The term 'mental health court' means a judicial program that meets the requirements of part V of this title.

''(7) MENTAL ILLNESS.—The term 'mental illness' means a diagnosable mental, behavioral, or emotional disorder—

''(A) of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

''(B)(i) that, in the case of an adult, has resulted in functional impairment that substantially interferes with or limits 1 or more major life activities; or

''(ii) that, in the case of a juvenile, has resulted in functional impairment that substantially interferes with or limits the juvenile's role or functioning in family, school, or community activities.

''(8) PRELIMINARILY QUALIFIED OFFENDER.—The term 'preliminarily qualified offender' means a nonviolent adult or juvenile who—

''(A)(i) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness or co-occurring mental illness and substance abuse disorders; or

''(ii) manifests obvious signs of mental illness or co-occurring mental illness and substance abuse disorders during arrest or confinement or before any court; and

''(B) has faced, is facing, or could face criminal charges and is deemed eligible by a diversion process, designated pretrial screening process, or by a magistrate or judge, on the ground that the commission of the offense is the product of the person's mental illness.

''(9) SECRETARY.—The term 'Secretary' means the Secretary of the Department of Health and Human Services.

''(10) UNIT OF LOCAL GOVERNMENT.—The term 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, including a State court, local court, or a governmental agency located within a city, county, township, town, borough, parish, or village.

''(b) PLANNING AND IMPLEMENTATION GRANTS.—

''(1) IN GENERAL.—The Attorney General, in consultation with the Secretary, may award nonrenewable grants to eligible applicants to prepare a comprehensive plan for and implement an adult or juvenile collaboration program, which targets preliminary qualified offenders in order to promote public safety and public health.

''(2) PURPOSES.—Grants awarded under this section shall be used to create or expand—

''(A) mental health courts or other court-based programs for preliminarily qualified offenders;

''(B) programs that offer specialized training to the officers and employees of a criminal or juvenile justice agency and mental health personnel serving those with co-occurring mental illness and substance abuse problems in procedures for identifying the symptoms of preliminary qualified offenders in order to respond appropriately to individuals with such illnesses;

''(C) programs that support cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety by offering mental health treatment services and, where appropriate, substance abuse treatment services for—

''(i) preliminarily qualified offenders with mental illness or co-occurring mental illness and substance abuse disorders; or

''(ii) adult offenders with mental illness during periods of incarceration, while under the supervision of a criminal justice agency, or following release from correctional facilities; and

''(D) programs that support intergovernmental cooperation between State and local governments with respect to the mentally ill offender.

''(3) APPLICATIONS.—

''(A) IN GENERAL.—To receive a planning grant or an implementation grant, the joint applicants shall prepare and submit a single application to the Attorney General at such time, in such manner, and containing such information as the Attorney General and the Secretary shall reasonably require. An application under part V of this title may be made in conjunction with an application under this section.

''(B) COMBINED PLANNING AND IMPLEMENTATION GRANT APPLICATION.—The Attorney General and the Secretary shall develop a procedure under which applicants may apply at the same time and in a single application for a planning grant and an implementation grant, with receipt of the implementation grant conditioned on successful completion of the activities funded by the planning grant.

''(4) PLANNING GRANTS.—

''(A) APPLICATION.—The joint applicants may apply to the Attorney General for a nonrenewable planning grant to develop a collaboration program.

''(B) CONTENTS.—The Attorney General and the Secretary may not approve a planning grant unless the application for the grant includes or provides, at a minimum, for a budget and a budget justification, a description of the outcome measures that will be used to measure the effectiveness of the program in promoting public safety and public health, the activities proposed (including the provision of substance abuse treatment services, where appropriate) and a schedule for completion of such activities, and the personnel necessary to complete such activities.

''(C) PERIOD OF GRANT.—A planning grant shall be effective for a period of 1 year, beginning on the first day of the month in which the planning grant is made. Applicants may not receive more than 1 such planning grant.

''(D) AMOUNT.—The amount of a planning grant may not exceed $75,000, except that the Attorney General may, for good cause, approve a grant in a higher amount.

''(E) COLLABORATION SET ASIDE.—Up to 5 percent of all planning funds shall be used to foster collaboration between State and local governments in furtherance of the purposes set forth in the Mentally Ill Offender Treatment and Crime Reduction Act of 2003.

''(5) IMPLEMENTATION GRANTS.—

''(A) APPLICATION.—Joint applicants that have prepared a planning grant application may apply to the Attorney General for approval of a nonrenewable implementation grant to develop a collaboration program.

''(B) COLLABORATION.—To receive an implementation grant, the joint applicants shall—

''(i) document that at least 1 criminal or juvenile justice agency (which can include a mental health court) and 1 mental health agency or agency providing mental health and substance abuse services to those with co-occurring mental health and substance abuse disorders will participate in the administration of the collaboration program;

''(ii) describe the responsibilities of each participating agency, including how each agency will use grant resources to jointly ensure that the provision of mental health treatment services and qualified substance abuse services is coordinated, which includes consultation, collaboration, and integrated services, where clinically appropriate;

''(iii) in the case of an application from a unit of local government, document that a State mental health authority has provided comment and review; and

''(iv) involve, to the extent practicable, in developing the grant application—

''(I) preliminary qualified offenders; or

''(II) the families and advocates of such individuals under subclause (I).

''(C) CONTENT.—To be eligible for an implementation grant, joint applicants shall comply with the following:

''(i) DEFINITION OF TARGET POPULATION.—Applicants for an implementation grant shall—

''(I) describe the population with mental illness or co-occurring mental illness and substance abuse disorders that is targeted for the collaboration program; and

''(II) develop guidelines that can be used by personnel of a criminal or juvenile justice agency to identify preliminary qualified offenders.

''(ii) SERVICES.—Applicants for an implementation grant shall—

''(I) ensure that preliminarily qualified offenders who are to receive treatment services under the collaboration program will first receive individualized, needs-based assessments to determine, plan, and coordinate the most appropriate services for such individuals;

''(II) specify plans for making mental health, or mental health and substance abuse, treatment services available and accessible to preliminary qualified offenders at the time of their release from the criminal justice system, including outside of normal business hours;

''(III) ensure that there are substance abuse personnel available to respond appropriately to the treatment needs of preliminary qualified offenders;

''(IV) ensure that preliminarily qualified offenders served by the collaboration program will have access to effective and appropriate community-based mental health services, or, where clinically appropriate, coordinated substance abuse and mental health treatment services;

''(V) make available, to the extent practicable, other support services that will ensure the preliminarily qualified offender's successful reintegration into the community (such as housing, education, job placement, mentoring, and health care and benefits, as well as the services of faith-based and community organizations for mentally ill individuals served by the collaboration program); and

''(VI) include strategies, to the extent practicable, to address developmental and learning disabilities and problems arising from a documented history of physical or sexual abuse.

''(D) HOUSING AND JOB PLACEMENT.—Recipients of an implementation grant may use grant funds to assist mentally ill offenders compliant with the program in seeking housing or employment assistance.

''(E) POLICIES AND PROCEDURES.—Applicants for an implementation grant shall strive to ensure prompt access to defense counsel by criminal defendants with mental illness who are facing charges that would trigger a constitutional right to counsel.

''(F) FINANCIAL.—Applicants for an implementation grant shall—

''(i) explain the applicant's inability to fund the collaboration program adequately without Federal assistance;

''(ii) specify how the Federal support provided will be used to supplement, and not supplant, State, local, Indian tribe, or tribal organization sources of funding that would otherwise be available, including billing third-party resources for services already covered under programs (such as medicaid, medicare, and the State Children's Insurance Program); and

''(iii) outline plans for obtaining necessary support and continuing the proposed collaboration program following the conclusion of Federal support.

''(G) OUTCOMES.—Applicants for an implementation grant shall—

''(i) identify methodology and outcome measures, as required by the Attorney General and the Secretary, to be used in evaluating the effectiveness of the collaboration program;

''(ii) ensure mechanisms are in place to capture data, consistent with the methodology and outcome measures under clause (i); and

''(iii) submit specific agreements from affected agencies to provide the data needed by the Attorney General and the Secretary to accomplish the evaluation under clause (i).

''(H) STATE PLANS.—Applicants for an implementation grant shall describe how the adult or juvenile collaboration program relates to existing State criminal or juvenile justice and mental health plans and programs.

''(I) USE OF FUNDS.—Applicants that receive an implementation grant may use funds for 1 or more of the following purposes:

''(i) MENTAL HEALTH COURTS AND DIVERSION/ALTERNATIVE PROSECUTION AND SENTENCING PROGRAMS.—Funds may be used to create or expand existing mental health courts that meet program requirements established by the Attorney General under part V of this title, other court-based programs, or diversion and alternative prosecution and sentencing programs (including crisis intervention teams and treatment accountability services for communities) that meet requirements established by the Attorney General and the Secretary.

''(ii) TRAINING.—Funds may be used to create or expand programs, such as crisis intervention training, which offer specialized training to—

''(I) criminal justice system personnel to identify and respond appropriately to the unique needs of preliminary qualified offenders; or

''(II) mental health system personnel to respond appropriately to the treatment needs of preliminarily qualified offenders.

''(iii) SERVICE DELIVERY.—Funds may be used to create or expand programs that promote public safety by providing the services described in subparagraph (C)(ii) to preliminarily qualified offenders.

''(iv) IN-JAIL AND TRANSITIONAL SERVICES.—Funds may be used to promote and provide mental health treatment for those incarcerated or for transitional re-entry programs for those released from any penal or correctional institution.

''(J) GEOGRAPHIC DISTRIBUTION OF GRANTS.—The Attorney General, in consultation with the Secretary, shall ensure that planning and implementation grants are equitably distributed among the geographical regions of the United States and between urban and rural populations.

''(c) PRIORITY.—The Attorney General, in awarding funds under this section, shall give priority to applications that—

''(1) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;

''(2) demonstrate the active participation of each co-applicant in the administration of the collaboration program; and

''(3) have the support of both the Attorney General and the Secretary.

''(d) MATCHING REQUIREMENTS.—

''(1) FEDERAL SHARE.—The Federal share of the cost of a collaboration program carried out by a State, unit of local government, Indian tribe, or tribal organization under this section shall not exceed—

''(A) 80 percent of the total cost of the program during the first 2 years of the grant;

''(B) 60 percent of the total cost of the program in year 3; and

''(C) 25 percent of the total cost of the program in years 4 and 5.

''(2) NON-FEDERAL SHARE.—The non-Federal share of payments made under this section may be made in cash or in-kind fairly evaluated, including planned equipment or services.

''(e) FEDERAL USE OF FUNDS.—The Attorney General, in consultation with the Secretary, in administering grants under this section, may use up to 3 percent of funds appropriated to—

''(1) research the use of alternatives to prosecution through pretrial diversion in appropriate cases involving individuals with mental illness;

''(2) offer specialized training to personnel of criminal and juvenile justice agencies in appropriate diversion techniques;

''(3) provide technical assistance to local governments, mental health courts, and diversion programs, including technical assistance relating to program evaluation;

''(4) help localities build public understanding and support for community reintegration of individuals with mental illness;

''(5) develop a uniform program evaluation process; and

''(6) conduct a national evaluation of the collaboration program that will include an assessment of its cost-effectiveness.

''(f) INTERAGENCY TASK FORCE.—

''(1) IN GENERAL.—The Attorney General and the Secretary shall establish an interagency task force with the Secretaries of Housing and Urban Development, Labor, Education, and Veterans Affairs and the Commissioner of Social Security, or their designees.

''(2) RESPONSIBILITIES.—The task force established under paragraph (1) shall—

''(A) identify policies within their departments that hinder or facilitate local collaborative initiatives for preliminary qualified offenders; and

''(B) submit, not later than 2 years after the date of enactment of this section, a report to Congress containing recommendations for improved interdepartmental collaboration regarding the provision of services to preliminary qualified offenders.

''(g) MINIMUM ALLOCATION.—Unless all eligible applications submitted by any State or unit of local government within such State for a planning or implementation grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for planning or implementation grants pursuant to this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this section—

''(1) $100,000,000 for each of fiscal years 2004 and 2005; and

''(2) such sums as may be necessary for fiscal years 2006 through 2008.''.

(b) LIST OF ''BEST PRACTICES''.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall develop a list of ''best practices'' for appropriate diversion from incarceration of adult and juvenile offenders.

(c) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

''PART HH—ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS

''Sec. 2991. Adult and juvenile collaboration programs.''.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee reported substitute amendment be agreed to, the bill, as amended, be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD without intervening action or debate.

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

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

The bill (S. 1194), as amended, was read the third time and passed.

NATIONAL FLOOD INSURANCE PROGRAM REAUTHORIZATION ACT OF 2004

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 1768, and the Senate proceed to its immediate consideration.

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

The legislative clerk read as follows:

A bill (S. 1768) to extend the national flood insurance program.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1768) was read the third time and passed, as follows:

S. 1768

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 Flood Insurance Program Reauthorization Act of 2004''.

SEC. 2. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—The National Flood Insurance Act of 1968 is amended—

(1) in section 1309(a)(2) (42 U.S.C. 4016(a)(2)), by striking ''December 31, 2003'' and inserting ''December 31, 2004'';

(2) in section 1319 (42 U.S.C. 4026), by striking ''after'' and all that follows through the period at the end and inserting ''after December 31, 2004.'';

(3) in section 1336(a) (42 U.S.C. 4056(a)), by striking ''ending'' and all that follows through ''in'' and inserting ''ending December 31, 2004, in''; and

(4) in section 1376(c) (42 U.S.C. 4127), by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(b) EFFECTIVE DATE.—The amendments made by this section shall be considered to have taken effect on December 31, 2003.

COMMENDING THE PEOPLE AND GOVERNMENT OF ROMANIA ON THE OCCASION OF THE VISIT OF THE PRESIDENT OF ROMANIA TO THE UNITED STATES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 250, and the Senate proceed to its immediate consideration.

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

The legislative clerk read as follows.

A resolution (S. Res. 250) commending the people and the government of Romania on the occasion of the visit of Romanian President Ion Iliescu to the United States, for the important progress they have made with respect to economic reform and democratic development, as well as for the strong relationship between Romania and the United States.

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

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

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

The resolution (S. Res. 250) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 250

Whereas, in 1995, Romania joined with the United States and the North Atlantic Treaty Organization (NATO) to provide assistance to the Stabilization Force (SFOR) deployed to Bosnia and Herzegovina to support peace, security, and freedom in the western Balkans;

Whereas, in 1999, Romania joined with the United States and NATO member countries to provide assistance for Operation Allied Force to use military force in order to halt the genocide, known as ethnic cleansing, that was taking place in Kosovo;

Whereas, after the conclusion of Operation Allied Force, Romania provided support to democracy activists from the Federal Republic of Yugoslavia in their successful efforts to end the rule of Yugoslav dictator Slobodan Milosevic, and also provided support to NATO stabilization forces deployed in Kosovo Force (KFOR);

Whereas, following the terrorist attacks upon the United States in September 2001, the Government of Romania immediately expressed its sympathy for Americans and others killed in the attacks and pledged its full support in fighting the war on terror;

Whereas, on September 19, 2001, the Romanian Parliament voted to open Romanian territory and airspace to United States Armed Forces involved in Operation Enduring Freedom in Afghanistan;

Whereas thousands of American aircraft flew through Romanian airspace during the combat phase of Operation Enduring Freedom, and continue to do so as part of peacebuilding efforts;

Whereas, beginning on June 2002, Romanian aircraft flew Romanian soldiers to serve in Afghanistan as part of the forces involved in Operation Enduring Freedom and the International Security Assistance Force, and over 500 elite Romanian soldiers are currently stationed in Afghanistan;

Whereas Romania stood with the United States as a vital member of the international coalition in Operation Iraqi Freedom by offering diplomatic, political, and military support;

Whereas, in a January 31, 2003, letter to President George W. Bush, President Ion Iliescu of Romania stated that ''Romania can understand that aggressive dictators cannot be appeased or ignored, but always be opposed. Romanians indeed know the value of freedom and living in peace. They have seen the face of evil embodied in communism and deeply share your conviction, expressed in the State of the Union address, that 'free people will set the course of history' '';

Whereas, on February 12, 2003, the Romanian Parliament voted to open Romanian territory and airspace to United States Armed Forces carrying out Operation Iraqi Freedom;

Whereas hundreds of American aircraft flew through Romanian airspace and landed

at Romanian airfields during the combat phase of Operation Iraqi Freedom from May to July 2003;

Whereas thousands of United States soldiers were stationed and transported into the Iraq theatre of operations from Mihail Kogalniceanu Air Base, and the neighboring Black Sea port of Constantza was also used in the fall of 2002 and spring of 2003 for rotating United States Armed Forces and equipment in and out of the Balkans;

Whereas, beginning on March 12, 2003, Romania began deploying military forces to Iraq to assist in building security, peace, and democracy, and over 750 Romanian soldiers are currently stationed in Iraq;

Whereas the Government of Romania has spent more than $160,000,000 during the past two years to fund its participation in SFOR, KFOR, Operation Enduring Freedom, the International Security Assistance Force, and Operation Iraqi Freedom;

Whereas, together with Bulgaria, Estonia, Latvia, Lithuania, Slovakia, and Slovenia, Romania successfully achieved the military, economic, and political reforms necessary to be invited, at the November 2002 summit meeting in Prague of the North Atlantic Council, to join the NATO alliance;

Whereas, in his historic address at Piata Revolutiei on November 23, 2002, President Bush told the Romanian people that ''Romania has made a historic journey. Instead of hatred, you have chosen tolerance. Instead of destructive rivalry with your neighbors, you have chosen reconciliation. Instead of state control, you have chosen free markets and the rule of law. And instead of dictatorship, you have built a proud and working democracy.''; and

Whereas, on May 8, 2003, the Senate voted 96 to 0 to approve the resolution of advice and consent to the Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia: Now, therefore, be it

Resolved, That the Senate—

(1) appreciates the support expressed by the people of Romania for strong and vibrant relations between the United States and Romania;

(2) recognizes the steps the Government of Romania has taken and continues to take in economic, political, and social reforms, including reforms to improve protections of the rights of minorities and to promote awareness and understanding of the Holocaust;

(3) commends Romania for its leadership and commitment in promoting regional peace and security in the Balkan and Black Sea regions;

(4) values the participation of a significant number of Romanian troops and civilian experts in Operation Enduring Freedom and Operation Iraqi Freedom, the permission granted by the Government of Romania for the United States to use Romanian airspace and territory, and the deployment of Romanian military forces in support of Operation Enduring Freedom and Operation Iraqi Freedom, all of which have been important contributions to the global war on terror and serve as a tangible and ongoing demonstration of Romania's commitment as an ally of the United States;

(5) supports further cooperation between the United States and Romania in the process of stabilizing and reconstructing Iraq, including the utilization of Romania's experience emerging from a Communist dictatorship and creating a functioning democracy and free market economy; and

(6) welcomes Romanian President Ion Iliescu to the United States and looks forward to expanded political, diplomatic, economic, and military cooperation between Romania and the United States.

MEASURE PLACED ON THE CALENDAR—S.J. RES. 21

Mr. MCCONNELL. Mr. President, I understand that S.J. Res. 21 is at the desk and is due for its second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the title of the joint resolution.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 21) expressing the sense of Congress that the number of years during which the death tax under subtitle B of the Internal Revenue Code of 1986 is repealed should be extended, pending the permanent repeal of the death tax.

Mr. MCCONNELL. I object to further proceedings on the measure at this time.

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

ORDERS FOR TUESDAY, OCTOBER 28, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Tuesday, October 28. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to executive session to consider the Leavitt nomination as provided under the previous order; provided that following the disposition of the nomination, the Senate return to legislative session and resume consideration of H.R. 2800, the foreign operations appropriations bill.

I further ask consent that the Senate recess tomorrow from 12:30 to 2:15 for the weekly party lunches.

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

The assistant minority leader.

Mr. REID. If the Senator will yield, I have had the opportunity today to speak to the distinguished Senator from Kentucky on a number of issues. One of the things that I did not speak to him about—and I have had a number of inquiries on this side—is if we are unable to adjourn by next Friday, November 7, the date that the distinguished majority leader has suggested, a real question arises as to what we are going to do the Monday and Tuesday of the following week. We need to have a decision made on that real soon because it is Veterans Day and there are some parades around the country in which people want to be involved. So I say to the distinguished majority whip that if the leader could make a decision on that as quickly as possible, many people would appreciate that.

The PRESIDING OFFICER. The assistant majority leader.

Mr. MCCONNELL. Mr. President, I appreciate that. I know the majority leader's thinking at the moment is that Monday would be a workday. We have a lot of work to do if we plan to finish up this session, certainly before Thanksgiving, if not sooner, which I think would be the preference of most of the Members. I think it is his current intention, which I am sure he will address in the next few days, that the Monday before Veterans Day, which falls on a Tuesday, would be a workday.

Mr. REID. I would simply say to my friend from Kentucky that I believe that is a wise decision. We have a lot to do and every day that we are not here means that much longer we have to go into Thanksgiving and, perish the thought, thinking about Christmas.

Mr. MCCONNELL. My friend from Nevada is absolutely right. If we take off Monday and then Tuesday, people will start coming in on Wednesday, and pretty soon it is Wednesday night and we have squandered the whole week. So I am sure the majority leader will address that in the next day or two. I know it is his current intention that the Monday before Veterans Day, which falls on Tuesday, would be a workday.

Mr. REID. If I could just say one more thing.

The PRESIDING OFFICER. The assistant minority leader.

Mr. REID. I know my veterans in Nevada would understand because a lot of the work we are doing is directly related to them anyway.

PROGRAM

Mr. MCCONNELL. For the information of all Senators, tomorrow the Senate will resume consideration of the Leavitt nomination to be Administrator of EPA. Under the previous order, there will be 1 hour of debate prior to the vote on the nomination. The vote on the Leavitt nomination, therefore, will occur at around 10:30 a.m. tomorrow. That vote will be the first vote of the day.

Following the disposition of the Leavitt nomination, the Senate will resume debate on the foreign operations appropriations bill. There are several amendments pending that have been laid aside. As the chairman of that subcommittee, the manager of that bill, it is our hope and expectation—and I know I speak for Senator LEAHY when I say this—that we will wrap up the foreign operations bill sometime tomorrow night. There is really not a flood of amendments on either side, and there is no reason we should not be able to march on through that bill tomorrow and finish it up tomorrow night.

Therefore, Senators obviously should expect rollcall votes throughout the day tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:37 p.m., adjourned until Tuesday, October 28, 2003, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate October 27, 2003:

THE JUDICIARY

DALE S. FISCHER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 28, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 29

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the future of the National Aeronautics and Space Administration.

SR–253

Foreign Relations

To hold hearings to examine the nominations of Margaret DeBardeleben Tutwiler, of Alabama, to be Under Secretary of State for Public Diplomacy, Zalmay Khalilzad, of Maryland, to be Ambassador to Afghanistan, and Louise V. Oliver, of the District of Columbia, for the rank of Ambassador during her tenure of service as the United States Permanent Representative to the United Nations Educational, Scientific, Cultural Organization, and to be U.S. Representative to the 32nd and General Conference of UNESCO.

SD–419

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider S. 423, to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities, S. 1172, to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, proposed Head Start Improvement and School Readiness Act, proposed Human Services Reauthorization Act, proposed Pension Stability Act, proposed Health Care Safety Net Amendments Technical Corrections Act, and the nominations of Robert Lerner, of Maryland, to be Commissioner of Education Statistics, Leslie Silverman, of Virginia, to be a Member of the Equal Employment Opportunity Commission, and Stuart Ishimaru, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission.

SD–430

Indian Affairs

Business meeting to consider pending calendar business; to be immediately followed by a hearing on S. 1770, to establish a voluntary alternative claims resolution process to reach a settlement of pending class action litigation.

SD–106

Judiciary

To hold hearings to examine competitive and economic effects of the Bowl Championship series on and off the field.

SD–226

2 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine intellectual diversity on America's college campuses.

SD–430

Judiciary

To hold hearings to examine the nomination of James B. Comey, of New York, to be Deputy Attorney General.

SD–226

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine the International Space Station.

SR–253

2:30 p.m.

Foreign Relations

To hold hearings to examine challenges for U.S. policy toward Colombia.

SD–419

OCTOBER 30

9 a.m.

Foreign Relations

To hold a closed briefing to examine U.S. policy directions relating to Syria.

SH–219

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine Palestinian education.

SD–192

10 a.m.

Health, Education, Labor, and Pensions

Aging Subcommittee

To hold hearings to examine financial abuse and exploitation of the elderly.

SD–430

Banking, Housing, and Urban Affairs

To hold hearings to examine the Treasury Department's report to Congress on international economic and exchange rate policy.

SD–538

Commerce, Science, and Transportation

To hold hearings to examine the universal service.

SR–253

Judiciary

Business meeting to consider pending calendar business.

SD–226

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 1241, to establish the Kate Mullany National Historic Site in the State of New York, S. 1364, to amend the Alaska National Interest Lands Conservation Act to authorize the payment of expenses after the death of certain Federal employees in the State of Alaska, S. 1433, to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont, and S. 1462, to adjust the boundary of the Cumberland Island Wilderness, to authorize tours of the Cumberland Island National Seashore.

SD–366

10:15 a.m.

Foreign Relations

To hold hearings to examine U.S. policy directions relating to Syria.

SH–216

2 p.m.

Judiciary

To hold hearings to examine monopsony issues in agriculture, focusing on the buying power of processors in the nation's agricultural markets.

SD–226

Veterans' Affairs

To hold hearings to examine the nominations of Cynthia R. Church, of Virginia, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs), and Robert N. McFarland, of Texas, to be an Assistant Secretary of Veterans Affairs (Information and Technology).

SR–418

2:30 p.m.

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings to examine the current situation in North Korea.

SD–430

Foreign Relations

European Affairs Subcommittee

To hold hearings to examine combating transnational crime and corruption in Europe.

SD–419

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 1097, to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program.

SD–366

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

3 p.m.

Foreign Relations

African Affairs Subcommittee

Health, Education, Labor, and Pensions

Children and Families Subcommittee

To hold joint hearings to examine a report relative to HIV/AIDS Codel to Africa.

S–211 Capitol

NOVEMBER 3

10:30 a.m.

Governmental Affairs

Financial Management, the Budget, and International Security Subcommittee

To hold hearings to examine the extent and impact of alleged trading abuses in the mutual fund industry and regulatory reforms necessary to mitigate such practices in the future.

SD–342

NOVEMBER 5

9:30 a.m.

Environment and Public Works

Business meeting to consider S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs.

SD–406

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S13233–S13324

Measures Reported:

S. 627, to prevent the use of certain payments instruments, credit cards, and fund transfers for unlawful Internet gambling, with an amendment in the nature of a substitute. (S. Rept. No. 108–173)

H.R. 1610, to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the ''Walt Disney Post Office Building''.

H.R. 1882, to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the ''Arthur 'Pappy' Kennedy Post Office''.

H.R. 1883, to designate the facility of the United States Postal Service located at 1601–1 Main Street in Jacksonville, Florida, as the ''Eddie Mae Steward Post Office''.

H.R. 2075, to designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the ''Judge Edward Rodgers Post Office Building''.

H.R. 2254, to designate the facility of the United States Postal Service located at 1101 Colorado Street in Boulder City, Nevada, as the ''Bruce Woodbury Post Office Building''.

H.R. 2309, to designate the facility of the United States Postal Service located at 2300 Redondo Avenue in Long Beach, California, as the ''Stephen Horn Post Office Building''.

H.R. 2328, 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. 2396, to designate the facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the ''Francisco A. Martinez Flores Post Office''.

H.R. 2452, to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the ''Brian C. Hickey Post Office Building''.

H.R. 2533, to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the ''J.C. Lewis, Jr., Post Office Building''.

H.R. 2746, to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the ''Barbara B. Kennelly Post Office Building''.

H.R. 3011, to designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the ''Bob Hope Post Office Building''.

S. 1405, to designate the facility of the United States Postal Service located at 514 17th Street Moline, Illinois, as the ''David Bybee Post Office Building''.

S. 1415, to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the ''Barbara B. Kennelly Post Office Building''.

S. 1590, to redesignate the facility of the United States Postal Service, located at 315 Empire Boulevard in Crown Heights, Brooklyn, New York, as the ''James E. Davis Post Office Building''.

S. 1659, to designate the facility of the United States Postal Service located at 57 Old Tappan Road in Tappan, New York, as the ''John G. Dow Post Office Building''.

S. 1671, to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the ''J.C. Lewis Post Office Building''.

S. 1692, to designate the facility of the United States Postal Service located at 38 Spring Street in Nashua, New Hampshire, as the ''Hugh Gregg Post Office Building''.

S. 1718, to designate the facility of the United States Postal Service located at 3710 West 73rd Terrace in Prairie Village, Kansas, as the ''Senator James B. Pearson Post Office''.

S. 1746, to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the ''Brian C. Hickey Post Office Building''. **Page S13262**

Measures Passed:

Three Affiliated Tribes Health Facility Compensation Act: Senate passed S. 1146, to implement the recommendations of the Garrison Unit Joint

Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota, after agreeing to the committee amendment. **Page S13317**

Criminal/Juvenile Justice Systems Resources: Senate passed S. 1194, to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems, after agreeing to the committee amendment in the nature of a substitute. **Pages S13317–22**

National Flood Insurance Program Reauthorization Act: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of S. 1768, to extend the national flood insurance program, and the bill was then passed. **Page S13322**

Commending the People and Government of Romania: Committee on Foreign Relations was discharged from further consideration of S. Res. 250, commending the people and Government of Romania, on the occasion of the visit of Romanian President Ion Iliescu to the United States, for the important progress they have made with respect to economic reform and democratic development, as well as for the strong relationship between Romania and the United States, and the resolution was then agreed to. **Pages S13322–23**

Foreign Operation Appropriations Act: Senate resumed consideration of H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, taking action on the following amendments proposed thereto: **Pages S13234–37**

Adopted:

McConnell/Leahy Amendment No. 1968, to make certain modifications to improve the bill. **Page S13234**

Pending:

DeWine Amendment No. 1966, to increase assistance to combat HIV/AIDS. **Page S13234**

Byrd Amendment No. 1969, to require that the Administrator of the Coalition Provisional Authority be an officer who is appointed by the President, by and with the advice and consent of the Senate. **Pages S13235–36**

McConnell Amendment No. 1970, to express the sense of the Senate on Burma. **Page S13236**

A unanimous-consent agreement was reached providing for further consideration of the bill, on Tuesday, October 28, 2003. **Page S13323**

Nomination: Senate resumed consideration of the nomination of Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency. **Pages S13237–51**

A unanimous-consent agreement was reached providing that the scheduled vote on the motion to close further debate on the nomination be vitiated, and at 9:30 a.m., on Tuesday, October 28, 2003, Senate continue consideration of the nomination of Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency; that there be 60 minutes of debate equally divided; and that following debate, Senate vote on confirmation of the nomination. **Page S13323**

Nominations Confirmed: Senate confirmed the following nomination:

By unanimous vote of 86 yeas (Vote No. Ex. 411), Dale S. Fischer, of California, to be United States District Judge for the Central District of California. **Pages S13251–53, S13324**

Measures Placed on Calendar: **Page S13262**

Additional Cosponsors: **Pages S13262–64**

Amendments Submitted: **Pages S13264–97**

Notices of Hearings/Meetings: **Page S13297**

Privilege of the Floor: **Page S13298**

Text of H.R. 2989 as Previously Passed: **Pages S13298–S13317**

Record Votes: One record vote was taken today. (Total—411) **Pages S13252–53**

Adjournment: Senate met at 12 noon, and adjourned at 7:37 p.m., until 9:30 a.m., on Tuesday, October 28, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S13323.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

The House was not in session today. It will meet at 12:30 p.m. on Tuesday, October 28 for morning hour debate and 2 p.m. for legislative business.

Committee Meetings

No committee meetings were held.

Joint Meetings

INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004.

COMMITTEE MEETINGS FOR TUESDAY, OCTOBER 28, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: to hold hearings to examine dietary supplements, 9:30 a.m., SR–253.

Committee on Foreign Relations: to hold a closed briefing to examine security threats and U.S. policy in relation to Iran, 9 a.m., SH–219.

Full Committee, to hold hearings to examine security threats and U.S. policy in relation to Iran, 10:15 a.m., SH–216.

Committee on the Judiciary: to hold hearings to examine the nominations of Claude A. Allen, of Virginia, to be United States Circuit Judge for the Fourth Circuit, and Mark R. Filip, to be United States District Judge for the Northern District of Illinois, 9:30 a.m., SR–325.

Committee on Rules and Administration: to hold hearings to examine the nominations of Paul S. DeGregorio, of Missouri, Gracia M. Hillman, of the District of Columbia, Raymundo Martinez III, of Texas, and Deforest B. Soaries, Jr., of New Jersey, each to be a Member of the Election Assistance Commission, 9:30 a.m., SR–301.

House

Committee on Education and the Workforce, Subcommittee on Education Reform, hearing entitled ''Financial Literacy Education: What Do Students Need To Know To Plan For The Future?'' 2:30 p.m., 2175 Rayburn.

Committee on Rules, to consider H.R. 2443, Coast Guard and Maritime Transportation Act of 2003, 5 p.m., H–313 Capitol.

Committee on Ways and Means, to mark up the following bills: H.R. 2896, American Jobs Creation Act of 2003; and H.R. 2571, Rail Infrastructure Development and Expansion Act for the 21st Century, 9 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, hearing on Global War on Terrorism, 2 p.m., H–405 Capitol.

Joint Meetings

Conference: meeting of conferees on H.R. 3289, making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, 2:30 p.m., HC–5, Capitol.

Next Meeting of the **SENATE**

9:30 a.m., Tuesday, October 28

Senate Chamber

Program for Tuesday: Senate will resume consideration of the nomination of Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency, with a vote on confirmation of the nomination to occur at approximately 10:30 a.m.; following which Senate will continue consideration of H.R. 2800, Foreign Operations Appropriations Act.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the **HOUSE OF REPRESENTATIVES**

12:30 p.m., Tuesday, October 28

House Chamber

Program for Monday: The House will meet at 12:30 p.m. for morning hour debate and 2 p.m. for legislative business.

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