

32, a bill to establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems of the interior West.

S. 35

At the request of Mr. DASCHLE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 35, a bill to provide economic security for America's workers.

S. 40

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 40, a bill to prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes.

S. 50

At the request of Mr. JOHNSON, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 50, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care, and for other purposes.

S. 76

At the request of Mr. DASCHLE, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 76, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 84

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 84, a bill to authorize the President to promote posthumously the late Raymond Ames Spruance to the grade of Fleet Admiral of the United States Navy, and for other purposes.

S. 85

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 85

At the request of Mr. LUGAR, the names of the Senator from Missouri (Mr. BOND), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 85, supra.

S. 104

At the request of Mr. HOLLINGS, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Hawaii (Mr. INOUE), the Senator from California (Mrs. FEINSTEIN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 104, a bill to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS, TUESDAY, JANUARY 7, 2003

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. BIDEN, Mr. LEAHY, Mr. LEVIN, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. AKAKA, Mrs. MURRAY, Mr. DURBIN, Mr. SCHUMER, Mrs. CLINTON, Mr. CORZINE, Ms. STABENOW, Mr. JEFFORDS, and Mr. REID):

S. 6. A bill to enhance homeland security and for other purposes; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. ROCKEFELLER, Ms. STABENOW, Mr. SCHUMER, Mr. KENNEDY, Mrs. CLINTON, Mr. AKAKA, Mr. CORZINE, Mr. DURBIN, Ms. MIKULSKI, Mr. LEAHY, Mr. LEVIN, Mr. JOHNSON, Mr. REED, Mr. SARBANES, Mr. DAYTON, Mr. LAUTENBERG, and Mr. REID):

S. 7. A bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program and to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mrs. MURRAY, Ms. MIKULSKI, Mr. DODD, Mr. BREAUX, Mr. JOHNSON, Mr. LEAHY, Mr. ROCKEFELLER, Mr. LEVIN, Mr. DURBIN, Mr. SARBANES, Mrs. CLINTON, Mr. AKAKA, Mr. SCHUMER, Mr. BIDEN, Ms. STABENOW, Mr. CORZINE, Mr. DAYTON, Mr. LAUTENBERG, Mr. REID, and Mr. BAUCUS):

S. 8. A bill to encourage lifelong learning by investing in public schools and improving access to and affordability of higher education and job training; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. BINGAMAN, Ms. MIKULSKI, Mr. HARKIN, Mrs. CLINTON, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. SCHUMER, Mr. DAYTON, and Mr. REID):

S. 9. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect the retirement security of American workers by ensuring that pension assets are adequately diversified and by providing workers with adequate access to, and information about, their pension plans, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Ms. STABENOW, Mrs. CLINTON, Mr. SCHUMER, Mrs. MURRAY, Mr. CORZINE, Mr. DURBIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. LEVIN, Mr. ROCKEFELLER, Mr. AKAKA, Mr. JOHNSON, Mr. SARBANES, Mr. DAYTON, Mr. LAUTENBERG, Mr. LEAHY, Mr. REID, and Mr. PRYOR):

S. 10. A bill to protect consumers in managed care plans and other health coverage, to provide for parity with respect to mental health coverage, to reduce medical errors, and to increase the access of individuals to quality health care; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. KENNEDY, Mr. BIDEN, Mr. SCHUMER, Mr. DURBIN, Mr. EDWARDS, Mr. AKAKA, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. HARKIN, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. SARBANES, Ms. STABENOW, Mr. LAUTENBERG, and Mr. REID):

S. 16. A bill to protect the civil rights of all Americans, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. JEFFORDS, Mrs. FEINSTEIN, Mr.

AKAKA, Mr. BIDEN, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. KENNEDY, Mr. LIEBERMAN, Mr. LEAHY, Mrs. MURRAY, Mr. SCHUMER, Mr. LAUTENBERG, and Mr. REID):

S. 17. A bill to initiate responsible Federal actions that will reduce the risks from global warming and climate change to the economy, the environment, and quality of life, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. DODD, Mrs. CLINTON, Mr. LEAHY, Mr. ROCKEFELLER, Mr. BINGAMAN, Mrs. MURRAY, Mr. LEVIN, Mr. DURBIN, Mr. SARBANES, Mr. AKAKA, Mr. SCHUMER, Mr. REED, Mr. JOHNSON, Mr. BIDEN, Mr. CORZINE, Mr. DAYTON, Mr. LAUTENBERG, and Mr. REID):

S. 18. A bill to improve early learning opportunities and promote preparedness by increasing the availability of Head Start programs, to increase the availability and affordability of quality child care, to reduce child hunger and encourage healthy eating habits, to facilitate parental involvement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. AKAKA, Mr. BAUCUS, Mr. BIDEN, Mr. BREAUX, Ms. CANTWELL, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DORGAN, Mr. DURBIN, Mr. HOLLINGS, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Mr. LEVIN, Mrs. MURRAY, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, and Ms. STABENOW):

S. 19. A bill to amend the Internal Revenue Code of 1986 and titles 10 and 38, United States Code, to improve benefits for members of the uniformed services and for veterans, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. EDWARDS, Mrs. CLINTON, Mr. AKAKA, Mr. BAYH, Mr. BIDEN, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CORZINE, Mr. DAYTON, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, Mr. WYDEN, Mr. LAUTENBERG, Ms. LANDRIEU, Mrs. BOXER, and Mr. PRYOR):

S. 20. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; to the Committee on Health, Education, Labor, and Pensions.

## DEMOCRATIC LEADERSHIP PRIORITIES FOR THE 108TH CONGRESS

Mr. DASCHLE, Mr. President, officially, the Congress that ended in December was the 107th Congress. But history will almost surely record it as the September 11th Congress. From the moment the first plane hit the first tower until the last moments of the lameduck session, helping America recover from that horrific day, bringing its plotters to justice and making changes to protect America from future terrorist attacks dominated the Senate's agenda.

We continued that work—even as we confronted unprecedented challenges in the Senate: anthrax, the rise of new threats to our Nation, and the loss of

our friend and colleague, Paul Wellstone.

Through tragic and historic events, the 107th Senate under Democratic control produced a number of important legislative accomplishments: aviation security and counterterrorism legislation; the toughest corporate accountability law since the SEC was created in 1934; the most far-reaching campaign finance reforms since Watergate; the most significant overhaul of Federal education policies since 1965; and a new farm bill to replace the failed Freedom to Farm Act.

However, other important legislation fell victim to special-interest arm-twisting, and the other party's unwillingness to compromise on their proposals, or even consider ours. We saw that on proposals to dedicate greater resources to homeland security, a Medicare prescription drug benefit, and a real, enforceable patients' bill of rights.

The proposals we are introducing today recognize that the American people have real concerns about their security, and that Republicans and the Bush administration have not done enough to address those concerns.

But they also recognize that security means more than national security, and homeland security. It means economic security, retirement security, and the security of knowing that our children are getting a good education, and that, if you get sick, health care is available and affordable. It means giving people who work fulltime the security of knowing they can earn a decent wage—whether they work on a farm, in a factory, or at a fast-food restaurant. It is the security of knowing that our air is safe to breathe and our water is safe to drink, that America is living up to its commitment to civil rights, and that we are keeping our promises to our veterans.

Democrats are committed to tackling terrorism abroad, and making our country more secure.

One of our first priorities will be to make Americans safer by enhancing protections for our ports, borders, food and water supplies, and chemical and nuclear plants.

We are introducing a bill to commit real resources to doing all of those things, and to hiring more police and first responders and providing them the tools and training to do the difficult jobs we are now asking them to do.

We also recognize that national strength also depends on economic strength, and in the last 2 years, America's economy has weakened. In the coming weeks, we will put forward our ideas for how best to stimulate the economy in the short term.

But, in the long term, one of the most important things we can do is give people greater confidence that their private pensions will be there for them. That is why another of our leadership bills is one to strengthen pension protections, expand pension coverage, and crack down on rogue corporations.

It has been said that almost every problem any society faces can be solved with two things: good health, and a good education—and we have bills in each of those areas.

The Right Start for Children Act makes Head Start fully available for 4- and 5-year-olds, and increases availability for infants and toddlers. It will help improve childcare quality, make childcare more affordable for 1 million additional children, and strengthen child nutrition programs to reduce child hunger.

The Educational Excellence for All Learners Act builds on that foundation by improving education every step of the way—from kindergarten, to college, to lifelong learning. It makes sure that we match the real reforms we passed last year with the real resources they demand. It will help us recruit, hire, and train qualified teachers, build new schools, and make college and job training more affordable and more available.

President Bush pledged to leave no child behind, and then proposed more than a billion dollars of education cuts. We are proposing to put our money where the Republicans' mouths are—and help secure a good start, a good education, and good prospects for all Americans.

When it comes to health care, it was an outrage that 40 million Americans were uninsured 2 years ago. In the past year, over 1 million more Americans have lost health insurance. And those who are lucky enough to have health insurance are seeing their premiums skyrocket.

With the Health Care Coverage Expansion and Quality Improvement Act, we hope to reduce the number of uninsured by making health care coverage more available to small businesses, parents of children eligible for CHIP and Medicaid, pregnant women, and others.

We also want to improve the quality of care people receive by overcoming Republican resistance to a real, enforceable, patients' bill of rights.

We will also insist that mental illness be treated like any other illness—something that will not only honor Paul Wellstone's legacy, but also help millions of families.

We are also committed to passing a prescription drug benefit under Medicare, and lowering the price of prescription drugs for all Americans. Last year, we passed a bill to lower the price of generic drugs, but the House refused to take it up. And we had 52 Senators support our Medicare prescription drug benefit—but it was blocked on a procedural motion.

The high cost of prescription drugs—combined with the increasing need for such drugs—is destroying the life savings—and threatening the dignity—of millions of older Americans. And that is simply unacceptable.

A couple of months ago in elections all across the country, and in words spoken here in the Senate, we have

seen that when it comes to protecting equal rights, we still have a lot of work to do in changing hearts, minds, and laws.

That is why we are introducing The Equal Rights and Equal Dignity for Americans Act. This bill will enforce employment nondiscrimination, fund the election-reform measures we passed last year, outlaw hate crimes, and take other steps to see that as a nation, we live up to the promise of equal rights.

I hope those Republicans who have recently expressed their support for civil rights will join us in expressing their support for this legislation. I also hope they will join us in supporting our bill to combat drug and gun violence, to crack down on new crimes like identity theft, and to protect against and prevent crimes against children and seniors.

We also need to ensure greater dignity for our minimum wage workers, our farmers, and our veterans. The purchasing power of the minimum wage is now the lowest it has been in more than 30 years. And a full-time minimum wage income won't get you over the poverty line. If we can afford over a trillion dollars in tax cuts for those at the top of the income scale, we can afford a dollar fifty more an hour for those at the bottom.

We need to help our rural economy, and help those impacted by a drought and other natural disasters that are being called among the costliest for agricultural producers in our Nation's history.

And we need to maintain our commitment to those currently serving, and keep our promises to our veterans. One way we do that is by allowing our wounded veterans to receive both their full disability and retirement benefits. Another way is by addressing the current crisis in veterans' health care. With each of these proposals—we stand with the leading veterans organizations, and for those who served our country.

Finally, we are committed to stopping what is adding up to an all-out assault on our environment. By unilaterally abandoning the Kyoto process, the Bush administration took us out of position to lead the world on the issue of climate change. The Global Climate Security Act will help America reassert our position of world leadership on this vital issue of world health.

Each of these things is relevant, not revolutionary. If they seem familiar, it is because most of what is in them has been introduced before.

But they are not law, despite the support of the American people and, in some cases, a bipartisan majority of Senators.

They have been opposed by an extreme few, and their special interest supporters. And while those bills have languished, we have seen the rise of more threats to our country; more people have lost their jobs and their health care; and more of our national challenges have gone unmet.

These are our priorities. In the last couple of days, the President has made clear his priorities—more tax cuts for those who need them least.

The President's plan won't help middle income families. It won't contribute to economic growth; it won't make our homeland more secure; it won't expand educational opportunity for the young, or strengthen health care for the elderly.

Instead—by putting us deeper into deficit and debt—it makes all of these things, and all of our other goals, harder to achieve.

Our bills will help us create an America that is stronger, safer, and better for all Americans—and I hope my colleagues will join me in supporting them.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. BIDEN, Mr. KENNEDY, Mr. SCHUMER, Mr. DURBIN, Mrs. CLINTON, Mrs. MURRAY, Mr. DAYTON, Mr. CORZINE, and Mr. REED):

S. 22. A bill to enhance domestic security, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased today to join Senator DASCHLE and other Democratic Senators in introducing the Justice Enhancement and Domestic Security Act of 2003. This comprehensive crime bill builds on prior Democratic crime initiatives, including the landmark Violent Crime Control and Law Enforcement Act of 1994, that worked to bring the crime rate down.

This year marked an unfortunate turn after a decade of remarkable declines in the Nation's crime rate. The decade of progress we made under the leadership of a Democratic President helped revitalize our cities and restore a sense of security for millions of Americans. According to the latest FBI report, however, the number of murders, rapes, robberies, assaults, and property crimes is up across the United States in all regions of the country except the Northeast, the first year-to-year increase since 1991. This upswing has been fueled by the faltering economy and high unemployment rates. The President's ill-conceived tax cut in 2001, along with the new cuts he proposes now, are likely to exacerbate these economic woes by plunging us deeper into deficit spending.

It is troubling that, at this crucial moment, the Bush Administration is proposing to reduce by nearly 80 percent the Community Oriented Policing Services, COPS, program that has helped to put 115,000 new police officers on the beat since 1994. I believe that we must fight to maintain and extend the COPS program, which has proven its value in increasing the security of our cities, towns, and neighborhoods.

The Justice Enhancement and Domestic Security Act is designed to get our Nation's crime rates moving downward, in the right direction, again. It also aims to bolster our security

against terrorists, and to improve the administration of justice throughout the country.

This bill shows the way to making Americans safer. That objective will not be achieved by partisan posturing, "tough on crime" rhetoric, and a few executions. It will be achieved by giving law enforcement the tools they need to do their job, focusing on both immediate and long-term threats we face, and protecting the most vulnerable in our society.

Most importantly, we should not divert all our attention to fighting foreign terrorism and foreign wars only to discover that the safety of Americans at home is jeopardized by losing the fight on crime. Unfortunately, the rising crime rate shows the risk of not paying attention to the domestic crime issue. The safety of our schools, homes, streets, neighborhoods and communities cannot become a casualty of the economic downturn and our international engagements.

Among other things, the bill does the following: Provides \$12 billion over three years to support public safety officers in their efforts to protect homeland security and prevent and respond to acts of terrorism. Increases border security by authorizing funds for additional INS personnel and technology. Provides statutory authority for the President to use military tribunals to try suspected terrorists in appropriate circumstances. Targets crime against the most vulnerable members of our society: children and senior citizens. Combats the insidious crime of identity theft. Provides enhanced rights and protections for crime victims. Extends the COPS program and authorizes law enforcement improvement and training grants for rural communities. Increases funding to reduce the backlog of untested DNA evidence in the Nation's crime labs. Proposes important reforms to FBI policies on whistleblowers and other issues critical to our security. Cracks down on war criminals from other nations seeking sanctuary in the United States. Protects against the execution of innocent individuals.

In sum, the bill represents an important next step in the continuing effort by Senate Democrats to enhance homeland security and to enact tough yet balanced reforms to our criminal justice system.

I should note that the bill contains no new death penalties and no new or increased mandatory minimum sentences. We can be tough without imposing the death penalty, and we can ensure swift and certain punishment without removing all discretion from the judge at sentencing.

As we provide the necessary tools for Federal law enforcement officials to protect our homeland security, we must remember that State and local law enforcement officers, firefighters and emergency personnel are our full partners in preventing, investigating and responding to criminal and terrorist acts.

As a former State prosecutor, I know that public safety officers are often the first responders to a crime. On September 11, the Nation saw that the first on the scene were the heroic firefighters, police officers and emergency personnel in New York City. These real-life heroes, many of whom gave the ultimate sacrifice, remind us of how important it is to support our State and local public safety partners.

Subtitle A of title I of the Justice Enhancement and Domestic Security Act establishes a First Responders Partnership Grant program, which will provide \$4 billion in annual grants for each of the next three years to support our State and local law enforcement officers in the war against terrorism. First Responder Grants will be made directly to State and local governments and Indian tribes for equipment, training and facilities to support public safety officers in their efforts to protect homeland security and prevent and respond to acts of terrorism. Grants may be used to pay up to 90 percent of the cost of the equipment, training or facility, and each State will be guaranteed a fair minimum amount. This is essential Federal support that our State and local public safety officers need and deserve.

Our State and local public safety law enforcement partners welcome the challenge to join in our national mission to protect our homeland security. But we cannot ask State and local law enforcement officers, firefighters and emergency personnel to assume these new national responsibilities without also providing new Federal support. The First Responders Partnership Grants will provide the necessary Federal support for our State and public safety officers to serve as full partners in our fight to protect homeland security and respond to acts of terrorism.

#### BORDER SECURITY

Subtitle B of title I provides for additional increases in INS personnel and improvements in INS technology to guard our borders. Just in the last few weeks, we have seen reports suggesting that numerous aliens crossed our Northern border illegally with the intention of planning terrorist act. Through the USA PATRIOT Act and the Enhanced Border Security and Visa Reform Act, we have attempted to bolster our borders by creating additional positions. But our work is not done. This legislation would authorize such sums as may be necessary for the INS to hire an additional 250 inspectors and associated support staff, and an additional 250 investigative staff and associated support staff, during each fiscal year through FY2007. It would also authorize \$250 million to the INS for the purposes of making improvements in technology for improving border security and facilitating the flow of commerce and persons at ports of entry, including improving and expanding programs for preenrollment and preclearance. Finally, this subtitle requires the Attorney General to report

to Congress about the Department's implementation of the border improvements we have already legislated, and about his recommendations for any additional improvements.

#### MILITARY TRIBUNAL AUTHORIZATION ACT

On November 13, 2001, President Bush signed a military order authorizing the use of military commissions to try suspected terrorists. This order stimulated an important national debate and led to a series of Judiciary Committee hearings with the Attorney General and others to discuss the many legal, constitutional, and policy questions raised by the use of such tribunals. Our hearings, and the continued public discourse, helped to clarify the scope of the President's order and better define the terms of the debate.

Administration officials have taken the position that the President does not need the sanction of Congress to convene military commissions, but I disagree. Military tribunals may be appropriate under certain circumstances, but only if they are backed by specific congressional authorization. At a minimum, as the distinguished senior senator from Pennsylvania stated on this floor on November 15, "the executive will be immeasurably strengthened if the Congress backs the President." Clearly, our government is at its strongest when the executive and legislative branches of government act in concert.

Subtitle C of title I, the Military Tribunal Authorization Act of 2003 would provide the executive branch with the specific authorization it now lacks to use extraordinary tribunals to try members of the al Qaeda terrorist network and those who cooperated with them. Specifically, this legislation authorizes the use of "extraordinary tribunals" for al Qaeda members and for persons aiding and abetting al Qaeda in terrorist activities against the United States who are apprehended in, or fleeing from, Afghanistan. It also authorizes the use of tribunals for those al Qaeda members and abettors who are captured in any other place where there is armed conflict involving the U.S. Armed Forces.

The Military Tribunal Authorization Act defines the jurisdiction and procedure of tribunals in a way that ensures a "full and fair" trial for anyone detained. It incorporates basic due process guarantees, including the right to independent counsel. These procedures do not as some have claimed provide greater protections to suspected terrorists than we offer our own soldiers. These are rather, the very basic guarantees provided under various sources of international law. Finally, the bill comes down squarely on the side of transparency in government by providing that tribunal proceedings should be open and public, and include public availability of the transcripts of the trial and the pronouncement of judgment. Passage of authorizing legislation would ensure the constitutionality of military tribunals and protect any

convictions they might yield, while at the same time showing the world that we will fight terrorists without sacrificing our principles.

Title I of our bill would also provide a new tool for law enforcement to deal with the problem of serious hoaxes and malicious false reports relating to the use of biological, chemical, nuclear, or other weapons of mass destruction. These so-called "hoaxes" inflict both mental and economic damage on victims. They drain away scarce law enforcement resources from the investigation of real terrorist activity. They interrupt vital communication facilities. Finally, they feed a public fear that the vast majority of law abiding Americans are working hard to dispel.

Federal, State, and local law enforcement already have statutes which they have been using aggressively to prosecute those who have taken advantage of these times to perpetrate hoaxes about anthrax contamination. Existing statutes create serious penalties for threats to use biological, chemical, or nuclear weapons, for sending any threatening communication through the mail, or for making a willful false statement of Federal authorities. Indeed, current Federal threat laws do not require that the defendant have either the intent or present ability to carry out a threat. However, while they carry high penalties, including a maximum of life imprisonment, these statutes can sometimes be awkward when applied in the hoax context.

The Justice Enhancement and Domestic Security Act provides a well-tailored statute that deals specifically with the problem of biological, chemical, nuclear and other mass destruction hoaxes. For instance, it gives prosecutors a means to distinguish between a person who is actually threatening to use anthrax on a victim, and a person who never intends to use it, but wants the victim or the police to think they have done so. Another provision provides for mandatory restitution to any victim of these crimes, including the costs of any and all government response to the hoax. An earlier Administration proposal, offered during the debate over the terrorism bill, would have limited such restitution to the Federal government. As we know all too well from recent events, however, it is State and local authorities, along with private victims, who are often the first responders and primary victims when these incidents occur. Our bill provides a mechanism so that they, too, can be reimbursed for their expenses.

The second title of the Justice Enhancement and Domestic Security Act contains a several proposals aimed at protecting the most vulnerable members of our society: children and seniors.

First, part 1 of subtitle A would enhance the operation of the AMBER Alert communications network in order to aid the recovery of abducted children. It is disturbing to see on TV

or in the newspapers photo after photo of missing children from every corner of the Nation. As the father of three Children, as well as a grandfather of two, I know that an abducted child is a parent's or grandparent's worst nightmare.

Unfortunately, it appears this nightmare occurs all too often. Indeed, the Justice Department estimates that the number of children taken by strangers annually is between 3,000 and 4,000. These parents and grandparents, as well as the precious children, deserve the assistance of the American people and helping hand of the Congress.

The AMBER Plan was created as a reaction to the kidnapping and brutal murder of 9-year-old Amber Hagerman of Arlington, Texas. By coordinating their efforts, law enforcement, emergency management and transportation agencies, radio and television stations, and cable systems have worked to develop an innovative early warning system to help find abducted children by broadcasting information including descriptions and pictures of the missing child, the suspected abductor, a suspected vehicle, and any other information available and valuable to identifying the child and suspect to the public as speedily as possible.

The AMBER Alert system's popularity has raced across the United States: since the original AMBER Plan was established in 1996, 55 modified versions have been adopted at local, regional, and statewide levels. Eighteen States have already implemented statewide plans. It is also a proven success: to date, the AMBER Plan has been credited with recovering 30 children.

The National AMBER Alert Network Act of 2003 directs the Attorney General, in cooperation with the Secretary of Transportation and the Chairman of the Federal Communications Commission, to appoint a Justice Department National AMBER Alert Coordinator to oversee the Alert's communication network for abducted children. The AMBER Alert Coordinator will work with States, broadcasters, and law enforcement agencies to set up AMBER plans, serve as a point of contact to supplement existing AMBER plans, and facilitate regional coordination of AMBER alerts. In addition, the AMBER Alert Coordinator will work with the FCC, local broadcasters, and local law enforcement agencies to establish minimum standards for the issuance of AMBER alerts and for the extent of their dissemination. In sum, our bill will help kidnap victims while preserving flexibility for the States in implementing the Alert system.

Because developing and enhancing the AMBER Alert system is a costly endeavor for States to take on alone, our bill establishes two Federal grant programs to share the burden. First, the bill creates a Federal grant program, under the direction of the Secretary of Transportation, for statewide notification and communications systems, including electronic message

boards and road signs, along highways for alerts and other information regarding abducted children. Second, the bill establishes a grant program managed by the Attorney General for the support of AMBER Alert communications plans with law enforcement agencies and others in the community.

Similar legislation was proposed in the last Congress by Senators FEINSTEIN and HUTCHISON and approved by both the Senate Judiciary Committee and the full Senate by unanimous consent only one week after introduction. When the bill passed, it had garnered 41 cosponsors from both sides of the aisle. Unfortunately, despite our great efforts to have the bill passed on its own merits, the House failed to pass it as a stand-alone bill. Instead, it was included in a larger package of bills dubbed the Child Abduction Prevention Act, introduced by Judiciary Committee Chairman SENSENBRENNER. Most of the incorporated bills had passed the House but were stalled in the Senate due to controversial language.

Our Nation's children, parents, and grandparents deserve our help to stop the disturbing trend of child abductions. The AMBER Alert National Network Act ensures that our communications systems help rescue abducted children from kidnappers and return them safely to their families.

Subtitle A of title II also includes the Protecting Our Children Comes First Act of 2003, which would double funding for the National Center for Missing and Exploited Children, (NCMEC), reauthorize the Center through fiscal year 2006, and increase Federal support to help NCMEC programs find missing children.

As the Nation's top resource center for child protection, the NCMEC spearheads national efforts to locate and recover missing children and raises public awareness about ways to prevent child abduction, molestation, and sexual exploitation. As a national voice and advocate for those too young to vote or speak up for their own rights, the NCMEC works to make our children safer. The Center operates under a Congressional mandate and works in cooperation with the Justice Department's Office of Juvenile Justice and Delinquency Prevention in coordinating the efforts of law enforcement officers, social service agencies, elected officials, judges, prosecutors, educators, and the public and private sectors to break the cycle of violence that historically has perpetuated such needless crimes against children.

NCMEC professionals have disturbingly busy jobs, they have worked on more than 90,000 cases of missing and exploited children since its 1984 founding, helping to recover more than 66,000 children. The Center raised its recovery rate from 60 percent in the 1980s to 94 percent today. It set up a nationwide, toll free, 24-hour telephone hotline to take reports about missing children and clues that might lead to their

recovery. It also manages a national Child Pornography Tipline to handle calls from individuals reporting the sexual exploitation of children through the production and distribution of pornography and a CyberTipline to process online leads from individuals reporting the sexual exploitation of children. It has taken the lead in circulating millions of photographs of missing children, and serves as a vital resource for the 17,000 law enforcement agencies located throughout the United States.

Today, the NCMEC is truly a national organization, with its headquarters in Alexandria, Virginia and branch offices in five other locations throughout the country to provide hands-on assistance to families of missing children and conduct an array of prevention and awareness programs. It has also grown into an international organization, establishing the International Division of the National Center for Missing and Exploited Children, which works to fulfill the Hague Convention on the Civil Aspects of International Child Abduction. The International Division provides assistance to parents, law enforcement, attorneys, nonprofit organizations, and other concerned individuals who are seeking assistance in preventing or resolving international child abductions.

The NCMEC manages to do all of this good work with only a \$10 million annual grant, which expired at the end of fiscal year 2002. We should act now both to extend its authorization and increase the center's funding to \$20 million each year through fiscal year 2006 so that it can continue to help keep children safe and families intact around the nation. There is so much more to be done to ensure the safety of our children, and this provision will help the Center in its efforts to prevent crimes that are committed against them.

The Protecting Our Children Comes First Act also increases Federal support of NCMEC programs to find missing children by allowing the U.S. Secret Service to provide forensic and investigative support to the NCMEC. In addition, it facilitates information sharing by allowing Federal authorities to share the facts or circumstances of sexual exploitation crimes against children with State authorities without a court order, and by allowing the NCMEC to make reports directly to State and local law enforcement officials instead of only through Federal agencies.

I applaud the ongoing work of the NCMEC and hope both the Senate and the House of Representatives will support this effort to provide more Federal support for the Center to continue to find missing children and protect exploited children across the country.

Finally, subtitle A of title II addresses the problems caused by housing juveniles who are prosecuted in the criminal justice system in adult correctional facilities. It assists the States in providing safe conditions for

their confinement and appropriate access to educational, vocational, and health programs. Improving conditions for juveniles today will improve the public safety in the future, as juveniles who are not exposed to adult inmates have a lower likelihood of committing future crimes.

As a Nation, we increasingly rely on adult facilities to house juveniles. Nearly all of our States house juveniles in adult jails and prisons, and only half maintain designated youthful offender housing units. I believe that there is a will in the States to improve conditions for these juveniles, but resources are often lacking. The Federal Government can play a useful role by providing funding to States that want to take account of the differences between juveniles and adults.

Although many juvenile offenders serving time in adult prisons have committed extraordinarily serious offenses, others are there because of relatively minor crimes and will be released at a young age. Certainly, many of these juveniles can be convinced not to commit further crimes. The social and moral cost of not making that attempt is simply incalculable.

Many scholars have questioned whether housing juvenile offenders with adult inmates serves our long-term interest in public safety. Multiple studies have shown that youth transferred to the adult system recidivate at higher rates and with more serious offenses than youth who have committed similar offenses but are retained in the juvenile justice system. We must ensure that juveniles are treated humanely in the criminal justice system to reduce the risks that upon release they will commit additional and more serious crimes. One of the ways we can do that is by helping States improve confinement conditions.

Our bill creates a new incentive grant program for State and local governments and Indian tribes. These grants can be used for the following purposes related to juveniles under the jurisdiction of an adult criminal court: 1. alter existing correctional facilities, or develop separate facilities, to provide segregated facilities for them; 2. provide orientation and ongoing training for correctional staff supervising them; 3. provide monitors who will report on their treatment; and 4. provide them with access to educational programs, vocational training, mental and physical health assessment and treatment, and drug treatment. Grants can also be used to seek alternatives to housing juveniles with adult inmates, including the expansion of juvenile facilities.

It is important to note that States that choose not to house juveniles who are convicted as adults with adult inmates are still eligible for grants under this bill. For example, they could use the money to train staff, or to provide education or other program for juveniles, or to improve juvenile facilities.

In addition to these grants, part 5 of subtitle II reauthorizes the Family

Unity Demonstration Project, which provides funding for projects allowing eligible prisoners who are parents to live in structured, community-based centers with their young children. A study by the Bureau of Justice Statistics found that about two-third of incarcerated women were parents of children under 18 years old. According to the White House, on any given day, America is home to 1.5 million children of prisoners. And according to Prison Fellowship Industries, more than half of the juveniles in custody in the United States had an immediate family member behind bars. This is a serious problem that reauthorizing the Family Unity Demonstration Project will help to address.

The remainder of title II includes a number of provisions designed to improve the safety and security of older Americans.

During the 1990s, while overall crime rates dropped throughout the nation the rate of crime against seniors remained constant. In addition to the increased vulnerability of some seniors to violent crime, older Americans are increasingly targeted by swindlers looking to take advantage of them through telemarketing schemes, pension fraud, and health care fraud. We must strengthen the hand of law enforcement to combat those criminals who plunder the savings that older Americans have worked their lifetime to earn. Subtitle B of title II of our bill, the Seniors Safety Act of 2003, tries to do exactly that, through a comprehensive package of proposals to establish new protections and increase penalties for a wide variety of crimes against seniors.

This legislation addresses the most prevalent crimes perpetrated against seniors, containing proposals to reduce health care fraud and abuse, combat nursing home fraud and abuse, prevent telemarketing fraud, and safeguard pension and employee benefit plans from fraud, bribery, and graft. In addition, this legislation would help seniors obtain restitution if their pension plans are defrauded.

Many of the proposals in this legislation are just common sense. For example, we would authorize the Attorney General to block telephone service to people using it to commit telemarketing fraud. We would also establish a "Better Business Bureau" style clearinghouse at the Federal Trade Commission, so that senior citizens and their families could call and find out whether a telemarketer who was bothering them had a criminal record or had received past complaints.

We would make it a new criminal offense to engage in multiple willful violations of the regulations or laws that protect nursing home residents. We would also protect employees at nursing homes who blow the whistle on the mistreatment of residents by giving them the power to bring a lawsuit for damages if they get fired as a result. And we would tell the Sentencing Com-

mission that if you commit a crime against someone who is old and vulnerable, you should get a longer sentence.

We want to fight health care fraud and pension fraud because these are benefits that older Americans have earned and that they count on every day. We must do more to prevent crooks from robbing seniors of their security. That is why we want to create new criminal penalties for pension fraud and give law enforcement more tools to root out and stop health care fraud.

The third title of the Justice Enhancement and Domestic Security Act contains important provisions to prevent and punish identity theft, a crime that victimizes thousands of Americans every year. Once a skilled scam artist gets his hands on a consumer's Social Security or bank account number, he can wreak unimaginable havoc on a family's finances.

With society conducting more and more of its business electronically, the incidence of identity theft in America is on the rise. In 2001, the Federal Trade Commission consumer hotline received 86,000 complaints of identity theft. Through the first six months of 2002, it received 70,000 such complaints. These complaints are mainly from people who have been hurt by identity theft, but thousands of others come from consumers worried about becoming an identity thief's next victim.

Our bill would help identity theft victims restore their credit ratings and reclaim their good names. It gives victims the tools they need, such as the right to obtain relevant business records and the ability to have fraudulent charges blocked from reporting in their consumer credit reports. It also includes provisions designed to thwart identity theft, for example by requiring credit card companies to notify consumers of any change of address request on an existing credit account, by ensuring that credit card receipts no longer bear the expiration date or more than the last five digits of the customer's credit card number, and by entitling every citizen to a free credit report once per year upon request. Finally, it includes important provisions to prevent Social Security numbers from being sold, or published without express consent.

Title III also represents the next step in Senate Democrats' continuing efforts to afford dignity and recognition to victims of crime. It provides for comprehensive reform of the Federal law to establish enhanced rights and protections for victims of Federal crime. Among other things, it provides crime victims the right to consult with the prosecution prior to detention hearings and the entry of plea agreements, and generally requires the courts to give greater consideration to the views and interests of the victim at all stages of the criminal justice process. Responding to concerns raised by victims of the Oklahoma City bombing, the bill would provide standing for the

prosecutor and the victim to assert the right of the victim to attend and observe the trial.

Assuring that victims are provided their statutorily guaranteed rights is a critical concern for all those involved in the administration of justice. That is why the bill establishes an administrative authority in the Department of Justice to receive and investigate victims' claims of unlawful or inappropriate action on the part of criminal justice and victims' service providers. Department of Justice employees who fail to comply with the law pertaining to the treatment of crime victims could face disciplinary sanctions, including suspension or termination of employment.

In addition to these improvements to the Federal system, the bill proposes several programs to help States provide better assistance for victims of State crimes. These programs would improve compliance with State victim's rights laws, promote the development of state-of-the-art notification systems to keep victims informed of case developments and important dates on a timely and efficient basis, and encourage further experimentation with the community-based restorative justice model in the juvenile court setting. The bill also provides assistance for shelters and transitional housing for victims of domestic violence.

Of particular significance, title III would eliminate the cap on distributions from the Crime Victims Fund, which has prevented millions of dollars in Fund deposits from reaching victims and supporting essential services. With violent crime on the increase and State governments struggling to overcome growing budget deficits, crime victim compensation and assistance programs are facing dire threats to their fiscal stability. We should not be imposing artificial caps on spending from the Crime Victims Fund while substantial needs remain unmet. Our bill proposes replacing the cap with a self-regulating formula, which would ensure stability and protection of Fund assets, while allowing more money to go out to the States for victim compensation and assistance.

While we have greatly improved our crime victims programs and made advances in recognizing crime victims rights, we still have more to do. The Justice Enhancement and Domestic Security Act would help make victims' rights a reality.

Title IV of the bill includes proposals for supporting Federal, State and local law enforcement and promoting the effective administration of justice.

An important element of this effort is the COPS program. As noted earlier, the Bush Administration has proposed to cut the COPS program by nearly 80 percent, despite the success of this program in putting 115,000 new police officers on the beat since 1994. Title IV extends the COPS program through fiscal year 2008, authorizing funding to deploy up to 50,000 additional police officers, 10,000 additional prosecutors, and



10,000 defense attorneys for indigents. It also authorizes \$15 million per year for five years to help rural communities retain officers hired through the COPS program for an additional year.

In addition, title IV includes the Hometown Heroes Survivors Benefits Act, which would effectively erase any distinction between traumatic and occupational injuries when surviving families apply to the U.S. Department of Justice Public Safety Officers Benefits, PSOB, Program. The PSOB fund currently pays just over \$260,000 to families of firefighters, police officers and emergency medical technicians who die in the line of duty. The survivors of emergency responders who die of heart attacks while performing in the line of duty, however, are ineligible to collect benefits. The Hometown Heroes bill would fix the loophole in the PSOB Program to ensure that the survivors of public safety officers who die of heart attacks or strokes in the line of duty or within 24 hours of a triggering effect while on duty, regardless of whether a traumatic injury is present at the time of the heart attack or stroke, are eligible to receive financial assistance.

The families of these brave public servants deserve to participate in the PSOB Program if their loved ones die of a heart attack or other cardiac-related ailments while selflessly protecting us from harm. It is time for Congress to show its support and appreciation for these extraordinarily brave and heroic public safety officers by passing the Hometown Heroes Survivors Benefit Act.

Title IV would also correct a disparity in the law that denies Federal prosecutors the same retirement benefits as other Federal law enforcement officers. These lawyers, who are more and more often on the front lines in the war on terrorism, deserve the same benefits as the other men and women with whom they work.

Also included in title IV of the bill is the FBI Reform Act of 2003, which stems from the lessons learned during a series of Judiciary Committee hearings on oversight of the FBI that I chaired beginning in June 2001. Even more recently, the important changes which are being made under the FBI's new leadership after the September 11 attacks and the new powers granted the FBI by the USA PATRIOT Act have resulted in FBI reform becoming a pressing matter of national importance.

Since the attacks of September 11, 2001, and the anthrax attacks last fall, we have relied on the FBI to detect and prevent acts of catastrophic terrorism that endanger the lives of the American people and the institutions of our country. The men and women of the FBI are performing this task with great professionalism at home and abroad. I think that we have all felt safer as a result of the full mobilization of the FBI's dedicated Special Agents, its expert support personnel,

and its exceptional technical capabilities. We owe the men and women of the FBI our thanks.

For decades the FBI has been outstanding law enforcement agency and a vital member of the United States intelligence community. As our hearings and recent events have shown, however, there is room for improvement at the FBI. We must face the mistakes of the past, and make the changes needed to ensure that they are not repeated. In meeting the international terrorist challenge, the Congress has an opportunity and obligation to strengthen the institutional fiber of the FBI based on lessons learned from recent problems the Bureau has experienced.

The view is not mine alone. When Director Bob Mueller testified at his confirmation hearings in July 2001, he forthrightly acknowledged "that the Bureau's remarkable legacy of service and accomplishment has been tarnished by some serious and highly publicized problems in recent years. Waco, Ruby Ridge, the FBI lab, Wen Ho Lee, Robert Hanssen and the McVeigh documents—these familiar names and events remind us all that the FBI is far from perfect and that the next director faces significant management and administrative challenges." Since then, the Judiciary Committee has forged a constructive partnership with Director Mueller to get the FBI back on track.

Congress sometimes has followed a hands-off approach about the FBI. But with the FBI's new increased power, with our increased reliance on them to stop terrorism, and with the increased funding requested in the President's budget will come increased scrutiny. Until the Bureau's problems are resolved and new challenges overcome, we have to take a hands-on approach. Indeed our hearing and other oversight activities have highlighted tangible steps the Congress should take in an FBI Reform bill as part of this hands-on approach. Among other things, these hearings demonstrated the need to extend whistleblower protection, end the double standard for discipline of senior FBI executives, and enhance the FBI's internal security program to protect against espionage as occurred in the Hanssen case.

When Director Mueller announced the first stage of his FBI reorganization in December 2001, he stressed the importance of taking a comprehensive look at the FBI's missions for the future, and Deputy Attorney General Thompson's office has told us that the Attorney General's management review of the FBI is considering this matter. Director Mueller has stated that the second phase of FBI reorganizations will be part of a "comprehensive plan to address not only the new challenges of terrorism, but to modernize and streamline the Bureau's more traditional functions." Thus, through our hearings, our oversight efforts, and the statements and efforts of the new management team at the FBI, a list of challenges facing the FBI has been developed.

Our bill addresses each of these challenges. It strengthens whistleblower protection for FBI employees and protects them from retaliation for reporting wrongdoing. It addresses the issue of a double standard for discipline of senior executives by eliminating the disparity in authorized punishments between Senior Executive Service members and other federal employees. It establishes an FBI Counterintelligence Polygraph Program for screening personnel in exceptionally sensitive positions with specific safeguards, and an FBI Career Security Program, which would bring the FBI into line with other U.S. intelligence agencies that have strong career security professional cadres whose skills and leadership are dedicated to the protection of agency information, personnel, and facilities. It also requires a set of reports that would enable Congress to engage the Executive branch in a constructive dialogue building a more effective FBI for the future.

The FBI Reform Act of 2003 is designed to strengthen the FBI as an institution that has a unique role as both a law enforcement agency and a member of the intelligence community. As the Judiciary Committee continues its oversight work and more is learned about recent FBI performance, additional legislation may prove necessary. Especially important will be the lessons from the attacks of September 11, 2001, the anthrax attacks, and implementation of the USA PATRIOT Act and other counterterrorism measures. Strengthening the FBI cannot be accomplished overnight, but with this legislation, we take an important step into the future.

In addition to protecting, FBI whistleblowers, title IV of this bill provides new and important protections for other whistleblowers who provide information to Congress.

The 107th Congress was one of rejuvenated bipartisan oversight. On the Judiciary Committee we convened the first series of comprehensive bipartisan FBI oversight hearings in decades after I assumed the Chairmanship. The Joint Intelligence Committee conducted bipartisan hearings to ascertain what shortcomings on the part of our intelligence community need to be corrected so as not to allow the 9-11 terrorist attacks to recur. The Senate Banking Committee conducted extensive oversight of the SEC and its relationship with the accounting industry, to ascertain whether a new regulatory scheme was required. Both the Senate and House Judiciary Committees are still attempting to ascertain how the new powers we provided in the USA PATRIOT Act are being used. These are only a few examples.

A vital part of the increased oversight was the courage of the whistleblowers who provided information. Their revelations have led to important reforms. The Enron scandal and the subsequent hearing led to the most extensive corporate reform legislation

in decades, including the criminal provisions and the first ever corporate whistleblower protections, which I authored. The testimony of the rank and file FBI agents that we heard on the Judiciary Committee helped us to craft bipartisan FBI reform legislation. The same day as Coleen Rowley's nationally televised testimony before the Judiciary Committee, President Bush not only reversed his previous opposition to establishing a new cabinet level Department of Homeland Security, but gave a national address calling for the largest government reorganization in 50 years. In the last year we have learned once again that the public as a whole can benefit from a lone voice. Indeed, *Time Magazine* recognized the courage of these whistleblowers by naming them the "People of the Year" for 2002.

Unfortunately, the people who very rarely benefit from these revelations are the whistleblowers themselves. We have heard testimony in oversight hearings on the Judiciary Committee that there is quite often retaliation against those who raise public awareness about problems within large organizations even to Congress. Sometimes the retaliation is overt, sometimes it is more subtle and invidious, but it is almost always there. The law needs to protect the people who risk so much to protect us and create a culture that encourages employees to report waste, fraud, and mismanagement.

For those who provide information to Congress, that protection is a hollow promise. On one hand, the law is very clear that it is illegal to interfere with or deny, "the right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof . . ." Amazingly, however, this simple provision is a right without a remedy. Employees who are retaliated against for providing information to Congress cannot pursue any avenue of redress to protect their statutory rights. The only exception to this applies to employees of publicly traded companies, who are now covered by the Sarbanes-Oxley Act that we passed last year. Thus, under current law, government whistleblowers reporting to Congress have less protection than private industry whistleblowers.

Title IV would correct this anomaly by providing government employees that come to Congress with the right to bring an action in court when they suffer the type of retaliation already prohibited under the law. Thus, it does not create new statutory rights, but merely provides a statutory remedy for existing law. That way, we can promise future whistleblowers who come before Congress that their rights to access the legislative branch is not an illusion. We can also assure the public at large that our efforts at Congressional oversight and improving the functions of government will be effective. This leg-

islation is strongly supported by leading whistleblower groups, including the National Whistleblower Center and the Government Accountability Project.

Title IV of the bill also aims to improve the effective administration of justice by offering a two-pronged attack on sexual assault crime in America. First, it adds more Federal resources for States and for the first time, makes those resources directly available to local governments as well, so that they may eliminate the backlog of untested DNA samples, and in particular, the troubling backlog of untested rape kits. Second, because tapping the potential of DNA technology requires more than eliminating existing backlogs, the bill provides increased Federal support for sexual assault examiner programs, DNA training of law enforcement personnel and prosecutors, and updating the national DNA database. To ensure that these grants are effective, the bill heightens the standards for DNA collection and maintenance, and requires the Department of Justice to promulgate national privacy guidelines. The bill also authorizes the issuance of John Doe DNA indictments for Federal sexual assault crimes, which toll the applicable statute of limitations and permit prosecution whenever a DNA match is made.

Congress began to attack the problem of the DNA backlog when it passed the DNA Analysis Backlog Elimination Act of 2000. That legislation authorized \$170 million over four years for grants to States to increase the capacity of their forensic labs and to carry out DNA testing of backlogged evidence. Despite the new law and some Federal funding, the persistent backlogs nationwide make it plain that more must be done to help the States. Our bill takes the next step and provides more comprehensive assistance so that the criminal justice system can harness the full power of DNA.

A significant problem that arose during Special Prosecutor Kenneth Starr's investigation of President Clinton was the loss of confidentiality that had previously attached to the important work of the U.S. Secret Service. The Department of Justice and Treasury and even a former Republican President advise that the safety of future Presidents may be jeopardized by forcing U.S. Secret Service agents to breach the confidentiality they need to do their job by testifying before a grand jury. I trust the Secret Service on this issue; they are the experts with the mission of protecting the lives of the President and other high-level elected official and visiting dignitaries. I also have confidence in the judgment of former President Bush, who has written, "I feel very strongly that [Secret Service] agents should not be made to appear in court to discuss that which they might or might not have seen or heard."

Section 4502 of the Justice Enhancement and Domestic Security Act provides a reasonable and limited protec-

tive function privilege so future Secret Service agents are able to maintain the confidentiality they say they need to protect the lives of the President, Vice President and visiting heads of state.

Title V of this bill would create new treatment and prevention programs to reduce drug abuse, and reauthorize existing successful ones. Treatment and prevention efforts are often overshadowed by law enforcement needs. Indeed, a recent study by the Center on Addiction and Substance Abuse showed that of every dollar States spent on substance abuse and addiction, only four cents went to prevention and treatment. The States and the Federal government have undeniably important law enforcement obligations, but we must do more to balance those obligations with farsighted efforts to prevent drug crimes from happening in the first place.

Heroin is an increasing problem in my State. In other States, methamphetamines or other drugs present a growing challenge. This legislation will help States address their most pressing drug problems, and places a particular emphasis on States that may not have been able to address their treatment and prevention needs in the past. Indeed, among other provisions, the bill offers funding for rural States like Vermont to establish or enhance treatment centers. It instructs the Director of the Center for Substance Abuse Treatment to make grants to public and nonprofit private entities that provide treatment and are approved by State experts. This will allow the Vermont agencies looking to provide heroin treatment—or to prevent heroin abuse in the first place, to acquire Federal funding to help in their efforts.

The bill also authorizes funding for residential treatment centers that treat mothers who are addicted to heroin, methamphetamine, or other drugs. This will help mothers, and the children who depend on them to rebuild their lives, it will keep families together. And I hope it will help avoid further stories like one that appeared in the *Burlington Free Press* in February 2001, in which a young mother told a reporter how heroin "made it easier for [her] to take care of [her] kids."

The bill also would fund drug treatment programs for juveniles, who can see their lives quickly deteriorate under the influence of drugs. This is why I have worked to provide Vermont with funding to establish a long-term residential treatment facility for adolescents. I hope to continue that effort through this bill, in the hope that we may be able to prevent future tragedies.

We also would reauthorize substance abuse treatment in Federal prisons. It is critical that our prisons be drug-free, both because lawbreaking within our correctional system is a national embarrassment, and because prisoners who are released while still addicted to



drugs are far more likely to commit future crimes than prisoners who are released sober. At the same time we are extending the 'carrot' of treatment opportunities, we also authorize grants to States and localities for programs supporting comprehensive drug testing of criminal justice populations, and to establish appropriate interventions to illegal drug use for offender populations.

Among other additional provisions, we would extend the Safe and Drug-Free Schools and Communities Program, and authorize grants to establish methamphetamine prevention and treatment pilot programs in rural areas.

I am particularly proud of title VI of the bill—the Innocence Protection Act, IPA, of 2003. For nearly three years, I have been working hard with members on both sides of the aisle, and in both houses of Congress, to address the horrendous problem of innocent people being condemned to death. The IPA represents the fruits of those efforts. This landmark legislation proposes a number of basic, commonsense reforms to our criminal justice system, aimed at reducing the risk that innocent people will be put to death.

We have come many miles since I first introduced the IPA in February 2000, along with four Democratic cosponsors. There is now a broad consensus across the country—among Democrats and Republicans, supporters and opponents of the death penalty, liberals and conservatives, that our death penalty machinery is broken. We know that the nightmare of innocent people on death row is not just a dream, but a frequently recurring reality. Since the early 1970s, more than 100 people who were sentenced to death have been released, not because of technicalities, but because they were innocent. Goodness only knows how many were not so lucky.

These are not just numbers; these are real people whose lives were ruined. Anthony Porter came within two days of execution in 1998; he was exonerated and released from prison only because a class of journalism students investigated his case and identified the real killer. Ray Krone spent ten years in prison, including three on death row; he was released last year after DNA testing exculpated him and pointed to another man as the real killer. These are just two of the many tragedies we learn of every year.

Today, Federal judges are voicing concern about the death penalty. Justice Sandra Day O'Connor has warned that "the system may well be allowing some innocent defendants to be executed." Justice Ginsberg has supported a state moratorium on the death penalty. Another respected jurist, Sixth Circuit Judge Gilbert Merritt, has referred to the capital punishment system as "broken."

We can all agree that there is a grave problem. The good news is, there is also a broad consensus on one important step we must take, we can pass the Innocence Protection Act.

At the close of the 107th Congress, the IPA was cosponsored by a substantial bipartisan majority of the House and by 32 Senators from both sides of the aisle. In addition, a version of the bill had been reported by a bipartisan majority of the Senate Judiciary Committee. It is that version of the bill that we introduce today as title VI of the Justice Enhancement and Domestic Security Act.

What would the IPA do? In short, it proposes two minimum steps that we need to take, not to make the system perfect, but simply to reduce what is currently an unacceptably high risk of error. First, we need to make good on the promise of modern technology in the form of DNA testing. Second, we need to make good on the constitutional promise of competent counsel.

DNA testing comes first because it is proven and effective. We all know that DNA testing is an extraordinary tool for uncovering the truth, whatever the truth may be. It is the fingerprint of the 21st Century. Prosecutors across the country rightly use it to prove guilt. By the same token, it should also be used to do what it is equally scientifically reliable to do, prove innocence.

Where there is DNA evidence, it can show us conclusively, even years after a conviction, where mistakes have been made. And there is no good reason not to use it.

Allowing testing does not deprive the state of its ability to present its case, and under a reasonable scheme for the preservation and testing of DNA evidence, the practical costs, burdens and delays involved are relatively small.

The Innocence Protection Act would therefore provide improved access to DNA testing for people who claim that they have been wrongfully convicted. It would also prevent the premature destruction of biological evidence that could hold the key to clearing an innocent person and, as we recently saw in Ray Krone's case, identifying the real culprit.

But DNA testing addresses only the tip of the iceberg of the problem of wrongful convictions. In most cases, there is no DNA evidence to be tested, just as in most cases, there are no fingerprints. In the vast majority of death row exonerations, no DNA testing has or could have been involved.

So the broad and growing consensus on death penalty reform has another top priority. All the statistics and evidence show that the single most frequent cause of wrongful convictions is inadequate defense representation at trial. By far the most important reform we can undertake is to ensure minimum standards of competency and funding for capital defense.

Under the IPA, States may choose to work with the federal government to improve the systems by which they appoint and compensate lawyers in death cases. These States would receive an infusion of new Federal grant money, but they would also open themselves

up to a set of controls that are designed to ensure that their systems truly meet basic standards. In essence, the bill offers the States extra money for quality and accountability.

A State may also decline to participate in the new grant program. In that case, the money that would otherwise be available to the state would be used to fund one or more organizations that provide capital representation in that state. One way or another, the bill would improve the quality of appointed counsel in capital cases.

This is a reform that does not in any way hinder good, effective law enforcement. More money is good for the States. More openness and accountability is good for everyone. And better lawyering makes the trial process far less prone to error.

We can never guarantee that no innocent person will be convicted. But surely when people in this country are put on trial for their lives, they should be defended by lawyers who meet reasonable standards of competence and who have sufficient funds to investigate the facts and prepare thoroughly for trial. That bare minimum is all that the counsel provisions in the IPA seek to achieve.

The Innocence Protection Act addresses grave and urgent problems with moderate, fine-tuned practical solutions. It has passed out of Committee in the Senate and is supported by a majority of the House. Justice demands that we pass it before more lives are ruined.

Title VII of the bill includes various proposals for strengthening the Federal criminal laws, including, in subtitle A, the Anti-Atrocity Alien Deportation Act of 2003. This bill would close loopholes in our immigration laws that have allowed war criminals and human rights abusers to enter and remain in this country. I am appalled that this country has become a safe haven for those who exercised power in foreign countries to terrorize, rape, murder and torture innocent civilians. A recent report by Amnesty International claims that nearly 150 alleged human rights abusers have been identified living here, and warns that this number may be as high as 1,000.

The problem of human rights abusers seeking and obtaining refuge in this country is real, and requires an effective response with the legal and enforcement changes proposed in this legislation. We have unwittingly sheltered the oppressors along with the oppressed for too long. We should not let this situation continue. We need to focus the attention of our law enforcement investigators to prosecute and deport those who have committed atrocities abroad and who now enjoy safe harbor in the United States.

The Anti-Atrocity Alien Deportation Act would provide a stronger bar to human rights abusers who seek to exploit loopholes in current law. The Immigration and Nationality Act currently provides that 1. Participants in

Nazi persecutions during the time period from March 23, 1933 to May 8, 1945, 2. aliens who engaged in genocide, and 3. aliens who committed particularly severe violations of religious freedom, are inadmissible to the United States and deportable. This legislation would expand the grounds for inadmissibility and deportation to 1. Add new bars for aliens who have engaged in acts, outside the United States, of "torture" and "extrajudicial killing" and 2. remove limitations on the current bases for "genocide" and "particularly severe violations of religious freedom."

The bill would not only add the new grounds for inadmissibility and deportation, it would expand two of the current grounds. First, the current bar to aliens who have "engaged in genocide" defines that term by reference to the "genocide" definition in the Convention on the Prevention and Punishment of the Crime of Genocide. For clarity and consistency, the bill would substitute instead the definition in the Federal criminal code, which was adopted pursuant to the U.S. obligations under the Genocide Convention. The bill would also broaden the reach of the provision to apply not only to those who "engaged in genocide," as in current law, but also to cover any alien who has ordered, incited, assisted or otherwise participated in genocide. This broader scope will ensure that the genocide provision addresses a more appropriate range of levels of complicity.

Second, the current bar to aliens who have committed "particularly severe violations of religious freedom," as defined in the International Religious Freedom Act of 1998, limits its application to foreign government officials who engaged in such conduct within the last 24 months. Our bill would delete reference to prohibited conduct occurring within a 24-month period since this limitation is not consistent with the strong stance of the United States to promote religious freedom throughout the world.

Changing the law to address the problem of human rights abusers seeking entry and remaining in the United States is only part of the solution. We also need effective enforcement, which I believe we can obtain by updating the mission of the Justice Department's Office of Special Investigations, or OSI. Our country has long provided the template and moral leadership for dealing with Nazi war criminals. The OSI, which was created to hunt down, prosecute, and remove Nazi war criminals who had slipped into the United States among their victims under the Displaced Persons Act, is an example of effective enforcement. Since the OSI's inception in 1979, over 60 Nazi persecutors have been stripped of U.S. citizenship, almost 50 have been removed from the United States, and more than 150 have been denied entry.

The OSI was created by the power of Attorney General Civiletti almost 35 years after the end of World War II and

it is only authorized to track Nazi war criminals. As any prosecutor, or, in my case, former prosecutor, knows instinctively, delays make documentary and testimonial evidence more difficult to obtain. Stale cases are the hardest to make. We should not repeat the mistake of waiting decades before tracking down war criminals and human rights abusers who have settled in this country. War criminals should find no sanctuary in loopholes in our current immigration policies and enforcement. No war criminal should ever come to believe that he is going to find safe harbor in the United States.

The Anti-Atrocity Alien Deportation Act would for the first time provide statutory authorization for the OSI within the Department of Justice, with authority to denaturalize any alien who has participated in Nazi persecution, torture, extrajudicial killing or genocide abroad. The bill would also expand the OSI's jurisdiction to deal with any alien who participated in torture, extrajudicial killing and genocide abroad, not just Nazis. Unquestionably, the need to bring Nazi war criminals to justice remains a matter of great importance. Funds would not be diverted from the OSI's current mission. Additional resources are authorized in the bill for OSI's expanded duties.

Title VII of the Justice Enhancement and Domestic Security Act also includes a proposal to increase the maximum penalties for violations of three existing statutes that protect the cultural and archaeological history of the American people, particularly Native Americans. The United States Sentencing Commission recommended the statutory changes contained in this proposal, which would complement the Commission's strengthening of Federal sentencing guidelines to ensure more stringent penalties for criminals who steal from our public lands. Passage of this legislation would demonstrate Congress' commitment to preserving our nation's history and our cultural heritage.

The Justice Enhancement and Domestic Security Act is a comprehensive and realistic set of proposals for assisting local enforcement, preventing crime, protecting our children and senior citizens, and assisting the victims of crime. I look forward to working on a bipartisan basis for passage of as much of this bill as possible during the 108th Congress.

I ask unanimous consent that a section-by-section summary of the bill be printed in the RECORD.

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

JUSTICE ENHANCEMENT AND DOMESTIC  
SECURITY ACT OF 2003

SECTION-BY-SECTION ANALYSIS

TITLE I—COMBATING TERRORISM AND  
ENHANCING DOMESTIC SECURITY

Subtitle A—Supporting First Responders

Sec. 1101. Short title. Contains the short title, the "First Responders Partnership Grant Act of 2003".

Sec. 1102. Purpose. Purpose in support of this subtitle.

Sec. 1103. First Responders Partnership Grant Program for public safety officers. Authorizes grants to States, units of local government, and Indian tribes to support public safety officers in their efforts to protect homeland security and prevent and respond to acts of terrorism.

Sec. 1104. Applications. Requires the Director of the Bureau of Justice Assistance to promulgate regulations specifying the form and information to be included in submitting an application for a grant under this subtitle.

Sec. 1105. Definitions. Defines terms used in this subtitle.

Sec. 1106. Authorization of appropriations. Authorizes \$4 billion for each fiscal year through FY2005 to carry out this subtitle.

Subtitle B—Border Security

Sec. 1201. Short title. Contains the short title, the "Safe Borders Act of 2003".

Sec. 1202. Authorization of appropriations for hiring additional INS personnel. Authorizes such sums as may be necessary for the INS to hire an additional 250 inspectors and associated support staff, and an additional 250 investigative staff and associated support staff, during each fiscal year through FY2007.

Sec. 1203. Authorization of appropriations for improvements in technology for improving border security. Authorizes \$250 million to the INS for the purposes of making improvements in technology for improving border security and facilitating the flow of commerce and persons at ports of entry, including improving and expanding programs for preenrollment and preclearance.

Sec. 1204. Report on border security improvements. Directs the Attorney General to submit a report to Congress detailing all steps the Department of Justice has taken to implement the increases in border security personnel and improvements in border security technology and equipment authorized in the USA PATRIOT Act (Pub. L. 107-56) and the Enhanced Border Security and Visa Entry Reform Act (Pub. L. 107-173). The report shall also include the Attorney General's analysis of what additional personnel and other resources, if any, are needed to improve security at U.S. borders, particularly the U.S.-Canada border.

Subtitle C—Military Tribunals  
Authorization

Sec. 1301. Short title. Contains the short title, the "Military Tribunal Authorization Act of 2003".

Sec. 1302. Findings. Legislative findings in support of this subtitle.

Sec. 1303. Establishment of extraordinary tribunals. Authorizes the President to establish tribunals to try non-U.S. persons who are al Qaeda members (and persons aiding and abetting al Qaeda in terrorist activities against the United States); are apprehended in Afghanistan, apprehended fleeing from Afghanistan, or apprehended in or fleeing from any other place where there is armed conflict involving the U.S. Armed Forces; and are not prisoners of war, as defined by the Geneva Conventions. Tribunals may adjudicate violations of the laws of war targeted against U.S. persons. The Secretary of Defense is charged with promulgating rules of evidence and procedure for the tribunals.

Sec. 1304. Procedural requirements. Describes minimum procedural safeguards for tribunals established under this subtitle, including that the accused be presumed innocent until proven guilty, and that proof of guilt be established beyond a reasonable doubt. Trial proceedings will generally be accessible to the public with limited exceptions for demonstrable public safety concerns. Convictions may be appealed to the

U.S. Court of Appeals for the Armed Forces; any decisions of that court regarding proceedings of tribunals are subject to review by the U.S. Supreme Court by writ of certiorari.

Sec. 1305. Detention. Authorizes detention of individuals who are subject to a tribunal under this subtitle. In order to detain an individual under the authority of this section, the President must certify that the U.S. is in armed conflict with al Qaeda or Taliban forces in Afghanistan or elsewhere, or that an investigation, prosecution or post-trial proceeding against the detainee is ongoing. Detention determinations and the conditions of detention are subject to review by the Court of Appeals for the D.C. Circuit.

Sec. 1306. Sense of the Congress. Calls for the President to seek the cooperation of U.S. allies and other nations in the investigation and prosecution of those responsible for the September 11 attacks. It also calls for the President to use multilateral institutions to the fullest extent possible in carrying out such investigations and prosecutions.

Sec. 1307. Definitions. Defines terms used in this subtitle.

Sec. 1308. Termination of Authority. Authority under this subtitle ends on December 31, 2005.

#### Subtitle D—Anti Terrorist Hoaxes and False Reports

Sec. 1401 Short title. Contains the short title, the “Anti Terrorist Hoax and False Report Act of 2003”.

Sec. 1402. Findings. Legislative findings in support of this subtitle.

Sec. 1403. Hoaxes, false reports and reimbursement. Sets penalties for (1) knowingly conveying false information concerning an attempt to violate 18 U.S.C. §§175 (relating to biological weapons), 229 (relating to chemical weapons), 831 (relating to nuclear material), or 2332a (relating to weapons of mass destruction), under circumstances where such information may reasonably be believed; and (2) transferring any device or material, knowing or intending that it resembles a nuclear, chemical, biological, or other weapon of mass destruction, and under circumstances where it may reasonably be believed to involve an attempt to violate 18 U.S.C. §§175, 229, 831, or 2332a. Convicted offenders shall be ordered to reimburse all victims and government agencies for losses and expenses incurred as a result of the offense. Authorizes civil actions by victims and by U.S. Attorney General.

#### Subtitle E—Amendments to Federal Antiterrorism Laws

Sec. 1501. Attacks against mass transit clarification of definition. Clarifies that 18 U.S.C. §1993, which proscribes terrorist attacks against mass transportation systems, extends to attacks against “any carriage or other contrivance used, or capable of being used, as a means of transportation on land, water, or through the air”.

Sec. 1502. Release or detention of a material witness. Clarifies the conditions under which individuals can be arrested and detained as material witnesses in Federal criminal cases and grand jury investigations.

Sec. 1503. Clarification of sunset provision in USA PATRIOT Act. Clarifies that after sunset of certain provisions in the USA PATRIOT Act (Pub. L. 107-56), pursuant to section 224(a) of that Act, the law shall revert to what it was before that Act was enacted.

### TITLE II—PROTECTING AMERICA’S CHILDREN AND SENIORS

#### Subtitle A—Children’s Safety

##### Part I—National Amber Alert Network

Sec. 2111. Short title. Contains the short title, the “National AMBER Alert Network Act of 2003”.

Sec. 2112. National coordination of AMBER Alert Communications Network. Requires

the Attorney General to assign an AMBER Alert Coordinator of the Department of Justice to act as the national coordinator of the AMBER Alert communications network regarding abducted children. The Coordinator’s duties include: (1) seeking to eliminate gaps in the network; and (2) working with States to ensure regional coordination.

Sec. 2113. Minimum standards for issuance and dissemination of alerts through AMBER Alert Communications Network. Directs the AMBER Alert Coordinator to establish minimum standards for the issuance of alerts and for the extent of their dissemination (limited to the geographic areas most likely to facilitate the recovery of the abducted child).

Sec. 2114. Grant program for notification and communications systems along highways for recovery of abducted children. Authorizes 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.

Sec. 2115. Grant program for support of AMBER Alert communications plans. Authorizes grants to States for the development or enhancement of education, training, and law enforcement programs and activities for the support of AMBER Alert communications plans.

##### Part 2—Prosecutorial Remedies and Tools Against the Exploitation of Children Today

Sec. 2121. Short title. Contains the short title, the “Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act of 2003” or “PROTECT Act”.

Sec. 2122. Findings. Legislative findings in support of this part.

Sec. 2123. Certain activities relating to material constituting or containing child pornography. Amends 18 U.S.C. §2252A, regarding activities relating to material constituting or containing child pornography, to prohibit: (1) promoting, distributing, or soliciting material through the mails or in commerce in a manner that conveys the impression that the material contains an obscene visual depiction of a minor engaging in sexually explicit conduct; or (2) knowingly distributing to a minor any such visual depiction that has been transported in commerce, or that was produced using materials that have been so transported, for purposes of inducing a minor to participate in illegal activity.

Sec. 2124. Admissibility of evidence. On motion of the Government, and except for good cause shown, certain identifying information of minors depicted in child pornography shall be inadmissible in any prosecution of such an act.

Sec. 2125. Definitions. Adds new definitions for interpretation of Federal criminal laws regarding sexual exploitation and other abuse of children.

Sec. 2126. Recordkeeping requirements. Increases penalties for violation of recordkeeping requirements applicable to producers of certain sexually explicit materials.

Sec. 2127. Extraterritorial production of child pornography for distribution in the United States. Sets penalties for employing or coercing a minor to engage in sexually explicit conduct outside of the United States for the purpose of producing a visual depiction of such conduct and transporting it to the United States.

Sec. 2128. Civil remedies. Authorizes civil remedies for offenses relating to material constituting or containing child pornography.

Sec. 2129. Enhanced penalties for recidivists. Increases penalties for certain recidivists who commit offenses involving sexual exploitation and other abuse of children.

Sec. 2130. Sentencing enhancements for interstate travel to engage in sexual act with a juvenile. Directs Sentencing Commission to ensure that guideline penalties are adequate in cases involving interstate travel to engage in a sexual act with a juvenile.

Sec. 2131. Miscellaneous provisions. Directs the Attorney General to appoint 25 additional trial attorneys to focus on the investigation and prosecution of Federal child pornography laws. Directs the Sentencing Commission to ensure that the guidelines are adequate to deter and punish violations of offenses proscribed in section 2123 of this Act.

##### Part 3—Reauthorization of the National Center for Missing and Exploited Children

Sec. 2141. Short title. Contains the short title, the “Protecting Our Children Comes First Act of 2003”.

Sec. 2142. Annual grant to the National Center for Missing and Exploited Children. Doubles the annual grant to the National Center for Missing and Exploited Children (NCMEC) from \$10 million to \$20 million and extends funding through FY2006.

Sec. 2143. Authorization of appropriations. Amends the Missing Children’s Assistance Act to reauthorize the appropriated such sums as may be necessary through FY2006.

Sec. 2144. Forensic and investigative support of missing and exploited children. Authorizes the U.S. Secret Service to provide forensic and investigative support to the NCMEC to assist in efforts to find missing children.

Sec. 2145. Creation of a Cyber-Tipline. Amends the Missing Children’s Assistance Act to coordinate the operation of a Cyber-Tipline to provide online users an effective means of 5 reporting Internet-related child sexual exploitation in the areas of distribution of child pornography, online enticement of children for sexual acts, and child prostitution.

Sec. 2146. Service provider reporting of child pornography and related information. Amends 42 U.S.C. §13032, which requires providers of electronic communications and remote computing services to report apparent offenses that involve child pornography. Under current law, communications providers must report to the NCMEC when the provider obtains knowledge of facts or circumstances from which a violation of sexual exploitation crimes against children occurs. The NCMEC then gives the information to Federal agencies designated by the Attorney General. This section authorizes Federal authorities to share the information with State authorities without a court order and also gives the NCMEC the power to make reports directly to State and local law enforcement. This section also clarifies that such tips must come from non-governmental sources, so as to prevent law enforcement from circumventing the statutory requirements of the Electronic Communications Privacy Act.

Sec. 2147. Contents disclosure of stored communications. Amends 18 U.S.C. §2702 to be consistent with the scope of reports under 42 U.S.C. §13032(d), which provides that, in addition to the required information that is reported to NCMEC by communications providers, the reports may include additional information, such as the identity of a subscriber who sent a message containing child pornography.

##### Part 4—National Child Protection and Volunteers for Children Improvement

Sec. 2151. Short title. Contains the short title, the “National Child Protection and Volunteers for Children Improvement Act of 2003”.

Sec. 2152. Definitions. Defines new terms in the National Child Protection Act of 1993.

Sec. 2153. Strengthening and enforcing the National Child Protection Act and the Volunteers for Children Act. Amends the National Child Protection Act to allow qualified State programs that provide care for children, the elderly, or individuals with disabilities to apply directly to the Department of Justice to request national criminal background checks, which shall be returned within 15 business days. A qualified entity in a State that does not have a qualified State program can, one year after the date of enactment of this Act, also apply directly to the Department for a background check, which shall be returned within 20 business days.

Sec. 2154. Dissemination of information. Establishes an office within the Department of Justice to perform nationwide criminal background checks for qualified entities.

Sec. 2155. Fees. Caps fees for national criminal background checks for persons who volunteer with a qualified entity (\$5) and persons who are employed by, or apply for a position with, a qualified entity (\$18).

Sec. 2156. Strengthening State fingerprint technology. Directs the Attorney General to establish model programs in each State for the purpose of improving fingerprinting technology. Programs shall grant to each State funds to (1) purchase Live-Scan fingerprint technology and a State vehicle to make such technology mobile, or (2) purchase electric fingerprint imaging machines for use throughout the State to send fingerprint images to the Attorney General to conduct background checks. Additional funds shall be provided to each State to hire personnel to provide information and training regarding the requirements for input of criminal and disposition data into the National Criminal History Background Check System (NICS).

Sec. 2157. Privacy protections. Establishes privacy protections for information derived as a result of a national criminal fingerprint background check request under the National Child Protection Act of 1993.

Sec. 2158. Authorization of appropriations. Authorizes \$100 million through FY2004, and such sums as may be necessary for the next four fiscal years.

#### Part 5—Children's Confinement Conditions Improvement

Sec. 2161. Findings. Legislative findings in support of this part.

Sec. 2162. Purpose. Legislative purpose in support of this part.

Sec. 2163. Definition. Defines term used in this part.

Sec. 2164. Juvenile Safe Incarceration Grant Program. Authorizes grants to fund efforts by State and local governments and Indian tribes to alter correctional facilities for detained juveniles so that they are segregated from the adult population, train corrections officers on the proper supervision of juvenile offenders, and build separate facilities to house limited numbers of juveniles sentenced as adults, among other things. Authorizes such sums as necessary through FY2007 for this grant program.

Sec. 2165. Rural State funding. Authorizes \$20 million in each fiscal year through FY2006 for grants to assist rural States and economically distressed communities in providing secure custody for violent juvenile offenders.

Sec. 2166. GAO study. Directs the General Accounting Office to conduct a study and provide a report within one year on the use of electroshock weapons, 4-point restraints, chemical restraints, and solitary confinement against juvenile offenders.

Sec. 2167. Family Unity Demonstration Project. Reauthorizes the Family Unity Demonstration Project Act through FY2006.

The project provides funding for projects allowing eligible prisoners who are parents to live in structured, community-based centers with their young children.

#### Subtitle B—Seniors' Safety

Sec. 2201. Short title. Contains the short title, the "Seniors Safety Act of 2003".

Sec. 2202. Finding and purposes. Legislative findings in support of this subtitle, and statement of legislative purposes.

Sec. 2203. Definitions. Defines terms used in this subtitle.

#### Part 1—Combating Crimes Against Seniors

Sec. 2211. Enhanced sentencing penalties based on age of victim. Directs the U.S. Sentencing Commission to review and, if appropriate, amend the sentencing guidelines to include age as one of the criteria for determining whether a sentencing enhancement is appropriate. Encourages such review to reflect the economic and physical harm associated with criminal activity targeted at seniors and consider providing increased penalties for offenses where the victim was a senior.

Sec. 2212. Study and report on health care fraud sentences. Directs the U.S. Sentencing Commission to review and, if appropriate, amend the sentencing guidelines applicable to health care fraud offenses. Encourages such review to reflect the serious harms associated with health care fraud and the need for law enforcement to prevent such fraud, and to consider enhanced penalties for persons convicted of health care fraud.

Sec. 2213. Increased penalties for fraud resulting in serious injury or death. Increases the penalties under the mail fraud statute and the wire fraud statute for fraudulent schemes that result in serious injury or death. The maximum penalty if serious bodily harm occurred would be up to twenty years; if a death occurred, the maximum penalty would be a life sentence.

Sec. 2214. Safeguarding pension plans from fraud and theft. Punishes, with up to ten years' imprisonment, the act of defrauding retirement arrangements, or obtaining by means of false or fraudulent pretenses money or property of any retirement arrangement.

Sec. 2215. Additional civil penalties for defrauding pension plans. Authorizes the Attorney General to bring a civil action for retirement fraud, with penalties up to \$50,000 for an individual or \$100,000 for an organization, or the amount of the gain to the offender or loss to the victim, whichever is greatest.

Sec. 2216. Punishing bribery and graft in connection with employee benefit plans. Increases the maximum penalty for bribery and graft in connection with the operation of an employee benefit plan from three to five years' imprisonment. Broadens existing law to cover corrupt attempts to give or accept bribery or graft payments, and to proscribe bribery or graft payments to persons exercising de facto influence or control over employee benefit plans.

#### Part 2—Preventing Telemarketing Crime

Sec. 2221. Centralized complaint and consumer education service for victims of telemarketing fraud. Directs the Federal Trade Commission (FTC) to establish a central information clearinghouse for victims of telemarketing fraud and procedures for logging in complaints of telemarketing fraud victims, providing information on telemarketing fraud schemes, referring complaints to appropriate law enforcement officials, and providing complaint or prior conviction information. Directs the Attorney General to establish a database of telemarketing fraud convictions secured against corporations or companies, for uses described above.

Sec. 2222. Blocking of telemarketing scams. Clarifies that telemarketing fraud schemes executed using cellular telephone services are subject to the enhanced penalties for such fraud under 18 U.S.C. §2326. Authorizes termination of telephone service used to carry on telemarketing fraud. Requires telephone companies, upon notification in writing from the Department of Justice that a particular phone number is being used to engage in fraudulent telemarketing or other fraudulent conduct, and after notice to the customer, to terminate the subscriber's telephone service.

#### Part 3—Preventing Health Care Fraud

Sec. 2231. Injunctive authority relating to false claims and illegal kickback schemes involving Federal health care programs. Authorizes the Attorney General to take immediate action to halt illegal health care fraud kickback schemes under the Social Security Act. Attorney General may seek a civil penalty of up to \$50,000 per violation, or three times the remuneration, whichever is greater, for each offense under this section with respect to a Federal health care program.

Sec. 2232. Authorized investigative demand procedures. Authorizes the Attorney General to issue administrative subpoenas to investigate civil health care fraud cases. Provides privacy safeguards for personally identifiable health information that may be obtained in response to an administrative subpoena and divulged in the course of a Federal investigation.

Sec. 2233. Extending antifraud safeguards to the Federal Employees Health Benefits program. Removes the anti-fraud exemption for the Federal Employee Health Benefits Act (FEHB), thereby extending anti-fraud and anti-kickback safeguards applicable to the Medicare and Medicaid program to the FEHB. Allows the Attorney General to use the same civil enforcement tools to fight fraud perpetrated against the FEHB program as are available to other Federal health care programs, and to recover civil penalties against persons or entities engaged in illegal kickback schemes.

Sec. 2234. Grand jury disclosure. Authorizes Federal prosecutors to seek a court order to share grand jury information regarding health care offenses with other Federal prosecutors for use in civil proceedings or investigations relating to fraud or false claims in connection with any Federal health care program. Permits grand jury information regarding health care offenses to be shared with Federal civil prosecutors, only after ex parte court review and a finding that the information would assist in enforcement of Federal laws or regulations.

Sec. 2235. Increasing the effectiveness of civil investigative demands in false claims investigations. Authorizes the Attorney General to delegate authority to issue civil investigative demands to the Deputy Attorney General or an Assistant Attorney General. Authorizes whistleblowers who have brought qui tam actions under the False Claims Act to seek permission from a district court to obtain information disclosed to the Department of Justice in response to civil investigative demands.

#### Part 4—Protecting Residents of Nursing Homes

Sec. 2241. Nursing home resident protection. Sets penalties for engaging in a pattern of willful violations of Federal or State laws governing the health, safety, or care of individuals residing in residential health care facilities. This section also provides additional whistleblower protection for persons who are retaliated against for reporting deficient nursing home conditions.

Part 5—Protecting the Rights of Elderly Crime Victims

Sec. 2251. Use of forfeited funds to pay restitution to crime victims and regulatory agencies. Authorizes the use of forfeited funds to pay restitution to crime victims and regulatory agencies.

Sec. 2252. Victim restitution. Allows the government to move to dismiss forfeiture proceedings to allow the defendant to use the property subject to forfeiture for the payment of restitution to victims. If forfeiture proceedings are complete, Government may return the forfeited property so it may be used for restitution.

Sec. 2253. Bankruptcy proceedings not used to shield illegal gains from false claims. Allows an action under the False Claims Act despite concurrent bankruptcy proceedings. Prohibits discharge of debts resulting from judgments or settlements in Medicare and Medicaid fraud cases. Provides that no debt owed for a violation of the False Claims Act or other agreement may be avoided under bankruptcy provisions.

Sec. 2254. Forfeiture for retirement offenses. Requires the forfeiture of proceeds of a criminal retirement offense. Permits the civil forfeiture of proceeds from a criminal retirement offense.

TITLE III—DETERRING IDENTITY THEFT AND ASSISTING VICTIMS OF CRIME AND DOMESTIC VIOLENCE

Subtitle A—Deterring Identity Theft

Part 1—Identity Theft Victims Assistance

Sec. 3111. Short title. Contains the short title, the “Identity Theft Victims Assistance Act of 2003”.

Sec. 3112. Findings. Legislative findings in support of this part.

Sec. 3113. Treatment of identity theft mitigation. Requires business entities possessing information relating to an identity theft or that may have done business with a person who has made unauthorized use of a victim's means of identification to provide without charge to the victim or to any Federal, State, or local governing law enforcement agency or officer specified by the victim copies of all related application and transaction information. Limits liability for business entities that provide information under this section for the purpose of identification and prosecution of identity theft or to assist a victim. Authorizes civil enforcement actions by State Attorney General regarding identity theft.

Sec. 3114. Amendments to the Fair Credit Reporting Act. Amends the Fair Credit Reporting Act to direct a consumer reporting agency, at the request of a consumer, to block the reporting of any information identified by the consumer in such consumer's file resulting from identity theft, subject to specified requirements.

Sec. 3115. Coordinating committee study of coordination among Federal, State, and local authorities in enforcing identity theft laws. Amends the Internet False Identification Prevention Act of 2000 to (1) expand the membership of the coordinating committee on false identification to include the Chairman of the Federal Trade Commission, the Postmaster General, and the Commissioner of the United States Customs Service; (2) extend the term of the coordinating committee through December 28, 2004; (3) direct the coordinating committee to include certain information regarding identity theft in its annual reports to Congress.

Part 2—Identity Theft Prevention Act

Sec. 3121. Short title. Contains the short title, the “Identity Theft Prevention Act of 2003”.

Sec. 3122. Findings. Legislative findings in support of this part.

Sec. 3123. Identity theft prevention. Requires credit card companies to notify consumers within 30 days of a change of address request on an existing credit account. This section also codifies the current industry practice of “fraud alerts” and imposes penalties for non-compliance by credit issuers or credit reporting agencies. A fraud alert is a statement inserted in a consumer's credit report that notifies users that the consumer does not authorize the issuance of credit in his or her name unless the consumer is first notified in a pre-arranged manner.

Sec. 3124. Truncation of credit card account numbers. By 18 months after enactment of this Act, all new credit-card machines that print receipts electronically shall not print the expiration date or more than the last five digits of the customer's credit card number. By 4 years after enactment, all credit card machines that electronically print out receipts must comply.

Sec. 3125. Free annual credit report. Entitles every citizen to a free credit report once per year upon request.

Part 3—Social Security Number Misuse Prevention Act

Sec. 3131. Short title. Contains the short title, “Social Security Number Misuse Prevention Act of 2003.”

Sec. 3132. Findings. Legislative findings in support of this part.

Sec. 3133. Prohibition of the display, sale, or purchase of social security numbers. Prohibits the sale and display of a social security number without the affirmatively expressed consent of the individual, but allows legitimate business-to-business and business-to-government uses of social security numbers as defined by the Attorney General. Financial institutions, though not subject to the Attorney General rule-making, are prohibited by their own regulators from selling or displaying social security numbers to the general public.

Sec. 3134. Application of prohibition of the display, sale, or purchase of social security numbers to public records. Prohibits government entities from displaying social security numbers on public records posted on the Internet. Only records posted on the Internet after the date of enactment are affected. In addition, the Attorney General may allow some entities that have already posted social security numbers on the Internet to continue doing so. This section also prohibits government entities from displaying a person's social security number on any record issued to the general public through CD-ROMs or other electronic media (for records issued after the date of enactment).

Sec. 3135. Rulemaking authority of the Attorney General. Allows the Attorney General to decide if social security numbers should be removed from the face of simple government documents like professional licenses.

Sec. 3136. Treatment of social security numbers on government documents. Requires social security numbers to be prospectively removed from drivers' licenses and government checks.

Sec. 3137. Limits on personal disclosure of a social security number for consumer transactions. Limits, for the first time, when businesses may require a customer to provide his or her social security number. Under this section, in general, businesses may not require that the social security number be provided. Exceptions include business purposes related to credit reporting, background checks, and law enforcement.

Sec. 3138. Extension of civil monetary penalties for misuse of a social security number. Authorizes the Social Security Administration to issue civil penalties of up to \$5,000 for people who misuse social security numbers.

Sec. 3139. Criminal penalties for misuse of a social security number. Creates a five-year

maximum prison sentence for anyone who obtains another person's social security number for the purpose of locating or identifying that person with the intent to physically injure or harm her.

Sec. 3140. Civil actions and civil penalties. Individuals whose social security numbers are misused may file a claim in State court to seek an injunction, or seek the greater of \$500 in damages or their actual monetary losses. Businesses sued under the statute have an affirmative defense if they have taken reasonable steps to prevent violations of this part.

Sec. 3141. Federal injunctive authority. Provides the Federal government with injunctive authority with respect to any violation of this part by a public entity.

Subtitle B—Crime Victims Assistance

Sec. 3201. Short title. Contains the short title, the “Crime Victims Assistance Act of 2003”.

Part 1—Victim Rights in the Federal System

Sec. 3211. Right to consult concerning detention. Requires the government to consult with victim prior to a detention hearing to obtain information that can be presented to the court on the issue of any threat the suspected offender may pose to the victim. Requires the court to make inquiry during a detention hearing concerning the views of the victim, and to consider such views in determining whether the suspected offender should be detained.

Sec. 3212. Right to a speedy trial. Requires the court to consider the interests of the victim in the prompt and appropriate disposition of the case, free from unreasonable delay.

Sec. 3213. Right to consult concerning plea. Requires the government to make reasonable efforts to notify the victim of, and consider the victim's views about, any proposed or contemplated plea agreement. Requires the court, prior to entering judgment on a plea, to make inquiry concerning the views of the victim on the issue of the plea.

Sec. 3214. Enhanced participatory rights at trial. Provides standing for the prosecutor and the victim to assert the right of the victim to attend and observe the trial. Extends the Victim Rights Clarification Act to apply to televised proceedings. Amends the Victims' Rights and Restitution Act of 1990 to strengthen the right of crime victims to be present at court proceedings, including trials.

Sec. 3215. Enhanced participatory rights at sentencing. Requires the probation officer to include as part of the presentence report any victim impact statement submitted by a victim. Extends to all victims the right to make a statement or present information in relation to the sentence. Requires the court to consider the victim's views concerning punishment, if such views are presented to the court, before imposing sentence.

Sec. 3216. Right to notice concerning sentence adjustment. Requires the government to provide the victim the earliest possible notice of the scheduling of a hearing on modification of probation or supervised release for the offender.

Sec. 3217. Right to notice concerning discharge from psychiatric facility. Requires the government to provide the victim the earliest possible notice of the discharge or conditional discharge from a psychiatric facility of an offender who was found not guilty by reason of insanity.

Sec. 3218. Right to notice concerning executive clemency. Requires the government to provide the victim the earliest possible notice of the grant of executive clemency to the offender. Requires the Attorney General to report to Congress concerning executive clemency matters delegated for review or investigation to the Attorney General.

Sec. 3219. Procedures to promote compliance. Establishes an administrative system for enforcing the rights of crime victims in the Federal system.

Part 2—Victim Assistance Initiatives

Sec. 3221. Pilot programs to enforce compliance with State crime victim's rights laws. Authorizes the establishment of pilot programs in five States to establish and operate compliance authorities to promote compliance and effective enforcement of State laws regarding the rights of victims of crime. Compliance authorities would receive and investigate complaints relating to the provision or violation of a crime victim's rights, and issue findings following such investigations. Amounts authorized are \$8 million through FY2004, and such sums as necessary for the next two fiscal years.

Sec. 3222. Increased resources to develop state-of-the-art systems for notifying crime victims of important dates and developments. Authorizes grants to develop and implement crime victim notification systems. Amounts authorized are \$10 million through FY2004, and \$5 million for each of the next two fiscal years.

Sec. 3223. Restorative justice grants. Authorizes grants to establish juvenile restorative justice programs. Eligible programs shall: (1) be fully voluntary by both the victim and the offender (who must admit responsibility); (2) include as a critical component accountability conferences, at which the victim will have the opportunity to address the offender directly; (3) require that conferences be attended by the victim, the offender, and when possible, the parents or guardians of the offender, the arresting officer; and (4) provide an early, individualized assessment and action plan to each juvenile offender. These programs may act as an alternative to, or in addition to, incarceration. Amounts authorized are \$10 million through FY2004, and \$5 million for each of the next two fiscal years.

Part 3—Amendments to the Victims of Crime Act

Sec. 3231. Formula for distributions from the Crime Victims Fund. Replaces the annual cap on distributions from the Crime Victims Fund with a formula that ensures stability in the amounts distributed while preserving the amounts remaining in the Fund for use in future years. In general, subject to the availability of money in the Fund, the total amount to be distributed in any fiscal year shall be not less than 105% nor more than 115% of the total amount distributed in the previous fiscal year. This section also establishes minimum levels of annual funding for both State victim assistance grants and discretionary grants by the Office for Victims of Crime.

Sec. 3232. Clarification regarding anti-terrorism emergency reserve. Clarifies the intent of the USA PATRIOT Act regarding the restructured Antiterrorism emergency reserve, which was that any amounts used to replenish the reserve after the first year would be above any limitation on spending from the Fund.

Sec. 3233. Prohibition on diverting crime victims fund to offset increased spending. Ensures that the amounts deposited in the Crime Victims Fund are distributed in a timely manner to assist victims of crime as intended by current law and are not diverted to offset increased spending.

Subtitle C—Violence Against Women Act Enhancements

Sec. 3301. Transitional housing assistance grants. Authorizes grants to State and local governments, Indian tribes, and organizations to provide transitional housing and related support services (18-month maximum

with a 6-month extension) to individuals and dependents who are homeless as a result of domestic violence, and for whom emergency shelter services or other crisis intervention services are unavailable or insufficient. Amounts authorized are \$30 million for each fiscal year through FY2007.

Sec. 3302. Shelter services for battered women and children. Provides assistance to local entities that provide shelter or transitional housing assistance to victims of domestic violence. Provides means to improve access to information on family violence within underserved 15 populations. Reauthorizes funding for the Family Violence Prevention and Services Act at a level of \$175 million through FY2006.

Title IV—Supporting Law Enforcement and the Effective Administration of Justice

Subtitle A—Support for Public Safety Officers and Prosecutors

Part I—Providing Reliable Officers, Technology, Education, Community Prosecutors, and Training in Our Neighborhoods

Sec. 4101. Short title. Contains the short title, the "Providing Reliable Officers, Technology, Education, Community Prosecutors, and Training in Our Neighborhoods Act of 2003," or "PROTECTION Act".

Sec. 4102. Authorizations. Authorizes \$1.15 billion per year through FY 2008 to continue and modernize the Community Oriented Policing Services (COPS) program, which has funded 114,000 new community police officers in over 12,400 law enforcement agencies. This amount includes \$600 million for police hiring grants, \$350 million per year for law enforcement technology grants, and \$200 million per year for community prosecutor grants.

Part 2—Hometown Heroes Survivors Benefits

Sec. 4111. Short title. Contains the short title, the "Hometown Heroes Survivors Benefits Act of 2003".

Sec. 4112. Fatal heart attack or stroke on duty presumed to be death in line of duty for purposes of public safety officer survivor benefits. Closes a loophole in the Department of Justice Public Safety Officers Benefits Program by ensuring that the survivors of public safety officers who die of heart attacks or strokes while on duty or within 24 hours after participating in a training exercise or responding to an emergency situation—regardless of whether a traumatic injury was present at the time of the heart attack or stroke—are eligible to receive financial assistance. This section applies to deaths occurring on or after January 1, 2002.

Part 3—Federal Prosecutors Retirement Benefit Equity

Sec. 4121. Short title. Contains the short title, the "Federal Prosecutors Retirement Benefit Equity Act of 2003".

Sec. 4122. Inclusion of Federal prosecutors in the definition of a law enforcement officer. Amends 5 U.S.C. §§8331 and 8401 to extend the enhanced law enforcement officer (LEO) retirement benefits to Federal prosecutors, defined to include Assistant United States Attorneys (AUSAs) and such other attorneys in the Department of Justice as are designated by the Attorney General. This section also exempts Federal prosecutors from mandatory retirement provisions for LEOs under the civil service laws.

Sec. 4123. Provisions relating to incumbents. Governs the treatment of incumbent Federal prosecutors who would be eligible for LEO retirement benefits under this part. This section requires the Office of Personnel Management to provide notice to incumbents of their rights under this part; allows incumbents to opt out of the LEO retirement program; governs the crediting of prior service by incumbents; and provides for make-up

contributions for prior service of incumbents to the Civil Service Retirement and Disability Fund. Incumbents are given the option of either contributing their own share of any make-up contributions or receiving a proportionally lesser retirement benefit. The Government may contribute its share of any makeup contribution ratably over a ten-year period.

Sec. 4124. Department of Justice administrative actions. Allows the Attorney General to designate additional Department of Justice attorneys with substantially similar responsibilities, in addition to AUSAs, as Federal prosecutors for purposes of this Act, and thus be eligible for the LEO retirement benefit.

Subtitle B—Rural Law Enforcement Improvement and Training Grants

Sec. 4201. Rural Law Enforcement Retention Grant Program. Authorizes grants to help rural communities retain law enforcement officers hired through the COPS program for an additional year. Under this program, rural communities are eligible to receive a one-time retention grant of up to 20% of their original COPS award. Priority is given to communities that demonstrate financial hardship. Authorizes \$15 million a year for five years. Provides a 10% set-aside to assist tribal communities.

Sec. 4202. Rural Law Enforcement Technology Grant Program. Authorizes grants to help rural communities purchase crime-fighting technologies without a community policing requirement. Under this program, rural communities are eligible to receive funding for the following general categories of law enforcement-related technology: communications equipment; computer hardware and software; video cameras; and crime analysis technologies. Grant recipients must provide 10% of the total grant amount, subject to a waiver for extreme hardship. Authorizes \$40 million a year for five years. Provides a 10% set-aside to assist tribal communities.

Sec. 4203. Rural 9-1-1 service. Authorizes \$25 million in grants to establish and improve 911 emergency service in rural areas. Under this program, rural communities are eligible to receive a grant of up to \$250,000 to provide access to, and improve, a communications infrastructure that will ensure reliable and seamless communications between law enforcement, fire, and emergency medical service providers. Priority is given to communities that do not have 911 service. Provides a 10% set-aside to assist tribal communities.

Sec. 4204. Small town and rural law enforcement training program. Authorizes funding to establish a Rural Policing Institute as part of the Small Town and Rural Training Program administered by the Federal Law Enforcement Training Center. Funds may be used to: (1) assess the needs of law enforcement in rural areas; (2) develop and deliver export training to rural law enforcement; and (3) conduct outreach efforts to ensure that training programs under the Rural Policing Institute reach law enforcement officers in rural areas. Authorizes \$10 million through FY2004 to establish the Rural Policing Institute, and \$5 million a year for the next four years to continue programs under the Institute. Provides a 10% set-aside to assist tribal communities.

Subtitle C—FBI Reform

Sec. 4301. Short title. Contain the short title, the "Federal Bureau of Investigation Reform Act of 2003".

Part I—Whistleblower Protection

Sec. 4311. Increasing protections for FBI whistleblowers. Amends 5 U.S.C. §2303 to expand the types of disclosures that trigger whistleblower protections by protecting disclosures to a supervisor of the employee, the



Inspector General for the Department of Justice, a Member of Congress, or the Special Counsel (an office associated with enforcement before the Merit Systems Protection Board provided for by 5 U.S.C. §1214).

#### Part 2—FBI Security Career Program

Sec. 4321. Security management policies. Requires the Attorney General to establish policies and procedures for career management of FBI security personnel.

Sec. 4322. Director of the Federal Bureau of Investigation. Authorizes the Attorney General to delegate to the FBI Director the Attorney General's duties with respect to the FBI security workforce, and ensures that the security career program will cover both headquarters and FBI field offices.

Sec. 4323. Director of Security. Directs the FBI Director to appoint a Director of Security to assist the FBI Director in carrying out his duties under this part.

Sec. 4324. Security career program boards. Provides for the establishment of a security career program board to advise in managing hiring, training, education, and career development of personnel in the FBI security workforce.

Sec. 4325. Designation of security positions. Directs the FBI Director to designate certain positions as security positions, with responsibility for personnel security and access control; information systems security and information assurance; physical security and technical surveillance countermeasures; operational, program and industrial security; and information security and classification management.

Sec. 4326. Career development. Requires that career paths to senior security positions be published. No requirement or preference for FBI Special Agents shall be used in the consideration of persons for security positions unless the Attorney General makes a special determination. All FBI personnel shall have the opportunity to acquire the education, training and experience needed for senior security positions. Policies established under this part shall be designed to select the best qualified individuals, with consideration also given to the need for a balanced workforce.

Sec. 4327. General education, training, and experience requirements. Directs the FBI Director to establish education, training, and experience requirements for each security position. Before assignment as a manager or deputy manager of a significant security program, a person must have completed a security program management course accredited by the Intelligence Community-Department of Defense Joint Security Training Consortium or determined to be comparable by the FBI Director, and have six years experience in security.

Sec. 4328. Education and training programs. Directs the FBI Director, in consultation with the Director of Central Intelligence and the Secretary of Defense, to establish education and training programs for FBI security personnel that are, to the maximum extent practical, uniform with Intelligence and Department of Defense programs.

Sec. 4329. Office of Personnel Management approval. Directs the Attorney General to submit any requirement established under section 4327 to the Office of Personnel Management for approval.

#### Part 3—FBI Counterintelligence Polygraph Program

Sec. 4331. Definitions. Defines terms used in this part.

Sec. 4332. Establishment of program. Establishes a counterintelligence screening polygraph program for the FBI, consisting of periodic polygraph examinations of employees and contractors in positions that are

specified by the FBI Director as exceptionally sensitive. This program shall be established within six months of the publication of the results of the Polygraph Review by the National Academy of Sciences' Committee to Review the Scientific Evidence on the Polygraph.

Sec. 4333. Regulations. Directs the Attorney General to prescribe regulations for the polygraph program, which regulations shall include procedures for addressing "false positive" results and ensuring quality control. No adverse personnel action may be taken solely by reason of an individual's physiological reaction on a polygraph examination without further investigation and a personal determination by the FBI Director. Employees who are subject to polygraph 19 examinations shall have prompt access to unclassified reports regarding any such examinations that relate to adverse personnel actions.

Sec. 4334. Report on further enhancement of FBI personnel security program. Requires a report within nine months of the enactment of this Act on any further legislative action that the FBI Director considers appropriate to enhance the FBI's personnel security program.

#### Part 4—Report

Sec. 4341. Report on legal authority for FBI programs and activities. Requires a report within nine months after enactment of this Act describing the legal authority for all FBI programs and activities, identifying those that have express statutory authority and those that do not. This section also requires the Attorney General to recommend whether (1) the FBI should continue to have investigative responsibility for the criminal statutes for which it currently has investigative responsibility; (2) the authority for any FBI program or activity should be modified or repealed; (3) the FBI should have express statutory authority for any program or activity for which it does not currently have such authority; and (4) the FBI should have authority for any new program or activity.

#### Part 5—Ending the Double Standard

Sec. 4351. Allowing disciplinary suspensions of members of the Senior Executive Service for 14 days or less. Lifts the minimum of 14 days suspension that applies in the FBI's SES disciplinary cases and thereby provides additional options for discipline in SES cases and encourages equality of treatment. The current inflexibility of disciplinary options applicable to SES officials was cited at a Senate Judiciary Committee oversight hearing in July 2001 as one underlying reason for the "double standard" in FBI discipline.

Sec. 4352. Submitting Office of Professional Responsibility reports to congressional committees. Requires the OIG to submit to the Judiciary Committees, for five years, annual reports to be prepared by the FBI Office of Professional Responsibility summarizing its investigations, recommendations, and their dispositions, and also requires that such annual reports include an analysis of whether any double standard is being employed for FBI disciplinary action.

#### Part 6—Enhancing Security at the Department of Justice

Sec. 4361. Report on the protection of security and information at the Department of Justice. Requires the Attorney General to submit a report to Congress on the manner in which the Department of Justice Security and Emergency Planning Staff, Office of Intelligence Policy and Review (OIPR), and Chief Information Officer plan to improve the protection of security and information at the Department, including a plan to establish secure communications between the FBI and OIPR for processing information related to the Foreign Intelligence Surveillance Act.

Sec. 4362. Authorization for increased resources to protect security and information. Authorizes funds for the Department of Justice Security and Emergency Planning Staff to meet the increased demands to provide personnel, physical, information, technical, and litigation security for the Department, to prepare for terrorist threats and other emergencies, and to review security compliance by Department components. Amounts authorized are \$13 million through FY2004, \$17 million for FY2005, and \$22 million for FY2006.

Sec. 4363. Authorization for increased resources to fulfill national security mission of the Department of Justice. Authorizes funds for the Department of Justice Office of Intelligence Policy and Review to help meet the increased personnel demands to combat terrorism, process applications to the Foreign Intelligence Surveillance Court, participate effectively in counterespionage investigations, provide policy analysis and oversight on national security matters, and enhance computer and telecommunications security. Amounts authorized are \$7 million through FY2004, \$7.5 million for FY2005, and \$8 million for FY2006.

#### Subtitle D—DNA Sexual Assault Justice Act

Sec. 4401. Short title. Contains the short title, the "DNA Sexual Assault Justice Act of 2003".

Sec. 4402. Assessment of backlog in DNA analysis of samples. Requires the Attorney General to survey law enforcement to assess the extent of the backlog of untested rape kits and other sexual assault evidence. Within one year of enactment, the Attorney General shall submit his findings in a report to Congress with a plan for carrying out additional assessments and reports on the backlog as needed. Authorizes \$500,000 to carry out this section.

Sec. 4403. The Debbie Smith DNA Backlog Grant Program. Names a section of the DNA Backlog Elimination Act after Ms. Debbie Smith, and amends the purpose section of that Act to ensure the timely testing of rape kits and evidence from non-suspect cases.

Sec. 4404. Increased grants for analysis of DNA samples from convicted offenders and crime scenes. Extends and increases authorizations in the DNA Analysis Backlog Elimination Act, 42 U.S.C. §14135. That Act authorizes \$15 million dollars for FY2003 for DNA testing of convicted offender samples, and \$50 million for FY2003 and FY2004 for DNA testing of crime scene evidence (including rape kits) and laboratory improvement. This section increases the convicted offender authorization to \$15 million a year through FY2007—a total increase of \$60 million—and increases the crime scene evidence and laboratory improvement authorizations to \$75 million a year through FY2006, and \$25 million for FY2007—a total increase of \$275 million.

Sec. 4405. Authority of local governments to apply for and receive DNA Backlog Elimination Grants. Authorizes local State governments and Indian tribes to apply directly for Debbie Smith DNA Backlog Grants so that Federal resources can meet local needs more quickly.

Sec. 4406. Improving eligibility criteria for backlog grants. Amends the eligibility requirements for Debbie Smith DNA Backlog Grants to ensure that applicants adhere to certain protocols. In making Debbie Smith DNA Backlog Grants, the Department of Justice shall give priority to applicants with the greatest backlogs per capita.

Sec. 4407. Quality assurance standards for collection and handling of DNA evidence. Requires the Department of Justice to develop a recommended national protocol for the collection of DNA evidence at crime scenes,

which will provide guidance to law enforcement and other first responders on appropriate ways to collect and maintain DNA evidence. This section also amends the Violence Against Women Act of 2000, 42 U.S.C. 3796ggg, to ensure that the recommended national protocol for training individuals in the collection and use of DNA evidence through forensic examination in cases of sexual assault that is mandated by that Act is in fact developed, and to include standards for training of emergency response personnel.

Sec. 4408. Sexual Assault Forensic Exam Program Grants. Authorizes grants to establish and maintain sexual assault examiner programs, carry out sexual assault examiner training and certification, and acquire or improve forensic equipment. The grant program is authorized through FY2007, at \$30 million per year. In awarding grants under this section, the Attorney General shall give priority to programs that are serving or will serve communities that are currently underserved by existing sexual assault examiner programs.

Sec. 4409. DNA Evidence Training Grants. Authorizes grants to train law enforcement and prosecutors in the collection, handling, and courtroom use of DNA evidence, and to train law enforcement in responding to drug-facilitated sexual assaults. Grants are contingent upon adherence to FBI laboratory protocols, use of the collection standards established pursuant to section 4407 and participation in a State laboratory system. The grant program is authorized through FY2007, at \$10 million per year.

Sec. 4410. Authorizing John Doe DNA Indictments. In Federal sexual assault crimes, authorizes the issuance of "John Doe" DNA indictments that identify the defendant by his DNA profile. Such indictments must issue within the applicable statute of limitations; thereafter, the prosecution may commence at any time once the defendant is arrested or served with a summons.

Sec. 4411. Increased grants for Combined DNA Index System (CODIS). Authorizes \$9.7 million to upgrade the national DNA database.

Sec. 4412. Increased grants for Federal Convicted Offender Program (FCOP). Authorizes \$500,000 to process Federal offender DNA samples and enter that information into the national DNA database.

Sec. 4413. Privacy requirements for handling DNA evidence and DNA analyses. Requires the Department of Justice to promulgate privacy regulations that will limit the use and dissemination of DNA information generated for criminal justice purposes, and ensure the privacy, security, and confidentiality of DNA samples and analyses. This section also amends the DNA Analysis Backlog Reduction Act of 2000 to increase criminal penalties for disclosing or using a DNA sample or DNA analysis in violation of that act by a fine not to exceed \$100,000 per offense.

#### Subtitle E—Additional Improvements to the Justice System

Sec. 4501. Providing remedies for retaliation against whistleblowers making congressional disclosures. Provides a remedy for the currently existing right under 5 U.S.C. § 7211 for Federal employees to provide information to a Member or Committee of Congress without retaliation. The existing statute provides a right without any remedy for such retaliation; this section creates a cause of action for the injured employee.

Sec. 4502. Establishment of protective function privilege. Establishes a privilege against testimony by Secret Service officers charged with protecting the President, those in direct line for the Presidency, and visiting foreign heads of state.

Sec. 4503. Professional standards for government attorneys. Clarifies the attorney conduct standards governing attorneys for the Federal Government to ensure that Federal prosecutors and agents can use traditional Federal law enforcement techniques without running afoul of State bar rules. This section also directs the U.S. Judicial Conference to develop national rules of professional conduct in any area in which local rules may interfere with effective Federal law enforcement, including, in particular, with respect to communications with represented persons.

### TITLE V—COMBATING DRUG AND GUN VIOLENCE

#### Subtitle A—Drug Treatment, Prevention, and Testing

##### Part 1—Drug Treatment

Sec. 5101. Funding for treatment in rural States and economically depressed communities. Authorizes grants to States to provide treatment facilities in the neediest rural States and economically depressed communities that have high rates of drug addiction but lack resources to provide adequate treatment. Amount authorized is \$50 million a year through FY2006.

Sec. 5102. Funding for residential treatment centers for women with children. Authorizes grants to States to provide residential treatment facilities for methamphetamine, heroin, and other drug addicted women who have minor children. These facilities offer specialized treatment for addicted mothers and allow their children to reside with them in the facility or nearby while treatment is ongoing. Amount authorized is \$10 million a year through FY2006.

Sec. 5103. Drug treatment alternative to prison programs administered by State or local prosecutors. Authorizes grants to State or local prosecutors to implement or expand drug treatment alternatives to prison programs. Amounts authorized are \$75 million through FY2004, \$85 million for FY2005, \$95 million for FY2006, \$105 million for FY2007, and \$125 million for FY2008.

Sec. 5104. Substance abuse treatment in Federal prisons reauthorization. Authorizes funding for substance abuse treatment in Federal prisons through FY2004.

Sec. 5105. Drug treatment for juveniles. Allows the Director of the Center for Substance Abuse to make grants to public and private nonprofit entities to provide residential drug treatment programs for juveniles. Authorizes such sums as necessary through FY2005, and \$300 million a year through FY2007 from the Violent Crime Reduction Trust Fund.

##### Part 2—Funding for Drug-Free Community Programs

Sec. 5111. Extension of Safe and Drug-Free Schools and Communities Program. Extends funding for the Safe and Drug-Free Schools and Communities Program through FY2007, at \$655 million a year through FY2005, and \$955 million for FY2006 and FY2007.

Sec. 5112. Say No to Drugs Community Centers. Authorizes grants for the provision of drug prevention services to youth living in eligible communities during after-school hours or summer vacations. Authorizes \$125 million a year through FY2005 from the Violent Crime Reduction Trust Fund.

Sec. 5113. Drug education and prevention relating to youth gangs. Extends funding under the Anti-Drug Abuse Act of 1988 through FY2007.

Sec. 5114. Drug education and prevention program for runaway and homeless youth. Extends funding under the Anti-Drug Abuse Act of 1988 through FY2007.

##### Part 3—Zero Tolerance Drug Testing

Sec. 5121. Grant authority. Authorizes grants to States and localities for programs

supporting comprehensive drug testing of criminal justice populations, and to establish appropriate interventions to illegal drug use for offender populations.

Sec. 5122. Administration. Instructs Attorney General to coordinate with the other Department of Justice initiatives that address drug testing and interventions in the criminal justice system.

Sec. 5123. Applications. Instructs potential applicants on the process of requesting such grants, which are to be awarded on a competitive basis.

Sec. 5124. Federal share. The Federal share of a grant made under this part may not exceed 75% of the total cost of the program.

Sec. 5125. Geographic distribution. The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made, with rural and tribal jurisdiction representation.

Sec. 5126. Technical assistance, training, and evaluation. The Attorney General shall provide technical assistance and training in furtherance of the purposes of this part.

Sec. 5127. Authorization of appropriations. Authorizes \$75 million for FY2003 and such sums as are necessary through FY2007.

Sec. 5128. Permanent set-aside for research and evaluation. The Attorney General shall set aside between 1% to 3% of the sums appropriated under section 5127 for research and evaluation of this program.

##### Part 4—Crack House Statute Amendments

Sec. 5131. Offenses. Amends crack house statute (21 U.S.C. § 856) to make it apply to those who (1) knowingly open, lease, rent, use or maintain a place either permanently or temporarily for the purpose of manufacturing, distributing or using any controlled substance and (2) manage or control any place, whether permanently or temporarily, for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance. These changes clarify that the law applies not just to ongoing drug distribution operations, but to "single-event" activities. This section also applies the law to outdoor as well as indoor venues.

Sec. 5132. Civil penalty and equitable relief for maintaining drug-involved premises. Establishes the civil penalty for violating 21 U.S.C. § 856 as amended to either \$250,000 or two times the gross receipts that were derived from each violation of that section.

Sec. 5133. Declaratory and injunctive remedies. Authorizes the Attorney General to commence a civil action for declaratory or injunctive relief for violations of 21 U.S.C. § 856 as amended.

Sec. 5134. Sentencing Commission guidelines. Requires the Sentencing Commission to review Federal sentencing guidelines with respect to offenses involving gammahydroxybutyric acid and consider amending Federal sentencing guidelines to provide for increased penalties.

Sec. 5135. Authorization of appropriations for a demand reduction coordinator. Authorizes \$5.9 million to the Drug Enforcement Administration to hire a special agent in each State to coordinate demand reduction activities.

Sec. 5136. Authorization of appropriations for drug education. Authorizes such sums as may be necessary to the Drug Enforcement Administration to educate youths, parents, and other interested adults about the drugs associated with raves.

##### Part 5—Cracking Down on Methamphetamine in Rural Areas

Sec. 5141. Methamphetamine treatment programs in rural areas. Authorizes grants to establish methamphetamine prevention and treatment pilot programs in rural areas. Provides a 10% set-aside to assist tribal communities.

Sec. 5142. Methamphetamine prevention education. Authorizes \$5 million a year through FY2008 to fund programs that educate people in rural areas about the early signs of methamphetamine use. Provides a 10% set-aside to assist tribal communities.

Sec. 5143. Methamphetamine cleanup. Authorizes \$20 million to make grants to States or units of local government to help cleanup methamphetamine laboratories in rural areas and improve contract-related response times for such cleanups. Provides a 10% set-aside to assist tribal communities.

#### Subtitle B—Disarming Felons

##### Part 1—Our Lady of Peace Act

Sec. 5201. Short Title. Contains the short title, the "Our Lady of Peace Act of 2003".

Sec. 5202. Findings. Legislative findings in support of this part.

Sec. 5203. Enhancement of requirement that Federal departments and agencies provide relevant information to the National Instant Criminal Background Check System. Amends the Brady Handgun Violence Prevention Act to require the head of each U.S. department or agency to ascertain whether it has such information on persons for whom receipt of a firearm would violate specified Federal provisions regarding excluded individuals or State law as is necessary to enable the National Instant Criminal Background Check System (NICS) to operate. Directs that any such record that the department or agency has to be made available to the Attorney General for inclusion in the NICS.

Sec. 5204. Requirements to obtain waiver. Makes a State eligible to receive a waiver of the 10% matching requirement for National Criminal History Improvement Grants if the State provides at least 95% of the information described in this Act, including the name of and other relevant identifying information related to each person disqualified from acquiring a firearm.

Sec. 5205. Implementation grants to States. Directs the Attorney General to make grants to each State: (1) to establish or upgrade information and identification technologies for firearms eligibility determinations; and (2) for use by the State's chief judicial officer to improve the handling of proceedings related to criminal history dispositions and restraining orders. Authorizes \$250 million a year through FY2006.

Sec. 5206. Continuing evaluations. Requires the Director of the Bureau of Justice Statistics to study and evaluate the operations of NICS and to report on grants and on best practices of States.

Sec. 5207. Grants to State courts for the improvement in automation and transmittal of disposition record. Directs the Attorney General to make grants to each State for use by the chief judicial officer of the State to improve the handling of proceedings related to criminal history dispositions and restraining orders. Authorizes \$125 million a year through FY2006.

##### Part 2—Ballistics, Law Assistance, and Safety Technology

Sec. 5211. Short title. Contains the short title, the "Ballistics, Law Assistance, and Safety Technology Act of 2003," or "BLAST Act".

Sec. 5212. Purposes. Statement of legislative purposes.

Sec. 5213. Definition of ballistics. Defines terms used in this part.

Sec. 5214. Test firing and automated storage of ballistics records. Requires a licensed manufacturer or importer to test fire firearms, prepare ballistics images, make records available to the Secretary of the Treasury for entry in a computerized database, and store the fired bullet and cartridge casings. Directs the Attorney General and

the Secretary to assist firearm manufacturers and importers in complying. Specifies that nothing herein creates a cause of action against any Federal firearms licensee or any other person for any civil liability except for imposition of a civil penalty under this section. Authorizes \$20 million a year through FY2006 to carry out this program.

Sec. 5215. Privacy rights of law abiding citizens. Prohibits the use of ballistics information of individual guns for (1) prosecutorial purposes, unless law enforcement officials have a reasonable belief that a crime has been committed and that ballistics information would assist in the investigation of that crime, or (2) the creation of a national firearms registry of gun owners.

Sec. 5216. Demonstration firearm crime reduction strategy. Directs the Secretary and the Attorney General to establish in the jurisdictions selected a comprehensive firearm crime reduction strategy. Requires the Secretary and the Attorney General to select not fewer than ten jurisdictions for participation in the program. Authorizes \$20 million per year through FY2006 to carry out this program.

##### Part 3—Extension of Project Exile

Sec. 5221. Authorization of funding for additional State and local gun prosecutors. Authorizes \$150 million to hire additional local and State prosecutors to expand the Project Exile program in high gun-crime areas. Requires interdisciplinary team approach to prevent, reduce, and respond to firearm related crimes in partnership with communities.

##### Part 4—Expansion of the Youth Crime Gun Interdiction Initiative

Sec. 5231. Youth Crime Gun Interdiction Initiative. Directs the Secretary of the Treasury to expand participation in the Youth Crime Gun Interdiction Initiative (YCGII). Authorizes grants to States and localities for purposes of assisting them in the tracing of firearms and participation in the YCGII.

##### Part 5—Gun Offenses

Sec. 5241. Gun ban for dangerous juvenile offenders. Prohibits juveniles adjudged delinquent for serious drug offenses or violent felonies from receiving or possessing a firearm, and makes it a crime for any person to sell or provide a firearm to someone they have reason to believe has been adjudged delinquent. This section applies only prospectively, and access to firearms may be restored under State restoration of rights provisions, but only if such restoration is on a case-by-case, rather than automatic basis.

Sec. 5242. Improving firearms safety. Requires gun dealers to have secure gun storage devices available for sale, including any device or attachment to prevent a gun's use by one not having regular access to the firearm, or a lockable safe or storage box.

Sec. 5243. Juvenile handgun safety. Increases the maximum penalty for transferring a handgun to a juvenile or for a juvenile to unlawfully possess a handgun from one to five years.

Sec. 5244. Serious juvenile drug offenses as armed career criminal predicates. Permits the use of an adjudication of juvenile delinquency for a serious drug trafficking offense as a predicate offense for determining whether a defendant falls within the Armed Career Criminal Act. That act provides additional penalties for armed criminals with a proven record of serious crimes involving drugs and violence.

Sec. 5245. Increased penalty for transferring a firearm to a minor for use in crime of violence or drug trafficking crime. Increases the maximum penalty for providing a firearm to a juvenile that one knows will be used in a serious crime from 10 to 15 years.

Sec. 5246. Increased penalty for firearms conspiracy. Subjects conspirators to the same penalties as are provided for the underlying firearm offenses in 18 U.S.C. § 924.

##### Part 6—Closing the Gun Show Loophole

Sec. 5251. Findings. Legislative findings in support of this part.

Sec. 5252. Extension of Brady background checks to gun shows. Closes the gun show loophole by regulating firearms transfers at gun shows, including requiring criminal background checks on all transferees. Increases penalties for serious record-keeping violations by licensees, and for violations of criminal background check requirements. Amends the Brady law to prevent the Federal government from keeping records on qualified purchasers for more than 90 days.

#### TITLE VI—THE INNOCENCE PROTECTION ACT

Sec. 6001. Short title. Contains the short title, the "Innocence Protection Act of 2003."

##### Subtitle A—Exonerating the Innocent Through DNA Testing

Sec. 6101. DNA testing in Federal criminal justice system. Establishes rules and procedures governing applications for DNA testing by inmates in the Federal system, and prohibits the destruction of biological evidence in a criminal case while a defendant remains incarcerated, with exceptions.

Sec. 6102. DNA testing in State criminal justice system. Conditions receipt of Federal grants for DNA-related programs on assurances that the State will adopt adequate procedures for preserving DNA evidence and making DNA testing available to inmates. States must also agree to review their capital convictions and conduct DNA testing where appropriate and, in cases where DNA testing exonerates an inmate, investigate what went wrong and take steps to prevent similar errors in future cases.

Sec. 6103. Prohibition pursuant to section 5 of the 14th Amendment. Prohibits States from denying State prisoners access to evidence for the purpose of DNA testing, where such testing has the scientific potential to produce new, noncumulative evidence that is material to the prisoner's claim of innocence, and that raises a reasonable probability that he or she would not have been convicted.

Sec. 6104. Grants to prosecutors for DNA testing programs. Permits States to use grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs to fund the growing number of prosecutor-initiated programs that review convictions to identify cases in which DNA testing is appropriate and that offer DNA testing to inmates in such cases.

##### Subtitle B—Improving State Systems for Providing Competent Legal Services in Capital Cases

Sec. 6201. Capital Representation System Improvement Grants. Authorizes grants to States to improve the quality of legal representation provided to indigent defendants in capital cases. States that choose to accept Federal funds agree to create or improve an effective system for providing competent legal representation in capital cases. The following funds are authorized to carry out the grant programs: FY2003: \$50 million; FY2004: \$75 million; FY2005 and FY2006: \$100 million per year; FY2007: \$75 million; FY2008: \$50 million.

Sec. 6202. Enforcement suits. A person may bring a civil suit in Federal district court against an officer of a State receiving Federal funds under section 6201, alleging that the State has failed to maintain an effective capital representation system as required under the grant program. The Attorney General may intervene in such suits, and where

he does so, he assumes responsibility for conducting the action. If the court finds that the State has not met the grant conditions, it may order injunctive or declaratory relief, but not money damages.

Sec. 6203. Grants to qualified capital defender organizations. If a State does not qualify or does not apply for a grant under section 6201, a qualified capital defender organization in that State may apply for grant funds. Grants to such organizations may be used to strengthen systems, recruit and train attorneys, and augment an organization's resources for providing competent representation in capital cases.

Sec. 6204. Grants to train prosecutors, defense counsel, and State and local judges handling State capital cases. Authorizes grants to train State and local prosecutors, defense counsel, and judges in handling capital cases. Each program is authorized at \$15 million through FY2007.

#### Subtitle C—Right to Review of the Death Penalty Upon the Grant of Certiorari

Sec. 6301. Protecting the rights of death row inmates to review of cases granted certiorari. Ensure that a defendant who is granted certiorari by the Supreme Court (an action requiring four affirmative votes by qualified Justices), but who is not granted a stay of execution by the Court (an action requiring five affirmative votes), is not executed while awaiting review of his case.

#### Subtitle D—Compensation for the Wrongfully Convicted

Sec. 6401. Increased compensation in Federal cases. Increases the maximum amount of damages that the U.S. Court of Federal Claims may award against the United States in cases of unjust imprisonment from a flat \$5,000 to \$ 10,000 per year.

Sec. 6402. Sense of Congress regarding compensation in State death penalty cases. Expresses the sense of Congress that States should provide reasonable compensation to any person found to have been unjustly convicted of an offense against the State and sentenced to death.

#### Subtitle E—Student Loan Repayment for Public Attorneys

Sec. 6501. Student loan repayment for public attorneys. Encourages qualified individuals to enter and continue employment as prosecutors and public defenders by establishing a program to repay Stafford loans for both prosecutors and defenders who agree to remain employed for the required period of service. This section also extends Perkins loan forgiveness—currently available only to prosecutors—to public defenders. Repayment benefits may not exceed \$6,000 in a single calendar year, or a total of \$40,000 for any individual.

### TITLE VII—STRENGTHENING THE FEDERAL CRIMINAL LAWS

#### Subtitle A—Anti-Atrocity Alien Deportation Act

Sec. 7101. Short title. Contains the short title, the "Anti-Atrocity Alien Deportation Act of 2003".

Sec. 7102. Inadmissibility and deportability of aliens who have committed acts of torture or extrajudicial killing abroad. Amends the Immigration and Nationality Act by expanding the grounds for inadmissibility and deportation to cover aliens who have committed, ordered, incited, assisted, or otherwise participated in the commission of acts of torture or extrajudicial killing abroad and clarify and expand the scope of the genocide bar. This section applies to acts committed before, on, or after the date this legislation is enacted, and to all cases after enactment, even where the acts in question occurred or where adjudication procedures were initiated prior to enactment.

Sec. 7103. Inadmissibility and deportability of foreign government officials who have committed particularly severe violations of religious freedom. Amends 8 U.S.C. 1182(a)(2)(G), which was added as part of the International Religious Freedom Act of 1998, to expand the grounds for inadmissibility and deportability of aliens who commit particularly severe violations of religious freedom.

Sec. 7104. Bar to good moral character for aliens who have committed acts of torture, extrajudicial killings, or severe violations of religious freedom. Amends 8 U.S.C. 1101(f), which provides the current definition of "good moral character," to make clear that aliens who have committed torture, extrajudicial killing, or severe violation of religious freedom abroad do not qualify. This amendment prevents aliens covered by the amendments made in sections 7102 and 7103 from becoming U.S. citizens or benefitting from cancellation of removal or voluntary departure.

Sec. 7105. Establishment of the Office of Special Investigations. Provides explicit statutory authority for the Office of Special Investigations (OSI), which was established in 1979 within the Criminal Division of the Department, and expands OSI's current authorized mission beyond Nazi war criminals. This section also sets forth specific considerations in determining the appropriate legal action to take against an alien who has participated in Nazi persecution, genocide, torture or extrajudicial killing abroad, and expressly directs the Department of Justice to consider the availability of prosecution under U.S. laws for any conduct that forms the basis for removal and denaturalization. In addition, the Department is directed to consider deportation to foreign jurisdictions that are prepared to undertake such a prosecution.

Sec. 7106. Report on implementation. Directs the Attorney General, in consultation with the INS Commissioner, to report within six months on the implementation of the Act, including procedures for referral of matters to OSI, any revisions made to INS forms to reflect amendments made by the Act, and the procedures developed, with adequate due process protection, to obtain sufficient evidence and determine whether an alien is deemed inadmissible under the Act.

#### Subtitle B—Deterring Cargo Theft

Sec. 7201. Punishment of cargo theft. Clarifies Federal statute governing thefts of vehicles normally used in interstate commerce to include trailers, motortrucks, and air cargo containers; and freight warehouses and transfer stations. Makes such a theft a felony punishable by three (not one) years in prison. Provides for appropriate amendments to the Sentencing Guidelines.

Sec. 7202. Reports to Congress on cargo theft. Mandates annual reports by the Attorney General to evaluate and identify further means of combating cargo theft.

Sec. 7203. Establishment of advisory committee on cargo theft. Establishes a 6-member Advisory Committee on Cargo Theft with representatives of the Departments of Justice, Treasury and Transportation, and three experts from the private sector. Committee will hold hearings and submit a report within one year with detailed recommendations on cargo security.

Sec. 7204. Addition of attempted theft and counterfeiting offenses to eliminate gaps and inconsistencies in coverage. Amends 22 statutes to clarify that an attempt to embezzle funds or counterfeit is a crime, just as is actual embezzlement or counterfeiting.

Sec. 7205. Clarification of scienter requirement for receiving property stolen from an Indian tribal organization. Provides that it

is a crime to receive, conceal or retain property stolen from a tribal organization if one knows that the property has been stolen, even if one did not know that it had been stolen from a tribal organization.

Sec. 7206. Larceny involving post office boxes and postal stamp vending machines. Clarifies that it is a crime to steal from a post office box or stamp vending machine irrespective of whether it is in a building used by the Postal Service.

Sec. 7207. Expansion of Federal theft offenses to cover theft of vessels. Expands Federal law covering the transportation of stolen vehicles to include watercraft.

#### Subtitle C—Additional Improvements and Corrections to the Federal Criminal Laws

Sec. 7301. Enhanced penalties for cultural heritage crimes. Increases penalties for violations of the Archaeological Resources Protection Act of 1979 and other cultural heritage crimes.

Sec. 7302. Enhanced enforcement of laws affecting racketeer-influenced and corrupt organizations. Enhances the ability of Federal and State regulators to enforce existing law by giving State Attorneys General and the Securities and Exchange Commission explicit authority to bring a civil RICO action under 18 U.S.C. §1964. Currently, only the U.S. Attorney General has such authority.

Sec. 7303. Increased maximum corporate penalty for antitrust violations. Increases the maximum statutory fine for corporations convicted of criminal antitrust violations from the current Sherman Act maximum of \$10 million to a new maximum of \$100 million.

Sec. 7304. Technical correction to ensure compliance of sentencing guidelines with provisions of all Federal statutes. Ensures that sentencing guidelines promulgated by the United States Sentencing Commission are consistent with the provisions of all Federal statutes.

Sec. 7305. Inclusion of assault crimes and unlicensed money transmitting businesses as racketeering activity. Makes assault with a dangerous weapon, assault resulting in serious bodily injury, and operating an unlicensed money transmitting business predicate crimes for a RICO prosecution.

Sec. 7306. Inclusion of unlicensed money transmitting businesses and structuring currency transactions to evade reporting requirement as wiretap predicates. Adds §18 U.S.C. §§1960 and 5324 to list of offenses for which the Government may seek a wiretap.

By Mr. ALLARD (for himself, Mrs. CLINTON, Mr. SHELBY, Mr. FEINGOLD, Mr. BURNS, Mr. SESSIONS, Mr. HARKIN, and Mr. CORZINE):

S. 98. A bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States, to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ALLARD. Mr. President, I would like to make a few brief comments about legislation I am introducing today. I also will talk briefly about some of the agenda items I have been looking at for this year. Obviously, having just been sworn into office today, we are putting together our agendas and beginning to think seriously about what kind of issues we would like to put forward.

The people of Colorado understand that, as we move into this session, my priority is the cleanup of a number of our Superfund sites in Colorado, staying on track with the cleanup of Rocky Flats by 2006, cleaning up the Shattuck waste site, as well as the cleanup of Pueblo Depot.

I will also be working on transportation issues which are important to States such as Colorado, Wyoming, the home State of the presiding officer, as well as throughout the country. Transportation will be a big issue as we move into this session.

Another issue I have spoken about is housing, which we will be dealing with in this session. I also plan to focus on missile defense and judiciary nominations.

The legislation I rise today to introduce is called the Community Choice in Real Estate Act of 2003. I am pleased to have Senators CLINTON, SHELBY, FEINGOLD, BURNS, SESSIONS, and HARKIN join me in introducing this bill. This is something I am doing as part of the effort to keep the housing markets competitive and strong.

The Community Choice in Real Estate Act of 2003 is the continuation of an effort that I began in the 107th Congress. This bill would clarify Congressional intent that real estate brokerage and management are not financial activities and would therefore retain the separation of commerce and banking that we intended during consideration of the Gramm-Leach-Bliley Act.

The Gramm-Leach-Bliley Act closed the unitary thrift loophole that allowed a single savings and loan to be owned by a commercial entity. This clearly established that banking and commerce were not to mix. Congress explicitly defined several functions to be financial in nature or incidental to finance to clarify the separation. Real estate management and brokerage services were not defined as financial activities.

Congress already established a clear position regarding banks' involvement in real estate management and brokerage activities, and the bill I'm introducing with my colleagues would reiterate that prohibition. I believe that we should not permit federal regulators to preempt the intent of Congress.

The real estate and banking industries have served America well, and I believe that the current system provides consumers with many important options. I know that the regulators received many letters during the comment period. I commend them for taking the time to allow all interested parties to comment and for their pledge to carefully review all comments. I intend to continue to work with them to ensure that Congressional intent is followed in this matter.

Realtors play a vital role in our economy, and housing has been one of the bright spots in our otherwise slow economy. Realtors are an integral part of the housing industry share in the credit for this positive economic news.

Additionally, Realtors help fuel the economy as small businesses. As a small businessman myself, I can appreciate the challenges of starting and running a small business. As a U.S. Senator I have worked hard to reduce rules and regulations hindering small businesses, as well as excessive taxes. The Community Choice in Real Estate Act of 2003 will ensure that small real estate businesses are able to continue to thrive.

Mr. President, I urge the Senate to promptly consider this matter, and I would ask unanimous consent that the text of the bill be printed in the Record.

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

S. 98

*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 "Community Choice in Real Estate Act of 2003".

**SEC. 2. CLARIFICATION THAT REAL ESTATE BROKERAGE AND MANAGEMENT ACTIVITIES ARE NOT BANKING OR FINANCIAL ACTIVITIES.**

(a) BANK HOLDING COMPANY ACT OF 1956.—Section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)) is amended by adding at the end the following new paragraph:

"(8) REAL ESTATE BROKERAGE AND REAL ESTATE MANAGEMENT ACTIVITIES.—

"(A) IN GENERAL.—The Board may not determine that real estate brokerage activity or real estate management activity is an activity that is financial in nature, is incidental to any financial activity, or is complementary to a financial activity.

"(B) REAL ESTATE BROKERAGE ACTIVITY DEFINED.—For purposes of this paragraph, the term 'real estate brokerage activity' means any activity that involves offering or providing real estate brokerage services to the public, including—

"(i) acting as an agent for a buyer, seller, lessor, or lessee of real property;

"(ii) listing or advertising real property for sale, purchase, lease, rental, or exchange;

"(iii) providing advice in connection with sale, purchase, lease, rental, or exchange of real property;

"(iv) bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

"(v) negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to any such transaction);

"(vi) engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or broker under any applicable law; and

"(vii) offering to engage in any activity, or act in any capacity, described in clause (i), (ii), (iii), (iv), (v), or (vi).

"(C) REAL ESTATE MANAGEMENT ACTIVITY DEFINED.—For purposes of this paragraph, the term 'real estate management activity' means any activity that involves offering or providing real estate management services to the public, including—

"(i) procuring any tenant or lessee for any real property;

"(ii) negotiating leases of real property;

"(iii) maintaining security deposits on behalf of any tenant or lessor of real property

(other than as a depository institution for any person providing real estate management services for any tenant or lessor of real property);

"(iv) billing and collecting rental payments with respect to real property or providing periodic accounting for such payments;

"(v) making principal, interest, insurance, tax, or utility payments with respect to real property (other than as a depository institution or other financial institution on behalf of, and at the direction of, an account holder at the institution);

"(vi) overseeing the inspection, maintenance, and upkeep of real property, generally; and

"(vii) offering to engage in any activity, or act in any capacity, described in clause (i), (ii), (iii), (iv), (v), or (vi).

"(D) EXCEPTION FOR COMPANY PROPERTY.—This paragraph does not apply to an activity of a bank holding company or any affiliate of such company that directly relates to managing any real property owned by such company or affiliate, or the purchase, sale, or lease of property owned, or to be used or occupied, by such company or affiliate."

(b) REVISED STATUTES OF THE UNITED STATES.—Section 5136A(b) of the Revised Statutes of the United States (12 U.S.C. 24a(b)) is amended by adding at the end the following new paragraph:

"(4) REAL ESTATE BROKERAGE AND REAL ESTATE MANAGEMENT ACTIVITIES.—

"(A) IN GENERAL.—The Secretary may not determine that real estate brokerage activity or real estate management activity is an activity that is financial in nature, is incidental to any financial activity, or is complementary to a financial activity.

"(B) DEFINITIONS.—For purposes of this paragraph, the terms 'real estate brokerage activity' and 'real estate management activity' have the same meanings as in section 4(k)(8) of the Bank Holding Company Act of 1956.

"(C) EXCEPTION FOR COMPANY PROPERTY.—This paragraph does not apply to an activity of a national bank, or a subsidiary of a national bank, that directly relates to managing any real property owned by such bank or subsidiary, or the purchase, sale, or lease of property owned, or to be owned, by such bank or subsidiary."

Mrs. CLINTON. Mr. President, I am so pleased to join my colleague, Senator ALLARD from Colorado, today to introduce the Community Choice in Real Estate Act of 2003.

This critically important piece of legislation would clarify Congressional intent, by preventing the Federal Reserve Board and the Treasury Department from issuing a regulation permitting banks and their affiliates from engaging in real estate management and brokerage activities, which are commercial—and not financial—in nature.

The legislation that Senator ALLARD and I are introducing today recognizes the possible unintended consequences that implementation of such regulation could have on consumers and on the real estate industry. The powers afforded banks under the Gramm-Leach-Bliley act would give banks a considerable competitive advantage over brokers and service providers who lack access to customer financial information. I am concerned that this could force independent real estate brokers out of the market, and in turn lower the quality of service to consumers.

Congress has armed regulators with the flexibility to adapt to changes in the marketplace. Indeed, in the coming years, I am confident the Federal Reserve Board and the Treasury Department will determine the effect that the Gramm-Leach-Bliley Act is having on the financial market place and on consumers. As the effects are analyzed and changes considered, I urge that safeguards be included that ensure the protection of consumers and existing businesses as well as compliance with the intent of Congress. Until then, allowing banks in real estate could create inherent conflicts of interest for the lenders and brokers, and could place inevitable pressure on consumers and limit their choices in products and services.

Last year, there was tremendous support for this legislation in the House and Senate, and I look forward to working with my colleagues again this year to ensure the Treasury Secretary hears loud and clear the intent of Congress to protect consumers, and to protect an industry from being put at a competitive disadvantage through executive action.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 107. A bill to prohibit the exportation of natural gas from the United States to Mexico for use in electric energy generation units near the United States border that do not comply with air quality control requirements that provide air quality protection that is at least equivalent to the protection provided by requirements applicable in the United States; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to re-introduce legislation at the start of this new Congress to protect those living along the California-Mexican border from harmful power plant emissions.

This bill, which Congressman DUNCAN HUNTER is also re-introducing today in the House of Representatives, will prevent power plants built in Mexico from using natural gas from the United States, unless firms operating these plants agree to comply with California's air pollution standards.

Currently there are two new power plants planned for Mexicali, Mexico, a city right across the border from Imperial County, California. The Imperial Valley produces much of our Nation's wintertime vegetables. The Valley is the region in Southern California that will be impacted most by pollution from these power plants in Mexico. And since Imperial County has some of the worst air quality in the United States and one of the highest childhood asthma rates in the State, I believe these new plants must meet California emission standards.

One of the Mexicali plants, which is being built by Sempra Energy, will

have pollution mitigation technology to minimize the impact of air pollution on the residents of the Imperial Valley. However, the other plant, to be built by InterGen, will not. InterGen officials have repeatedly stated that their Mexicali plant will meet "domestic standards or World Bank standards." The problem is these are not U.S. standards and are far below California standards.

I am introducing this legislation today to make sure any plant that comes online along the California-Mexican border meets the same air quality standards as plants in California.

The residents of Imperial County and the entire Southern California region deserve nothing less.

I have heard from many constituents in Southern California concerned about the InterGen plant and local officials in Imperial County are adamantly opposed to the InterGen plant because the company has refused to install pollution control devices on all four operating units.

This legislation has the support of the Imperial County Board of Supervisors, the Imperial District, the Coachella Valley Association of Governments, and San Diego Mayor Dick Murphy.

This legislation will ensure energy plants along the border employ the best technology available to control pollution and protect the public health for residents of Southern California and other border regions in a similar situation.

The bill will prohibit energy companies from exporting natural gas from the United States for use in Mexico unless the natural gas fired generators south of the border meet the air standards prevalent in the United States. This will effectively cut power plants off from the natural gas supply if they do not meet higher emissions standards.

This legislation will not constrain power plants that were put online prior to January 1, 2003. It will apply to plants built after the new year and projects that come online in the future.

This bill will only apply to power plants within 50 miles of the U.S.-Mexico border.

And the legislation will only apply to power plants that generate more than 50 megawatts of power. We do not want to block any moves to replace dirty diesel back-up generators with cleaner natural-gas fired small power sources.

The bill calls for collaboration between the Secretary of Commerce and the Administrator of the Environmental Protection Agency to determine if a power plant is in compliance with relevant emission standards.

I support the development of new energy projects for California because I believe we need to bring more power online. However, I do not believe the fact that we need more power in California should allow companies to take advantage of this need and use it as an

excuse to devote less attention to clear air and public health.

It is not unreasonable to ensure that companies making money in California energy market meet strict environmental standards. This legislation is meant to strike a balance between promoting new sources of energy south of the border and protecting the environment throughout the border region. It is not a final resolution of these cross-border issues, but I believe it is a good first step.

By Mr. EDWARDS (for himself and Mr. HOLLINGS):

S. 118. A bill to develop and coordinate a national emergency warning system; to the Committee on Commerce, Science, and Transportation.

Mr. EDWARDS. Mr. President, I rise to introduce, together with Senator HOLLINGS, the Emergency Warning Act of 2003.

In the event of a terrorist attack or natural disaster, Americans must know how to respond. In the first terrible hours on September 11, 2001, in Washington, in New York, and across the country, most of us didn't know what to do. We didn't know whether it was safer to pick our children up from school or safer to leave them there. We didn't know if we should stay at work or head for home.

For everything that's happened since September 11, the reality is that if an attack happened again, many of us still would not know what to do. That must change.

To prepare Americans to respond in time of attack, the first thing we need to do is to update our emergency warning system. Today, that system depends heavily on television and radio, and it has two big problems. First, the system doesn't reach millions of Americans who aren't near a TV and radio at a given moment. How many of us would hear a warning issued on TV at 3 a.m.? Second, the system doesn't provide all the information we need. For many of us, the new color-coded terrorism warnings have proven more confusing than helpful. We need practical information about what we can do to respond to threats or attacks.

While the terrorist attacks have highlighted the need for effective public warnings, they're also essential during natural disasters. In fact, most public warnings deal with weather hazards like hurricanes and floods. After Hurricane Floyd hit North Carolina, the Air Force had to rescue more than 200 people stranded in cars, on roofs, and in trees, people who weren't told to evacuate their homes until it was too late. More than 50 people died during that hurricane. In our State's neighbor, Tennessee, six people died during a 1999 tornado because tornado sirens failed. With all the technology that we have at our disposal, we can do better.

In short, we have to make sure effective warnings get to every American in time of danger, and we have to make sure those warnings tell folks just