

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 254

At the request of Mr. AKAKA, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 254, a bill to revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii, and for other purposes.

S. 267

At the request of Mr. MCCAIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 267, a bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunications businesses in specific circumstances or a tax credit and other incentives to promote diversity of ownership in telecommunications businesses.

S. 274

At the request of Mr. GRASSLEY, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 274, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 289

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 289, a bill to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes.

S. 330

At the request of Mr. CAMPBELL, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 330, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 335

At the request of Mr. JOHNSON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 335, a bill to expand the calling time restrictions on telemarketing telephone calls to include the period from 5:30 p.m. to 7:30 p.m., and for other purposes.

S. 357

At the request of Mrs. LINCOLN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 357, a bill to amend the Internal Revenue Code of 1986 to modify the credit for the production of fuel from nonconventional sources to include production of fuel from agricultural and animal waste.

S. 379

At the request of Mr. BINGAMAN, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from South Dakota (Mr. JOHNSON) and the

Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 379, a bill to amend title XVIII of the Social Security Act to improve the medicare incentive payment program.

S. CON. RES. 4

At the request of Mr. LIEBERMAN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution welcoming the expression of support of 18 European nations for the enforcement of United Nations Security Council Resolution 1441.

S. RES. 24

At the request of Mr. BYRD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 24, a resolution designating the week beginning May 4, 2003, as "National Correctional Officers and Employees Week".

S. RES. 48

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 48, a resolution designating April 2003 as "Financial Literacy for Youth Month".

S. RES. 52

At the request of Mr. CAMPBELL, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. Res. 52, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of the problem.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself, Mr. LUGAR, Mr. HAGEL, Mr. DORGAN, Mr. JOHNSON, Mr. VOINOVICH, Mr. HARKIN, Mr. BOND, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. DURBIN, Mr. TALENT, Mr. DAYTON, Mr. FITZGERALD, Mr. COLEMAN, and Mr. CONRAD):

S. 385. A bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence, and for other purposes; to the Committee on Environmental and Public Works.

Mr. DASCHLE. Madam President, headlines in daily papers all across the country underscore our economy's vulnerability to foreign oil.

Today, a new generation is learning what many Americans have known since the 1970s—our economic security and our national security depend on our energy security.

Today I, along with a number of my colleagues, am introducing the Fuels Security Act of 2003.

This bill responds directly to our Nation's unhealthy reliance on imported oil by establishing greater flexibility in our gasoline regulations, and by tripling the use of domestic, renewable fuels over the next 10 years.

This legislation is identical to the fuels agreement included in last year's Senate-passed energy bill.

Based on the experience we have gained over the last seven years with the reformulated gasoline program, the Fuel Security Act bill makes a number of important changes in Federal law.

It bans MTBE in 4 years, authorizes funding to cleanup MTBE contamination and fix leaking underground tanks, allows the most polluted states to opt into the reformulated gasoline program, and provides all States with additional authority under the Clean Air Act to address air quality concerns.

It eliminates the oxygen requirement from the RFG program, a change that is very important to states that are planning to remove MTBE from their gasoline supplies in the near future.

To preserve the hard-fought air quality gains that have resulted from the implementation of that requirement, the bill creates a renewable fuels standard that will nearly triple the use of renewable fuels like ethanol and biodiesel over the next 10 years.

Finally, the bill also provides special encouragement to biomass-based ethanol, which holds great promise for converting a variety of organic materials into useful fuel, while substantially reducing greenhouse gas emissions.

Ethanol comes from American farmers and producers, passes through American refiners, and fuels American energy needs. No soldier has to fight overseas to protect it. And no international cartel could turn off the spigot.

For years, we talked about those benefits with a sense of *resignation*. After all, these aren't new arguments, and yet there were a lot of people who still saw ethanol as a boutique fuel, not a real answer to our energy problems.

With this legislation, we intend to change that preception—and get America moving toward energy independence.

The renewable fuels standard will be a win-win-win. It will help the environment, it will help the rural economies which are hurting right now, and it will help reduce America's dangerous dependence on foreign oil.

I believe we can make it law. During consideration of the Energy Bill last summer, the Senate endorsed the Renewable Fuels Standard package by a vote of 69 to 30.

Overall, this legislation is a careful balance of often disparate and competing interests—and a compromise in the finest tradition of the U.S. Senate.

Just look at some of the organizations whose active support is helping to make this legislation possible: The Northeast States Coordinated Air Use Management Agency, the American Petroleum Institute, the Clean Fuels Development Coalition, the American Lung Association, the American Coalition for Ethanol, the Renewable Fuels Association, the Governor's Ethanol Coalition, the National Farmers Union, the American Farm Bureau, the National Corn Growers Association, and the American Corn Growers Association.

That support across the political and ideological spectrum is reflected within the Senate as well.

I particularly want to thank Senator LUGAR. The seeds for this comprehensive legislation were planted a few years ago when he and I first introduced legislation to establish a renewable fuels standard and provide flexibility in producing reformulated gasoline. Senator LUGAR'S enthusiastic support gave this idea needed momentum and helped lay the groundwork for agreement on this legislation last year.

In addition, Senators TIM JOHNSON and CHUCK HAGEL deserve enormous credit for legislation they introduced last year to establish a very ambitious renewable fuels standard, and for their work in promoting this concept.

And there are many others—Senators BEN NELSON, TOM HARKIN, CHUCK GRASSLEY, BYRON DORGAN, MARK DAYTON, DICK DURBIN, MAX BAUCUS, KIT BOND, GEORGE VOINOVICH, and others—who all deserve recognition for the progress we have made on this issue.

Look at America's energy situation today: gasoline prices are high, farm income is low and America is importing close to 60 percent of the oil we use.

At the same time, our substantial appetite for energy continues to grow every year. Over the next ten years, the United States is expected to consume roughly 1.5 trillion gallons of gasoline. At the same time, we hold only three percent of the known world oil reserves.

It has been said that "we are all continually faced with a series of great opportunities, brilliantly disguised as insolvable problems."

Meeting our energy challenges is a difficult problem, but it is also a great opportunity to demonstrate American strength, and American ingenuity.

By increasing the use of renewable fuels, preserving clean air gains and moving us toward energy independence, that is what I believe this bill does.

Mr. LUGAR. Madam President, I am pleased to join with my colleague, Senator DASCHLE, in reintroducing the Renewable Fuels Act. I am thankful for this opportunity to remind my colleagues about the importance of this legislation, and the benefits it brings to the American people.

In the 107th Congress, the Senate voted in favor of a comprehensive energy bill establishing a renewable fuels standard. This provision would triple the amount of renewable fuel America consumes, displacing nearly 600,000 barrels of oil per day. The bipartisan renewable fuels agreement is a culmination of years of effort and enjoys strong support from a broad spectrum. Regrettably, disagreements on other provisions in the comprehensive energy legislation stranded the renewable fuels provision in a House-Senate conference committee last year.

Senator DASCHLE and I first introduced a bill creating a renewable fuels standard three years ago. Like that

earlier bill, this bill represents an important first step toward reducing our dependence on foreign oil and improving our nation's energy security. At the same time, this proposal goes far toward protecting the environment, stimulating rural economic development, and increasing the flexibility of the national fuel supply to reduce the impact of future price spikes.

This bill will also form the basis for a solution to the MTBE problem that will be acceptable to all regions of the nation. MTBE, a carcinogen that contaminates drinking water, is on its way out. This proposal addresses public concerns regarding water pollution while considering all of the environmental and energy security issues involved. It requires the EPA Administrator to end the use of MTBE within four years in order to protect public health and the environment. And it establishes strict "anti-backsliding" provisions to capture all of the air quality benefits of MTBE and ethanol as MTBE is phased down and then phased out.

Those of us who recall the energy crises of the 1970s—and recognize the current political instability in oil-rich regions around the world—remain committed to the development of cheap, plentiful renewable sources of energy. For years, tax incentives supporting ethanol production have helped foster the creation of a strong domestic ethanol industry. But more needs to be done to reduce the cost of ethanol and make this plant-based commodity more competitive with fossil fuels.

Energy and agriculture are closely tied topics that have been of interest to me for several years. Since 1996, I have chaired five hearings in the Agriculture Committee regarding energy security and renewable fuels. These hearings were designed to inform the public that our reliance on imported oil is growing, making the U.S. and the world increasingly dependent on the unstable nations of the Persian Gulf and the Caspian Sea. At the same time, the hearings convinced many in Washington that a greater reliance on renewable fuels like ethanol could have major energy security, air quality and rural development benefits.

As we look to the future, major new scientific and technical breakthroughs are making ethanol more economical. As a result of the Biomass Research and Development Act, federal agencies are now coordinating research activities focused on making ethanol out of virtually any plant in the world. New biocatalysts—genetically engineered enzymes, yeasts, and bacteria—are reducing the cost of so-called cellulosic ethanol to the point where petroleum products may one day face vigorous competition.

The legislation we are introducing today will build on these efforts by offering an incentive to producers of cellulosic ethanol. Like our previous proposals, this bill gives a special credit to users of cellulosic ethanol for the purpose of fulfilling requirements of the renewable fuels standard.

This legislation will go far toward strengthening our national security, improving our rural communities, protecting our natural environment and, ultimately, substituting carbohydrates for hydrocarbons.

Thank you for joining me in supporting ethanol, a domestic form of clean, renewable energy.

Mr. HAGEL. Madam President, I come to the floor this morning to speak briefly about an important, comprehensive fuels bill that I will introduce today, along with Senators DASCHLE, LUGAR, JOHNSON, VOINOVICH, GRASSLEY, and others. This bill aims to enhance air and water quality, reduce supply and distribution challenges in the gasoline market, and increase energy security by expanding the use of clean, domestically produced renewable fuels.

Specifically, our bill follows the advice of the EPA's Blue Ribbon Panel on Oxygenates by repealing the Federal oxygenate mandate and phasing out the use of MTBE nationwide. It also contains a reasonable Renewable Fuel Standard, RFS, which would gradually increase the nation's use of renewable fuel to 5 billion gallons a year by 2012. All of this while protecting the environmental gains already made by the reformulated gasoline program.

This legislation mirrors the bipartisan fuels agreement in last year's Senate energy bill, which gained the votes of 69 Senators. This year, we have worked to build an even broader, bipartisan coalition of cosponsors.

Much has happened since the Senate passed its energy bill last year. The renewable fuels industry has expanded considerably to meet growing demand. The ethanol industry opened 12 new plants last year, with 10 additional plants now under construction. Sixteen of these new plants are farmer-owned co-operatives. By the end of 2003, annual ethanol production capacity is expected to exceed 3 billion gallons. In December the ethanol industry wrapped up a record year—2.13 billion gallons in 2002, up by more than 20 percent over 2001.

Also, ChevronTexaco announced last month that it will switch from blending MTBE to blending ethanol in the southern California market—making Chevron the last of the large California refiners to make the switch to ethanol. This means that more than 80 percent of California's federally-reformulated gasoline will be blended with ethanol by May 2003.

We should not forget that biodiesel, made primarily from soybeans and still a developing fuel technology, has grown enough that it is now used in more than 200 State and Federal automobile fleets—using a 20-percent blend or higher.

Today, 16 States have already banned MTBE. With State MTBE bans will come increased challenges to fuel distribution and supply. The national phase-down of MTBE proposed in this bill will help us meet these challenges.

And a national Renewable Fuels Standard with a credit and trading program will ensure that renewable fuels are used where they make the most sense. In fact, according to a recent analysis, enacting this fuels bill would even reduce refiner costs, .2 cents, per gallon compared to current law.

The Standard in our legislation is a fair and workable compromise new crafted nearly a year ago—after months of work the American Petroleum Institute, the environmental community, the Northeast air directors, agricultural groups, DOE, EPA and others. Senator DASCHLE and I helped facilitate those talks. We crafted the language of last year's fuels agreement—the same language in this bill.

This is not a per-gallon mandate. It will not force a specific level of compliance in places where compliance may be difficult.

Our Nation needs a broader, deeper and more diverse energy portfolio. Today, less than one percent of America's transportation fuel comes from renewable sources. Under this energy bill, renewable fuel use would increase to approximately 3 percent of our total transportation fuel supply—tripling the amount of renewable fuel we now use.

Today, America imports nearly sixty percent of the crude oil it consumes. This amount is estimated to climb to 70 percent by 2002. Almost a fourth of America's oil imports come from the Persian Gulf. Last year, the United States imported nearly half-a-million barrels of oil a day from Iraq. Overall, petroleum imports cost the United States more than \$100 billion a year—around 25 percent of our trade deficit.

This country consumes more than 300 billion gallons of crude oil a year—of that, 165 billion gallons is refined into gasoline and diesel. Our legislation says that by 2012, not less than 5 billion gallons of that 165 billion gallons shall come from renewable sources. By enacting this legislation, we would replace 66 billion gallons of foreign crude oil by 2012; reduce foreign oil purchases by \$34 billion; create more than 200,000 jobs nationwide; and boost U.S. farm income by more than \$6 billion a year.

As the new Congress prepares to resume deliberations on a new national energy plan, I ask my colleagues to seriously consider this legislation—which will assist our efforts to modernize the Nation's transportation fuel system and address the environmental, energy and security concerns for today and tomorrow.

Mr. DORGAN. Madam President, I am pleased to join my colleagues, Senator DASCHLE, as well as Senator LUGAR, Senator HAGEL, Senator JOHNSON and others in introducing this bipartisan piece of legislation today.

This bill is extremely important—from an environmental perspective and from an energy security perspective.

This bill increase the use of ethanol as an additive in gasoline. That means

that we will be increasing the use of renewable sources in the fuel that we pump into our gas tanks. Transportation is the sector that uses the greatest amount of imported oil. By replacing some of the petroleum products in gasoline, we will help reduce our dependence on foreign oil. The White House recognizes that: "America imports 55 percent of the oil it consumes; that is expected to grow to 68 percent by 2025. Nearly all of our cars and trucks run on gasoline, and they are the main reason America imports so much oil. Two-thirds of the 20 million barrels of oil Americans use each day is used for transportation."

Let me point out the top countries from whom we import crude oil: our top supplier is Saudi Arabia. Almost one-third of our oil comes from the Middle East—and Iraq is our fifth largest supplier. Venezuela is our fourth largest supplier. Their country has been rocked by crisis for the last couple of years. So, it is in our best interest to reduce the amount of oil we import from these nations.

This bill is also important because it will phase-out MTBE nationally. MTBE has been shown to contaminate water supplies and to have the ability to cause potentially harmful side effects. This is important. We have attempted to do this here in Congress for several years. We should not be exposing ourselves and our children to such harmful contaminants. Now is the time to act to remove this from our gasoline and from our water supplies. No more delays. I urge my colleagues to work with me to move this important legislation in a timely manner.

Today, ethanol reduces the demand for oil and MTBE imports by 98,000 barrels per day. To me, this just makes good sense: take starch from corn or wheat, break it down into simple sugars, then ferment it to produce ethanol that can be used for energy. The by-products can be used, too.

RENEWABLE FUELS PROVISION IN THE BILL

The renewable fuels provision has been carefully negotiated over a period of months and years. Now, 20 groups, including the Nation Corn Growers Association, Renewable Fuels Association, American Farm Bureau Federation, and the National Farmers Union, have sent a letter expressing their support for this legislation. 1.8 billion gallons of pure ethanol are currently produced each year. This provision would add 3.2 billion new gallons over a period of years for a total of 5 billion gallons by 2012. And, this provision will ensure that the ethanol industry continues to grow.

This translates to a new market for 1.19 billion bushels of corn and other agricultural products. This also means new opportunities for farmers to invest in value-added processing of a product they're already growing. While we are seeing mergers and acquisitions in the petroleum and other industries, the ethanol industry is diversifying, as farmers invest in local processing.

NORTH DAKOTA

I am excited about the wide range of opportunities ethanol presents. One unique opportunity is being created in my home state of North Dakota. The aerospace program at the University of North Dakota and the Environment and Energy Research Center (EERC) are researching the potential for using ethanol as aviation fuel.

Aviation fuel is the last fuel in the U.S. that still contains lead. UND is now teaming up with South Dakota State University and the Federal Aviation Administration on a program to get ethanol approved and certified to help replace this lead-based aviation fuel.

And we are working on building E85 (blended ethanol fuel) stations in North Dakota.

ECONOMIC BENEFITS

According to some estimates, the ethanol industry is responsible for more than 40,000 direct and indirect jobs, creating more than \$1.3 billion in increased household income annually, and more than \$12.6 billion over the next five years.

During the past year, industry has built 12 new facilities. Ten new facilities are under construction, and dozens more are in the planning stages. The ethanol industry adds—directly and indirectly—more than \$6 billion to our economy each year.

I am excited by the opportunities this sector presents for my State, the region, and the entire Nation.

Mr. JOHNSON. Madam President, I am pleased that we are reintroducing renewable fuels legislation and that we are taking time today to talk about the benefits and importance of this bill.

I want to acknowledge the extraordinary leadership of Senator DASCHLE and also Senator BYRON DORGAN of North Dakota who was on the floor to speak to this issue but was called away for another critical responsibility and will not be able to be in the Chamber this morning.

There has been a great deal of discussion about the nation's energy situation. The increasing volatility in gasoline and diesel prices, the growing tension in the world from the terrorist attacks, and the possibility of war with Iraq have affected all of us. The more we depend on oil from the Middle East, the more our stability is inextricably tied to governments and factions in that region. There is a critical need for finding new sources of energy that will move the country away from dependence of a natural resource available in increasingly volatile regions of the world. Dependence on foreign oil in the unstable Middle East and South America makes us less stable. The use of domestic, clean, renewable energy sources can increase our energy security and increase the nation's security. It must be a critical part of our nation's energy strategy.

To this end, last year I introduced a bill with Sen. CHUCK HAGEL of Nebraska that would ensure future

growth for ethanol and biodiesel. The bill would create a new, renewable fuels content standard in all motor fuel produced and used in the United States. Last year, the Senate passed a comprehensive energy bill which included the framework of our legislation. Today, ethanol and biodiesel comprise less than one percent of all transportation fuel in the U.S. This consensus language would require that five billion gallons of transportation fuel be comprised of renewable fuel by 2012—nearly a tripling of the current ethanol production.

The consensus language was agreed to last year after productive negotiations between the renewable fuels industry, farmers' groups, the oil industry and environmentalists. Unlike many of the disputes during consideration of the energy bill last year, this issue had a relatively wide range of agreement. The basis for this agreement is still viable, and it is under this framework that we are reintroducing the bill today.

The people of South Dakota and the neighboring states understand the benefits of ethanol to the economies of rural communities. Increased renewable fuel production lowers our dependence upon foreign oil, strengthens energy security, increases farm income and creates jobs. The growth of farmer-owned ethanol plants in South Dakota demonstrates the hard work and commitment needed to serve a growing market for clean domestic fuels.

Based on current projections, construction of new plants will generate \$900 million in capital investment and tens of thousands of construction jobs to rural communities. For corn farmers, the price of corn would rise 20-30 cents per bushel.

Combine this with the provisions of the bill and the potential economic impact for rural states is tremendous. In South Dakota, seven ethanol plants are operating to produce approximately 156 million gallons per year. Three other ethanol projects are under construction, with a combined capacity to produce an additional 180 million gallons of ethanol annually. With the enactment of a renewable fuels standard, the production in South Dakota now could grow substantially, with at least 5000 farmers owning ethanol plants and producing over 500 million gallons of ethanol per year.

An important but under-emphasized fuel is biodiesel, which is chiefly produced from excess soybean oil. Soybean prices are hovering near historic lows. Biodiesel production is small but has been growing steadily. The renewable fuels standard would greatly increase the prospects for biodiesel production, benefitting soybean farmers from South Dakota and other states.

While the energy bill was not enacted last year, two-thirds of the Senate voted against amendments that would have weakened or eliminated the renewable fuels provision. For the first time in recent memory, Congress's ac-

tions reflect the knowledge that value-added agriculture and ethanol production are critical to the nation's energy needs and to the future of family-farm agriculture and rural America. The prospects for farmers in South Dakota and other rural states have brightened considerably. Moreover, we have a unique opportunity to help reduce our use of foreign oil and make our nation more stable. I am pleased that we are reintroducing the bill and urge its swift passage.

Mr. NELSON of Nebraska. Madam President, I thank you for the opportunity to speak about what is clearly a bipartisan issue. I would like to add to what my colleague from Minnesota said about the Fuels Security Act offered by Senators DASCHLE and LUGAR on a bipartisan basis.

I am here today to support the Fuels Security Act of 2003. This important renewable fuels legislation is one of the pillars for economic development for rural America—one segment of the population that has lagged behind during the economic surge of the 1990's and is suffering under the combined effects of the current economic slowdown and a two-year devastating drought which I had the audacity to name "Drought David."

This legislation is important for rural America. Last year, we completed the farm bill—the first part of the economic revitalization plan for rural America. For the last several months, we have been struggling over the most important short-term economic stimulus plan for rural America—comprehensive drought assistance. Though I believe what the Senate passed and what we hear will be included in the omnibus is insufficient to adequately compensate for the drought, it might provide some initial assistance to farmers and ranchers.

In addition to the farm bill and disaster assistance, I believe we need to craft a comprehensive rural development plan that will spur investment in agri-business and promote economic activity in the agriculture center. We need to consider opening new markets like Cuba—to ensure American products can be sold and farmers and ranchers can earn a living.

The Fuels Security Act of 2003, is the latest piece of the puzzle.

It is clear that use of ethanol, as part of a renewable fuels standard is a win-win-win situation: a win for farmers, a win for consumers, and a win for the environment. That is why I rise as an original co-sponsor and strong supporter this renewable fuels legislation.

If passed, the Fuels Security Act will establish a 2.3 billion gallon renewable fuels standard in 2004, growing every year until it reaches 5 billion gallons by 2012. There are many benefits to this legislation.

It will displace 1.6 billion barrels of oil over the next decade; reduce our trade deficit by \$34.1 billion; increase new investment in rural communities by more than \$5.3 billion; boost the de-

mand for feed grains and soybeans by more than 1.5 billion bushels over the next decade; create more than 214,000 new jobs throughout the U.S. economy; and it will expand household income by an additional \$51.7 billion over the next decade.

It is quite apparent that increased use of ethanol will do much to boost a struggling U.S. agriculture economy, and will help establish a more sound national energy policy.

The greater production of ethanol will also be beneficial to the environment. Studies show ethanol reduces emissions of carbon monoxide and hydrocarbons by 20 percent and particulates by 40 percent in 1990 and newer vehicles. In 2001 ethanol reduced greenhouse gas emissions by 3.6 million tons, the equivalent of removing more than 520,000 vehicles from the road.

A choice for ethanol is a choice for America, and its energy consumers, its farmers, and its environment.

Enactment of the Fuel Security Act will help us to reverse our 100-year-old near total reliance on fossil fuels; a more pressing concern than ever given the possibility of military conflict in the Mid East and the continuing economic turmoil in Venezuela.

It was recently reported we are currently exporting about 80,000 gallons of fuel to Venezuela right now to help in their shortfall because of the turmoil in that part of our world.

I am unabashedly proud of what my home State has accomplished in this area. Within the State of Nebraska, during the period from 1991 to 2001, seven ethanol plants were constructed and several of these facilities were expanded more than once during the decade.

Specific benefits of the ethanol program in Nebraska include: \$1.15 billion in new capital investment in ethanol processing plants. They include 1,005 permanent jobs at the ethanol facilities and 5,115 induced jobs directly related to plant construction, operation, and maintenance. The permanent jobs alone generate an annual payroll of \$44 million. And more than 210 million bushels of corn and grain sorghum is processed at the plants annually. These economic benefits and others have increased each year during the past decade due to plant expansion, employment increases, and additional capital investment.

If each State produces 10 percent of its own domestic, renewable fuel, as Nebraska does, America will have turned the corner away from dependence on foreign sources of energy.

And it is possible because ethanol and biodiesel can be made from biomass from other than corn or sorghum or other row crops. It can be produced from garbage. It can be produced from switch grass and all kinds of other biomass.

When you take a hard look at the facts, you will see that this legislation is nothing but beneficial for America. The Fuels Security Act is balanced,

comprehensive, and is the result of the dedication of so many, especially Senator DASCHLE and Senator LUGAR.

So now I ask my colleagues to join me in promoting new opportunities for the technologies that will put our Nation and the world's transportation fuels on solid, sustainable, and environmentally enhancing ground. We owe it to our country now—and to future generations—to pass this legislation without any further delay.

Mr. COLEMAN. Madam President, if I may, in contrast to the very partisan tone of the Estrada filibuster and this partisan divide that is stopping us from moving forward, I want to spend a few minutes talking about an issue in which we come together and perhaps which should be a model.

I am pleased to join my distinguished colleagues, Senator HAGEL and minority leader DASCHLE, as an original cosponsor of this landmark renewable fuels legislation.

Senator DASCHLE is from our neighboring State. We have mutual interests. We understand the needs of our farmers.

We are looking at working together, which I think is such a good thing.

The Minnesota AgriGrowth Council points out renewable fuels like ethanol and biodiesel promote the 3 E's: economic development, environmental protection, and energy independence.

Let me talk briefly about the economic development benefit first. I ran for the Senate on jobs. The best welfare program is a job. The best housing program is a job—creating jobs—and economic development. That is what mayors do. That is what they understand is important to moms and dads. We get results. There were 18,000 more jobs in St. Paul when I left than when I began.

The legislation we introduce today means economic development—it means jobs, revitalization, and new businesses—particularly for rural Minnesota.

Minnesota is a leader in renewable fuels. Not only do the people of my State make Minnesota the top 10 among States of nearly every agriculture commodity that can be produced in our climate, but Minnesota leads the way in renewable fuels, and I am proud of that.

Today, Minnesota has 14 ethanol plants in production—more than any other State in the Nation. Preliminary planning is underway for at least a couple of biodiesel production facilities in my State as well. So the importance of this legislation to my State and to the health of the people in my State and to the lives of our farmers and their economic opportunity is clear.

But, let's take a look nationally to see what every American has to gain through this legislation. According to at least one economic analysis, the renewable fuels standard we propose today would, over the next decade:

Reduce America's trade deficit by more than \$34 billion;

Increase America's Gross Domestic Product by \$156 billion;

create more than 214,000 jobs throughout the entire economy, including places important to me like Little Falls and Winnebago, MN; and

increase net farm income by nearly \$6 billion per year.

That the renewable fuels standard legislation we introduce today promotes the first "E" of the 3 "Es"—economic development—is evident.

The second "E" I want to talk a little about is energy independence.

As a member of both the Governmental Affairs Committee and the Foreign Relations Committee, I have had the opportunity, in my first month in the Senate, to hear from a number of experts on homeland security and on conditions around the world that affect our security. And, with this experience as a backdrop, I can say I am not comfortable at all with America's level of reliance on oil imports—now at 56 percent of our supply, and expected to be about 70 percent by 2020 unless something is done to turn things around.

Back on September 19, 2001, former CIA Director James Woolsey, former Joint Chiefs of Staff Chairman Admiral Thomas Moorer, and former National Security Advisor Robert McFarlane all wrote the Senate on this very issue, stating:

One of the critical actions that must be taken now is to advance America's energy security through transportation fuels like ethanol [and] slow the dollars to the Middle East, where too many of those dollars have been used to buy weapon and fund terrorist activities.

The legislation we offer today takes to heart the admonition of Director Woolsey, Admiral Moorer, and Mr. McFarlane by advancing renewable fuels to reduce our dependence on foreign oil.

And, finally, but not least, is the "E" for environmental protection that got the whole reformulated gasoline ball rolling in the first place.

Ethanol is an important tool for improving air quality in America's cities by reducing carbon monoxide, hydrocarbons, NO_x, toxics, and particulates.

Proof of ethanol's clear air benefits was seen in Chicago last year where exclusive use of ethanol reformulated gasoline helped the city attain federal ozone standards—the only area under such standards to see this kind of improvement.

What is more, ethanol continues to be the only liquid transportation fuel that can help to reduce global warming. In 2002 alone, ethanol use in the United States reduced greenhouse gas emissions by 4.3 million tons—the equivalent of removing more than 636,000 vehicles from the road.

These are the 3 "Es"; economic development, energy independence, and environmental protection—all three worthy objectives furthered by the legislation we offer today.

Naturally, there are places here and there where this bill can and should be improved, and we can work on it. But, this is a good starting place. It is a bi-

partisan effort. I am pleased to be an original cosponsor.

By Mr. CORZINE (for himself, Mr. FITZGERALD, Mr. SARBANES, and Mr. AKAKA):

S. 386. A bill to establish a grant program to enhance the financial and retirement literacy of mid-life and older Americans and to reduce financial abuse and fraud among such Americans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today with my colleagues, Senators FITZGERALD, SARBANES, and AKAKA to introduce the Education for Retirement Security Act of 2003. This bill will provide access to badly needed financial and retirement education for millions of mid-life and older Americans whose retirement security is at stake.

Improving financial literacy has been a top priority for me in Congress. I believe it is a critical and complex task for Americans of all ages, but it is especially crucial for Americans as they approach retirement. In fact, low levels of savings and high levels of personal and real estate debt are serious problems for many households nearing retirement. Although today's older Americans are generally thought to be doing well, nearly one-out-of-five, 18 percent, were living below 125 percent of the poverty line in 1995, which was a year of tremendous economic prosperity in our Nation. And, only 53 percent of working Americans have any form of pension coverage. In addition, financial exploitation is the largest single category of abuse against older individuals, and this population comprises more than one-half of all telemarketing victims in the United States.

While education alone cannot solve our Nation's retirement woes, financial education is vital to enabling individuals to avoid scams and bad investment, mortgage, and pension decisions, and to ensuring that they have access to the tools they need to make sound financial decisions and prepare appropriately for a secure future. Indeed, the more limited time frame that mid-life and older Americans have in which to assess the realities of their individual circumstances, recover from bad economic choices, and to benefit from more informed financial practices makes this education all the more critical. Financial literacy is also particularly important for older women, who are more likely to live in poverty and be dependent upon Social Security.

The Education for Retirement Security act would create a competitive grant program that would provide resources to State and area agencies on aging and nonprofit community based organizations to provide financial education programs to mid-life and older Americans. The goal of these programs is to enhance these individuals' financial and retirement knowledge and reduce their vulnerability to financial

abuse and fraud, including telemarketing, mortgage, and pension fraud.

My legislation also authorizes the creation of a national technical assistance program that would designate at least one national nonprofit organization that has substantial experience in the field of financial education to provide training and make available instructional materials and information that promotes financial education.

Over the next thirty years, the percentage of Americans aged 65 and older is expected to double, from 35 million to nearly 75 million. Ensuring that these individuals are better prepared for retirement and are more informed about the economic decisions they face during retirement will have an important impact on the long term economic and social well-being of our Nation.

I hope that as the Senate moves to address pension reform, my colleagues will work to address the issues outlined in this legislation. The recent rash of corporate and accounting scandals and the declining stock market have jeopardized the retirement savings of millions of Americans, making the need for financial literacy even more clear.

In closing, I would like to acknowledge the expertise and assistance that AARP, the Older Women's League, OWL, and the Women's Institute for a Secure Economic Retirement, WISER, offered to me in drafting this legislation.

I ask unanimous consent that the text of my legislation be printed in the RECORD.

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

S. 386

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 "Education for Retirement Security Act of 2003".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Improving financial literacy is a critical and complex task for Americans of all ages.

(2) Low levels of savings and high levels of personal and real estate debt are serious problems for many households nearing retirement.

(3) Only 53 percent of working Americans have any form of pension coverage. Three out of four women aged 65 or over receive no income from employer-provided pensions.

(4) The more limited timeframe that mid-life and older individuals and families have to assess the realities of their individual circumstances, to recover from counter-productive choices and decisionmaking processes, and to benefit from more informed financial practices, has immediate impact and near term consequences for Americans nearing or of retirement age.

(5) Research indicates that there are now 4 basic sources of retirement income security. Those sources are social security benefits, pensions and savings, healthcare insurance coverage, and, for an increasing number of older individuals, necessary earnings from working during one's "retirement" years.

(6) The \$5,000,000,000,000 loss in stock market equity values since 2000 has had a significantly

cantly negative effect on mid-life and older individuals and on their pension plans and retirement accounts, affecting both individuals with plans to retire and those who are already in retirement.

(7) Although today's older individuals are generally thought to be doing well, nearly ¼ (24 percent) of such individuals had annual incomes of less than 14,000 (or 150 percent of the Federal poverty line) between 1998 and 2000.

(8) Over the next 30 years, the number of older individuals in the United States is expected to double, from 35,000,000 to nearly 75,000,000, and long-term care costs are expected to skyrocket.

(9) Financial exploitation is the largest single category of abuse against older individuals and this population comprises more than ½ of all telemarketing victims in the United States.

(10) The Federal Trade Commission (FTC) Identity Theft Data Clearinghouse has reported that incidents of identity theft targeting individuals over the age of 60 increased from 1,821 victims in 2000 to 5,802 victims in 2001, a threefold increase.

SEC. 3. GRANT PROGRAM TO ENHANCE FINANCIAL AND RETIREMENT LITERACY AND REDUCE FINANCIAL ABUSE AND FRAUD AMONG MID-LIFE AND OLDER AMERICANS.

(a) AUTHORITY.—The Secretary is authorized to award grants to eligible entities to provide financial education programs to mid-life and older individuals who reside in local communities in order to—

(1) enhance financial and retirement knowledge among such individuals; and

(2) reduce financial abuse and fraud, including telemarketing, mortgage, and pension fraud, among such individuals.

(b) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this section if such entity is—

(1) a State agency or area agency on aging; or

(2) a nonprofit organization with a proven record of providing—

(A) services to mid-life and older individuals;

(B) consumer awareness programs; or

(C) supportive services to low-income families.

(c) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary in such form and containing such information as the Secretary may require, including a plan for continuing the programs provided with grant funds under this section after the grant expires.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—A recipient of a grant under this section may not use more than 4 percent of the total amount of the grant in each fiscal year for the administrative costs of carrying out the programs provided with grant funds under this section.

(e) EVALUATION AND REPORT.—

(1) ESTABLISHMENT OF PERFORMANCE MEASURES.—The Secretary shall develop measures to evaluate the programs provided with grant funds under this section.

(2) EVALUATION ACCORDING TO PERFORMANCE MEASURES.—Applying the performance measures developed under paragraph (1), the Secretary shall evaluate the programs provided with grant funds under this section in order to—

(A) judge the performance and effectiveness of such programs;

(B) identify which programs represent the best practices of entities developing such programs for mid-life and older individuals; and

(C) identify which programs may be replicated.

(3) ANNUAL REPORTS.—For each fiscal year in which a grant is awarded under this section, the Secretary shall submit a report to Congress containing a description of the status of the grant program under this section, a description of the programs provided with grant funds under this section, and the results of the evaluation of such programs under paragraph (2).

SEC. 4. NATIONAL TRAINING AND TECHNICAL ASSISTANCE PROGRAM.

(a) AUTHORITY.—The Secretary is authorized to award a grant to 1 or more eligible entities to—

(1) create and make available instructional materials and information that promote financial education; and

(2) provide training and other related assistance regarding the establishment of financial education programs to eligible entities awarded a grant under section 3.

(b) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this section if such entity is a national nonprofit organization with substantial experience in the field of financial education.

(c) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary in such form and containing such information as the Secretary may require.

(d) BASIS AND TERM.—The Secretary shall award a grant under this section on a competitive, merit basis for a term of 5 years.

SEC. 5. DEFINITIONS.

In this Act:

(1) FINANCIAL EDUCATION.—The term "financial education" means education that promotes an understanding of consumer, economic, and personal finance concepts, including saving for retirement, long-term care, and estate planning and education on predatory lending and financial abuse schemes.

(2) MID-LIFE INDIVIDUAL.—The term "mid-life individual" means an individual aged 45 to 64 years.

(3) OLDER INDIVIDUAL.—The term "older individual" means an individual aged 65 or older.

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this Act, \$100,000,000 for each of the fiscal years 2004 through 2008.

(b) LIMITATION ON FUNDS FOR EVALUATION AND REPORT.—The Secretary may not use more than \$200,000 of the amounts appropriated under subsection (a) for each fiscal year to carry out section 3(e).

(c) LIMITATION ON FUNDS FOR TRAINING AND TECHNICAL ASSISTANCE.—The Secretary may not use less than 5 percent or more than 10 percent of amounts appropriated under subsection (a) for each fiscal year to carry out section 4.

By Mrs. LINCOLN (for herself, Mr. REID, Ms. SNOWE, Mr. BREAU, Mr. GRAHAM of Florida, Mr. BINGAMAN, Ms. LANDRIEU, Mrs. MURRAY, Ms. MIKULSKI, Mr. SARBANES, Mr. REED, Mr. KENNEDY, and Ms. COLLINS):

S. 387. A bill to amend title XVIII of the Social Security Act to extend the eligibility periods for geriatric graduate medical education, to permit the expansion of medical residency training programs in geriatric medicine, to provide for reimbursement of care coordination and assessment services

provided under the medicare program, and for other purposes; to the Committee on Finance.

Mrs. LINCOLN. Madam President, today I am pleased to introduce the Geriatric Care Act of 2003, a bill to increase the number of geriatricians in our country through training incentives and Medicare reimbursement for geriatric care. I am proud to be joined in this effort today by Senators REID, SNOWE, BREAUX, GRAHAM, BINGAMAN, LANDRIEU, MURRAY, MIKULSKI, SARBANES, REED, KENNEDY, and COLLINS.

Our country teeters on the brink of revolutionary demographic change as baby boomers begin to retire and Medicare begins to care for them.

As a member of the Finance Committee and the Special Committee on Aging, I have a special interest in preparing health care providers and Medicare for the inevitable "aging of America." By improving access to geriatric care, the Geriatric Care Act of 2003 takes an important first step in modernizing Medicare for the 21st century.

By the year 2030, 70 million Americans will be 65 and older. The elderly will soon represent one-fifth of the United States population, the largest proportion of older persons in our Nation's history. Our Nation's health care system will face an unprecedented strain as our population grows older. Our Nation is simply ill-prepared for what lies ahead.

Demand for quality care will increase, and we will need physicians who understand the complex health problems that aging inevitably brings. As seniors live longer, they face much greater risks of disease and disability. Conditions such as heart disease, cancer, stroke, diabetes and Alzheimer's disease occur more frequently as people age.

The complex problems associated with aging require a supply of physicians with special training in geriatrics. Geriatricians are physicians who are first board certified in family practice or internal medicine and then complete additional training in geriatrics.

Geriatric medicine provides the most comprehensive health care for our most vulnerable seniors. Geriatrics promotes wellness and preventive care, helping to improve patients' overall quality of life by allowing them greater independence and preventing unnecessary and costly trips to the hospital or other institutions.

Geriatricians also have a heightened awareness of the effects of prescription drugs. Given our seniors' growing dependence on prescriptions, it is increasingly important that physicians know how, when, and in what dosages to prescribe medicines for seniors. That's because frequently, older patients respond to medications in different ways than younger patients.

In fact, 35 percent of Americans 65 years and older experience adverse drug reactions each year. According to the National Center for Health Statis-

tics, medication problems may be involved in as many as 17 percent of all hospitalizations of seniors annually.

Care management provided by a geriatrician will not only provide better health care for our seniors, but will also save costs to Medicare in the long term by eliminating more costly medical care in hospitals and nursing homes.

Quite clearly, geriatrics is a vital thread in the fabric of our health care system, especially in light of our looming demographic changes.

Yet today, there are fewer than 9,000 certified geriatricians in the United States. Of the approximately 98,000 medical residency and fellowship positions supported by Medicare in 1998, only 324 were in geriatric medicine and geriatric psychiatry. Only three medical schools in the country, the University of Arkansas for Medical Sciences, UAMS, being one of them, has a Department of Geriatrics. This is incredible considering that all 125 medical schools in our country have departments of pediatrics.

As if that weren't alarming enough, the number of geriatricians is expected to decline dramatically in the next several years. In fact, most of these doctors will retire just as the Baby Boomer generation becomes eligible for Medicare. We must reverse this trend and provide incentives to increase the number of geriatricians in our country.

Unfortunately, there are barriers preventing physicians from entering geriatrics. These include insufficient Medicare reimbursements for the provision of geriatric care, inadequate training dollars, and too few positions for geriatricians.

Many practicing geriatricians find it increasingly difficult to focus their practice exclusively on older patients because of insufficient Medicare reimbursement. Unlike most other medical specialties, geriatricians depend almost entirely on Medicare revenues. A recent MedPAC report identified low Medicare reimbursement levels as a major stumbling block to recruiting new geriatricians.

Currently, the reimbursement rate for geriatricians is the same as it is for regular physicians. But the services geriatricians provide are fundamentally different.

Physicians who assess younger patients simply don't have to invest the same time that geriatricians must invest assessing the complex needs of elderly patients. Moreover, chronic illness and multiple medications make medical decision-making more complex and time consuming. Additionally, planning for health care needs becomes more complicated as geriatricians seek to include both patients and caregivers in the process.

We must modernize the Medicare fee schedule to acknowledge the importance of geriatric assessment and care coordination in providing health care for seniors. Geriatric practices cannot flourish and these trends will not im-

prove until we adjust the system to reflect the realities of senior health care.

The Geriatric Care Act I am introducing today addresses these shortfalls. This bill provides Medicare coverage for the twin foundations of geriatric practice—geriatric assessment and care coordination.

The bill authorizes Medicare to cover these essential services for seniors, thereby allowing geriatricians to manage medications effectively, to work with other health care providers as a team, and to provide necessary support for caregivers.

The Geriatric Care Act also will remove the disincentive caused by the Graduate Medical Education cap established by the 1997 Balanced Budget Act. As a result of this cap, many hospitals have eliminated or reduced their geriatric training programs.

The Geriatric Care Act corrects this problem by allowing for additional geriatric training slots in hospitals. By allowing hospitals to exceed the cap placed on their training slots, this bill will help increase the number of residents in geriatric training programs.

Finally, the Geriatric Care Act contains a new provision that ensures Graduate Medical Education payments for the second year of geriatric fellowship training. A one-year fellowship may be adequate for training clinical geriatricians but a two-year fellowship is essential for training academic geriatricians who will teach geriatrics to primary care and specialty physicians-in-training. Academic geriatricians are critical in preparing the next generation of doctors to care for our growing elderly population.

My home State of Arkansas ranks sixth in the Nation in percentage of population 65 years and older. In a decade, we will rank third. In many ways, our population in Arkansas is a snapshot of what the rest of the United States will look like in the near future.

We are blessed in Arkansas to have the Donald W. Reynolds Department of Geriatrics and the Center on Aging at the University of Arkansas for Medical Sciences. It is my hope that the Geriatric Care Act will make it easier for our medical school and others across the country to train more physicians in geriatrics.

As our parents, grandparents, friends, and loved ones cope with the challenges that aging brings, we must ensure that physicians skilled in caring for their special needs are there to help them. I ask my colleagues to join me in support of this effort to modernize Medicare to support crucial geriatric services for our Nation's seniors.

I ask unanimous consent that following my statement there be a printed list of organizations that support the Geriatric Care Act of 2003.

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

ORGANIZATIONS SUPPORTING THE GERIATRIC CARE ACT OF 2003
Alzheimer's Association.

American Association for Geriatric Psychiatry.

American Association of Homes and Services for the Aging.

American College of Physicians-American Society of Internal Medicine.

American Geriatrics Society.

Association of Professors of Medicine.

Association of Program Directors in Internal Medicine.

Association of Subspecialty Professors.

Catholic Health Association.

International Longevity Center—USA.

National Chronic Care Consortium.

National Committee to Preserve Social Security and Medicare.

National Council on the Aging.

National PACE Association.

National Family Caregivers Association.

By Mr. ROBERTS (for himself, Mrs. HUTCHISON, Ms. COLLINS, and Mr. JEFFORDS):

S. 388. A bill to amend the Internal Revenue Code of 1986 to expand the dependent car tax credit, to accelerate the child tax credit, and to promote dependent care assistance programs; to the Committee on Finance.

By Mr. ROBERTS (for himself, Ms. COLLINS, and Mr. JEFFORDS):

S. 389. A bill to increase the supply of quality child care; to the Committee on Finance.

Mr. ROBERTS. Mr. President, I am pleased and honored to join with my colleagues to introduce two pieces of legislation to help meet the child care challenges facing families around the Nation. These bills entitled the "Caring for Children Act" and "A Boost for Child Care Act", or the ABC's Act.

Child care, in the home when possible and outside the home when both parents work, goes right to the heart of keeping families strong. Unfortunately, finding quality, affordable child care is one of the most pressing problems for families in Kansas and around the country. It is estimated that quality child care can cost as much or more than college tuition in some areas.

The "Caring for Children Act" and "A Boost for Child Care Act" take the first steps in addressing this challenge through a responsible approach. This legislation expands child care opportunities without increased government costs or intrusion in our lives. This legislation builds into the existing network adding more government intervention or mandates. This legislation will help families that have two working parents and families that have a stay-at-home parent. This legislation will help to increase the supply of quality child care.

First, in order to provide additional tax relief and increased affordability of child care, the ABC's Act expands the Dependent Care Tax Credit by raising the income level to \$30,000 at which families become eligible for the maximum tax credit. This legislation also raises the maximum percentage of child care expenses that parents can deduct to 50 percent. These changes make the Dependent Care Tax Credit more realistic for families that face in-

creasing child care costs. Additionally, the ABC's Act accelerates and makes permanent the child tax credit at \$1,000 for qualifying taxpayers in order to further ease the financial burden on families.

Increasing the income level and the percentage of child care expenses that are deductible will help families where both parents work. But, we must also recognize that families who choose to have one parent remain at home have child care expenses as well. Therefore, this legislation extends eligibility for the Dependent Care Tax Credit to families with a stay-at-home parent. This provides greater options to more families and leaves child care choices where they should be—with the family. In order to target this credit to parents who need it the most and meet our fiscal responsibilities, the credit is phased out for higher income wage earners.

The "Caring for Children Act" recognizes that small businesses play a critical role in providing child care options to millions of working parents. Unfortunately, small businesses generally do not have the resources required to start up and support a child care center. This legislation includes a short-term flexible grant program to encourage small businesses to work together to provide child care services for employees. This program is more of a demonstration project that will sunset at the end of three years. In the meantime, small businesses will be eligible for grants up to \$100,000 for start-up costs, training scholarships, or other related activities. Business must continue to meet state quality and health standards. Businesses will be required to match Federal funds to encourage self-sustaining facilities well into the future.

Parental access to child care information and technical assistance to child care providers both play a strong role in increasing the supply of quality child care. The Caring for Children Act includes a grant program to allow entities to develop and operate technology-based child care training infrastructures to enable child care providers to receive the training, education and support they need to improve the quality of child care. The legislation also provides funds for the Department of Health and Human Services to collect and disseminate state of the art information on topics related to child care health and safety, as well as early childhood development. This information could be distributed through brochures, the internet, a toll-free information hotline, or resource and referral organizations.

Child care is an issue that impacts each and every one of us. While parents continue to struggle to meet the constant demand of work and family, we must continue to do our part to expand child care options and protect our nation's most valuable resource, our children. I look forward to working with all of my colleagues in this important effort.

I ask unanimous consent that the text of the "Caring for Children Act" and "A Boost for Child Care Act" be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 388

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 "A Boost for Child Care Act".

SEC. 2. EXPANSION OF DEPENDENT CARE TAX CREDIT.

(a) PERCENTAGE OF EMPLOYMENT-RELATED EXPENSES DETERMINED BY TAXPAYER STATUS.—Paragraph (2) of section 21(a) of the Internal Revenue Code of 1986 (relating to credit for expenses for household and dependent care services necessary for gainful employment) is amended to read as follows:

"(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term 'applicable percentage' means 50 percent reduced (but not below zero) by 1 percentage point for each \$1,500, or fraction thereof, by which the taxpayer's adjusted gross income for the taxable year exceeds \$30,000."

(b) MINIMUM CREDIT ALLOWED FOR STAY-AT-HOME PARENTS.—Section 21(e) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following new paragraph:

"(1) MINIMUM CREDIT ALLOWED FOR STAY-AT-HOME PARENTS.—Notwithstanding subsection (d), in the case of any taxpayer with 1 or more qualifying individuals described in subsection (b)(1)(A) under the age of 4 at any time during the taxable year, such taxpayer shall be deemed to have employment-related expenses with respect to such qualifying individuals in an amount equal to the greater of—

"(A) the amount of employment-related expenses incurred for such qualifying individuals for the taxable year (determined under this section without regard to this paragraph), or

"(B) \$150 for each month in such taxable year during which such qualifying individual is under the age of 4."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 3. ACCELERATION OF CHILD TAX CREDIT.

(a) IN GENERAL.—Subsection (a) of section 24 of the Internal Revenue Code of 1986 (relating to child tax credit) is amended to read as follows:

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year with respect to each qualifying child of the taxpayer an amount equal to \$1,000."

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF AMENDMENT.—Section 201(a) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(2) REPEAL OF SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 201 (other than subsection (a) of such section) of such Act.

SEC. 4. PROMOTION OF DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) IN GENERAL.—The Secretary of Labor shall establish a program to promote awareness of the use of dependent care assistance programs (as described in section 129(d) of the Internal Revenue Code of 1986) by employers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to

carry out the program under subsection (a) \$1,000,000 for each of fiscal years 2004, 2005, 2006, and 2007.

S. 389

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 "Caring for Children Act".

TITLE I—DISSEMINATION OF INFORMATION ABOUT QUALITY CHILD CARE

SEC. 101. COLLECTION AND DISSEMINATION OF INFORMATION.

(a) COLLECTION AND DISSEMINATION OF INFORMATION.—The Secretary of Health and Human Services shall, directly or through a contract awarded on a competitive basis to a qualified entity, collect and disseminate—

(1) information concerning health and safety in various child care settings that would assist in—

(A) the provision of safe and healthful environments by child care providers; and

(B) the evaluation of child care providers by parents; and

(2) relevant findings in the field of early childhood learning and development.

(b) INFORMATION AND FINDINGS TO BE GENERALLY AVAILABLE.—

(1) SECRETARIAL RESPONSIBILITY.—The Secretary of Health and Human Services shall make the information and findings described in subsection (a) generally available to States, units of local governments, private nonprofit child care organizations (including resource and referral agencies), employers, child care providers, and parents.

(2) DEFINITION OF GENERALLY AVAILABLE.—In paragraph (1), the term "generally available" means that the information and findings shall be distributed through resources that are used by, and available to, the public, including such resources as brochures, Internet web sites, toll-free telephone information lines, and public and private resource and referral organizations.

SEC. 102. GRANTS FOR THE DEVELOPMENT OF A CHILD CARE TRAINING INFRASTRUCTURE.

(a) AUTHORITY TO AWARD GRANTS.—The Secretary of Health and Human Services shall award grants to eligible entities to develop distance learning child care training technology infrastructures and to develop model technology-based training courses for child care providers and child care workers, to be provided through distance learning programs made available through the infrastructure. The Secretary shall, to the maximum extent possible, ensure that such grants are awarded in those regions of the United States with the fewest training opportunities for child care providers.

(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive a grant under subsection (a), an entity shall—

(1) develop the technological and logistical aspects of the infrastructure described in this section and have the capability of implementing and maintaining the infrastructure;

(2) to the maximum extent possible, develop partnerships with secondary schools, institutions of higher education, State and local government agencies, and private child care organizations for the purpose of sharing equipment, technical assistance, and other technological resources, including—

(A) developing sites from which individuals may access the training;

(B) converting standard child care training courses to programs for distance learning; and

(C) promoting ongoing networking among program participants; and

(3) develop a mechanism for participants to—

(A) evaluate the effectiveness of the infrastructure, including the availability and affordability of the infrastructure, and the training offered through the infrastructure; and

(B) make recommendations for improvements to the infrastructure.

(c) APPLICATION.—To be eligible to receive a grant under subsection (a), an entity shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and that includes—

(1) a description of the partnership organizations through which the distance learning programs will be made available;

(2) the capacity of the infrastructure in terms of the number and type of distance learning programs that will be made available;

(3) the expected number of individuals to participate in the distance learning programs; and

(4) such additional information as the Secretary may require.

(d) LIMITATION ON FEES.—No entity receiving a grant under this section may collect fees from an individual for participation in a distance learning program funded in whole or in part under this section that exceed the pro rata share of the amount expended by the entity to provide materials for the program and to develop, implement, and maintain the infrastructure (minus the amount of the grant awarded under this section).

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring a child care provider to subscribe to or complete a distance learning program made available under this section.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title \$50,000,000 for each of fiscal years 2003 through 2007.

TITLE II—REMOVAL OF BARRIERS TO INCREASING THE SUPPLY OF QUALITY CHILD CARE

SEC. 201. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall establish a program to award grants to States, on a competitive basis, to assist States in providing funds to encourage the establishment and operation of employer operated child care programs.

(b) APPLICATION.—To be eligible to receive a grant under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the funds required under subsection (e) will be provided.

(c) AMOUNT OF GRANT.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States receiving grants under this section.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State shall use amounts provided under a grant awarded under this section to provide assistance to small businesses located in the State to enable the small businesses to establish and operate child care programs. Such assistance may include—

(A) technical assistance in the establishment of a child care program;

(B) assistance for the startup costs related to a child care program;

(C) assistance for the training of child care providers;

(D) scholarships for low-income wage earners;

(E) the provision of services to care for sick children or to provide care to school aged children;

(F) the entering into of contracts with local resource and referral or local health departments;

(G) assistance for care for children with disabilities; or

(H) assistance for any other activity determined appropriate by the State.

(2) APPLICATION.—To be eligible to receive assistance from a State under this section, a small business shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) PREFERENCE.—

(A) IN GENERAL.—In providing assistance under this section, a State shall give priority to applicants that desire to form a consortium to provide child care in a geographic area within the State where such care is not generally available or accessible.

(B) CONSORTIUM.—For purposes of subparagraph (A), a consortium shall be made up of 2 or more entities that may include businesses, nonprofit agencies or organizations, local governments, or other appropriate entities.

(4) LIMITATION.—With respect to grant funds received under this section, a State may not provide in excess of \$100,000 in assistance from such funds to any single applicant.

(e) MATCHING REQUIREMENT.—To be eligible to receive a grant under this section a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by an entity receiving assistance in carrying out activities under this section, the entity will make available (directly or through donations from public or private entities) non-Federal contributions to such costs in an amount equal to—

(1) for the first fiscal year in which the entity receives such assistance, not less than 50 percent of such costs (\$1 for each \$1 of assistance provided to the entity under the grant);

(2) for the second fiscal year in which the entity receives such assistance, not less than 66% percent of such costs (\$2 for each \$1 of assistance provided to the entity under the grant); and

(3) for the third fiscal year in which the entity receives such assistance, not less than 75 percent of such costs (\$3 for each \$1 of assistance provided to the entity under the grant).

(f) REQUIREMENTS OF PROVIDERS.—To be eligible to receive assistance under a grant awarded under this section a child care provider shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State.

(g) ADMINISTRATION.—

(1) STATE RESPONSIBILITY.—A State shall have responsibility for administering a grant awarded for the State under this section and for monitoring entities that receive assistance under such grant.

(2) AUDITS.—A State shall require each entity receiving assistance under the grant awarded under this section to conduct an annual audit with respect to the activities of the entity. Such audits shall be submitted to the State.

(3) MISUSE OF FUNDS.—

(A) REPAYMENT.—If the State determines, through an audit or otherwise, that an entity receiving assistance under a grant awarded under this section has misused the assistance, the State shall notify the Secretary of the misuse. The Secretary, upon such a notification, may seek from such an entity the repayment of an amount equal to the amount of any such misused assistance plus interest.

(B) APPEALS PROCESS.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this paragraph.

(h) REPORTING REQUIREMENTS.—

(1) 2-YEAR STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine—

(i) the capacity of entities to meet the child care needs of communities within States;

(ii) the kinds of partnerships that are being formed with respect to child care at the local level to carry out programs funded under this section; and

(iii) who is using the programs funded under this section and the income levels of such individuals.

(B) REPORT.—Not later than 28 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(2) 4-YEAR STUDY.—

(A) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine the number of child care facilities funded through entities that received assistance through a grant awarded under this section that remain in operation and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) REPORT.—Not later than 52 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(i) DEFINITION.—In this section, the term “small business” means an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, \$60,000,000 for the period of fiscal years 2004 through 2006.

(2) EVALUATIONS AND ADMINISTRATION.—With respect to the total amount appropriated for such period in accordance with this subsection, not more than \$5,000,000 of that amount may be used for expenditures related to conducting evaluations required under, and the administration of, this section.

(k) TERMINATION OF PROGRAM.—The program established under subsection (a) shall terminate on September 30, 2007.

By Mr. LEVIN:

S. 390. A bill to amend title 18, United States Code, to provide retroactive effect to a sentencing safety valve provision; to the Committee on the Judiciary.

Mr. LEVIN. Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 390

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 “Safety Valve Fairness Act of 2003”.

SEC. 2. EXTENSION OF APPLICATION OF LIMITATION ON STATUTORY MINIMUMS IN CERTAIN CASES.

(a) IN GENERAL.—Section 3553(f) of title 18, United States Code, is amended by inserting “whether or not the sentence for that offense was imposed before, on, or after the date of the enactment of this subsection,” before “the court shall impose a sentence”.

(b) EFFECT ON EXISTING CONVICTIONS.—The amendment made by this section shall apply with respect to sentences imposed before the date of enactment of this Act but not yet completed. A prisoner may who was so sentenced may petition for reconsideration of that sentence.

By Mr. REID (for himself, Mr. MCCAIN, Mr. AKAKA, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Ms. CANTWELL, Mrs. CLINTON, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. HAGEL, Mr. INOUE, Mr. JOHNSON, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mrs. LINCOLN, Mr. MILLER, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SMITH, Ms. SNOWE, Mr. CAMPBELL, Mr. LIEBERMAN, and Mr. COCHRAN):

S. 392. A bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability; to the Committee on Armed Services.

Mr. REID. Madam President, over the last several years, I have tried to correct a long-standing injustice impacting our Nation's veterans. Under a law that is now over 110 years old, most veterans who retire with 20 years of honorable service, and who also have a service-related disability, cannot collect both their retirement and their disability pay.

In 2001, I was joined by 82 cosponsors in introducing S. 170, the “Retired Pay Restoration Act of 2001.” Our bill sought to lift the restrictions to allow veterans the “concurrent receipt” of both retirement compensation and disability benefits. Although we were successful in getting the language approved in the National Defense Authorization Act of 2002, now codified at 10 U.S.C. 1414, the authorization was made contingent upon the passage of further appropriations. No funds were ever appropriated and concurrent receipt remained another unfulfilled promise to our veterans.

In 2002, I introduced S. 2051, the “Retired Pay Restoration Act of 2002” to repeal the contingency language and make concurrent receipt a reality. The Senate again overwhelmingly passed this measure. Unfortunately, the White House threatened a veto of the National Defense Authorization Act of

2003, and therefore, the Conference Committee conceded to a compromise proposal, see Section 636 of Conference Report 107-772. This compromise was a much scaled-back version of concurrent receipt. Senator WARNER correctly referred to it as a “beachhead”, but we all acknowledged there was much work remaining.

Under last year's compromise, only a small number of veterans—estimated to be between 15 to 30 thousand—would stand to benefit. The compromise left the contingency language for full concurrent receipt in place, but created a new category of special compensation, now codified at 10 U.S.C. 1413(a). In this new category, retirees that had at least a 60 percent disability rating that was a direct result of armed conflict, hazardous service, performance of duty under conditions simulating war, or through an instrumentality of war, would be eligible to collect both retirement compensation and disability benefits. Thus, the current law excludes approximately 500,000 disabled veterans who have served their country honorably. To exclude these veterans assumes that they are less deserving of fair compensation because they did not incur their injury in combat. The law also creates an unnecessary bureaucracy for the VA and the Department of Defense, which currently do not make distinctions based on the specific cause of a service-connected disability.

Therefore, I rise today with Mr. MCCAIN, to introduce the “Retired Pay Restoration Act of 2003”, along with our colleagues Mr. AKAKA, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Ms. Boxer, Mr. BREAUX, Mr. BROWNBACK, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CLINTON, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DORGAN, Mr. DURBIN, Ms. Feinstein, Mr. GRASSLEY, Mr. HAGEL, Mr. INOUE, Mr. JOHNSON, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Ms. Lincoln, Mr. MILLER, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SMITH, and Ms. SNOWE, to correct this inequity for veterans who have retired from our Armed Forces with a service-connected disability.

Our bill removes the contingency language for full concurrent receipt currently found at 10 U.S.C. 1414(a) and (f), and repeals the Special Compensation programs codified at 10 U.S.C. 1413 and 1413(a). The effect would be to finally implement full concurrent receipt, thereby ending the 110 year inequity.

Passage and implementation of this bill is long overdue. I am sure many of my colleagues would be interested to learn that Congress imposed these restrictions on concurrent receipt just after the Civil War, when the standing army of the United States was extremely limited. At that time, only a small portion of our armed forces consisted of career soldiers.

Today, nearly one and a half million Americans dedicate their lives to the

defense of our Nation. The United States' military force is unmatched in terms of power, training and ability. Our Nation's status as the world's only superpower is largely due to the sacrifices our veterans made during the last century. Rather than honoring their commitment and bravery by fulfilling our obligations, the federal government has chosen instead to perpetuate a longstanding injustice. Quite simply, this is disgraceful, and we must correct it.

Once again our Nation is calling upon the members of the Armed Forces to defend democracy and freedom in Afghanistan, in the Persian Gulf and throughout the world. We must send a signal to the men and women currently in uniform that our government takes care of those that make sacrifices for our Nation. We must demonstrate to veterans that we are thankful for their dedicated service.

Military retirement pay and disability compensation are earned and awarded for entirely different purposes. Current law ignores the distinction between these two entitlements. Military retired pay is earned compensation for the extraordinary demands and sacrifices inherent in a military career. It is a reward promised for serving two decades or more under conditions that most Americans find intolerable. Veterans' disability compensation, on the other hand, is paid to recompense pain, suffering, and lost future earning power caused by a service-connected illness or injury. Few retirees can afford to live on their retired pay alone, and a severe disability only makes the problem worse by limiting or denying any post-service working life.

Career military retired veterans are the only group of Federal retirees who are required to waive their retirement pay in order to receive VA disability benefits. All other Federal employees receive both their civil service retirement and VA disability with no offset. Simply put, the law discriminates against career military men and women. It assumes, in effect, that disabled military retirees neither need nor deserve the full compensation they earned for their 20 or more years served in uniform.

This inequity is absurd. How do we explain it to the men and women who sacrificed their own safety to protect this great nation? How do we explain this inequity to those members currently risking their lives to defeat terror?

We are currently losing over one thousand World War II veterans each day. Every day we delay acting on this legislation means continuing to deny fundamental fairness to thousands of men and women. They will never have the ability to enjoy their two well-deserved entitlements.

This bill represents an honest attempt to correct an injustice that has existed for far too long. Allowing disabled veterans to receive military retired pay and veterans disability com-

pensation concurrently will restore fairness to Federal retirement policy.

This legislation is supported by numerous veterans' service organizations, including the Military Coalition, the National Military/Veterans Alliance, the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, the Fleet Reservists Association, the Military Officer's Association, the Paralyzed Veterans of America and the Uniformed Services Disabled Retirees.

Passing this bill will finally eliminate a grossly inequitable 19th century law and ensure fairness within the Federal retirement policy. Our veterans have heard enough excuses. Now it is time for them to hear our gratitude. I urge my colleagues to join me in supporting this legislation to finally end this disservice to our retired military men and women.

Our veterans have earned this and now is our chance to honor their service to our Nation.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 392

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 "Retired Pay Restoration Act of 2003".

SEC. 2. FULL PAYMENT OF BOTH RETIRED PAY AND COMPENSATION TO DISABLED MILITARY RETIREES.

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

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

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

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

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

"(d) DEFINITIONS.—In this section:

"(1) The term 'retired pay' includes re-tainer pay, emergency officers' retirement pay, and naval pension.

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

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

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

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

SEC. 3. EFFECTIVE DATE; PROHIBITION ON RETROACTIVE BENEFITS.

(a) IN GENERAL.—The amendments made by this Act shall take effect on—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

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

Mr. MCCAIN. Madam President, I first introduced legislation on this issue all the way back in 1992. Then again in 1993, then again in 1994, then again in 1995. In 1999, I drafted legislation that became law—as a compromise measure that paid special compensation pay for severely disabled military retirees with disabilities greater than 50 percent. Here we are in 2003 with an opportunity to finally rectify a problem that has plagued our veterans and to rectify it, once and for all, for all military retirees who have become disabled during their military service.

I know personally the character of Americans who take up arms to defend our Nation's interests and to advance our democratic values. I know of all the battles, all the grim tests of courage and character, that have made a legend of the Army, Navy, Marine Corps and Air Forces devotion to duty.

Let me remind this body of the grave sacrifice that our men and women who risk their lives for their country must endure. The United States has exerted military force more than 280 times since the end of World War II. We are even now engaged in an epic struggle against a new and hidden enemy that involves the men and women of our armed forces.

Once again our young men and women are defiantly heading into harms way with the understanding that we, as the lawmakers of this great Nation, will ensure they are taken care of as citizens and as veterans for their actions above and beyond the call of duty.

We now have an opportunity to show a measure of our gratitude to these brave men and women, and for the future men and women who continue to serve in this time of trial.

The existing law as it stands is simply discriminatory and wrong. "Concurrent receipt" is, at its core, a fairness issue, and present law simply discriminates against career military people who have been injured or disabled while in conduct of their duties while in defense of this great Nation. Retired veterans are the only group of federal retirees who are required to waive their retirement pay in order to receive VA disability compensation.

In my view, the two pays are for very different purposes; one for loyal and selfless service to our country. The other for physical or mental 'pain and suffering' occurred in that service to country.

The Retired Pay Restoration Act has received strong bipartisan support in Congress for several years.

The Military Coalition, an organization of 33 prominent veterans' and retirees' advocacy groups, supports this legislation, as do many other veterans' service organizations, including the Veterans of Foreign Wars, American Legion and Disabled American Veterans.

For the brave men and women who have selected to make their career in the U.S. military, they face an unknown risk. If they are injured, they will be forced to forego their earned retired pay in order to receive their VA disability compensation. In effect, they will be paying for their own disability benefits from their retirement checks.

It is long overdue for us to redress the unfair practice of requiring disabled military retirees to fund their own disability compensation. Sixty percent is not enough! We need full funding for all military retirees. It is time to show our appreciation to the men and women who have sacrificed so much for our great Nation.

Therefore, I am proud to rise today with Mr. REID, to introduce the "Retired Pay Restoration Act of 2003", along with our colleagues Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Ms. BOXER, Mr. BREAUX, Ms. CANTWELL, Mr. COCHRAN, Mrs. CLINTON, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DORGAN, Mr. DURBIN, Ms. FEINSTEIN, Mr. INOUE, Mr. JOHNSON, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Ms. LINCOLN, Mr. MILLER, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. ROCKEFELLER, Mr. SARBANES, Mr. ALLARD, Mr. ALLEN, Mr. BROWNBACK, Mr. CAMPBELL, Mr. GRASSLEY, Mr. HAGEL, Mr. ROBERTS, Mr. SMITH, and Ms. SNOWE, to correct this inequity for veterans who have retired from our Armed Forces with a service-connected disability.

I am thankful for the Senate's action to address this important issue today and I urge the Chairman and Ranking Member to carry this legislative provision through Conference and final passage.

By Mr. ALLEN:

S. 393. A bill to amend the Internal Revenue Code of 1986 to allow employ-

ers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes; to the Committee on Finance.

Mr. ALLEN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 393

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 "___ Act of 2003".

SEC. 2. CREDIT FOR EMPLOYMENT OF RESERVE COMPONENT PERSONNEL.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45G. RESERVE COMPONENT EMPLOYMENT CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, the reserve component employment credit determined under this section is an amount equal to the sum of—

"(1) the employment credit with respect to all qualified employees of the taxpayer, plus

"(2) the self-employment credit of a qualified self-employed taxpayer.

"(b) EMPLOYMENT CREDIT.—For purposes of this section—

"(1) IN GENERAL.—The employment credit with respect to a qualified employee of the taxpayer for any taxable year is equal to 100 percent of the excess, if any, of—

"(A) the qualified employee's average daily qualified compensation for the taxable year, over

"(B) the average daily military pay and allowances received by the qualified employee during the taxable year,

while participating in qualified reserve component duty to the exclusion of the qualified employee's normal employment duties for the number of days the qualified employee participates in qualified reserve component duty during the taxable year, including time spent in a travel status. The employment credit, with respect to all qualified employees, is equal to the sum of the employment credits for each qualified employee under this subsection.

"(2) AVERAGE DAILY QUALIFIED COMPENSATION AND AVERAGE DAILY MILITARY PAY AND ALLOWANCES.—As used with respect to a qualified employee—

"(A) the term 'average daily qualified compensation' means the qualified compensation of the qualified employee for the taxable year divided by the difference between—

"(i) 365, and

"(ii) the number of days the qualified employee participates in qualified reserve component duty during the taxable year, including time spent in a travel status, and

"(B) the term 'average daily military pay and allowances' means—

"(i) the amount paid to the qualified employee during the taxable year as military pay and allowances on account of the qualified employee's participation in qualified reserve component duty, divided by

"(ii) the total number of days the qualified employee participates in qualified reserve component duty, including time spent in travel status.

"(3) QUALIFIED COMPENSATION.—When used with respect to the compensation paid or

that would have been paid to a qualified employee for any period during which the qualified employee participates in qualified reserve component duty, the term 'qualified compensation' means—

"(A) compensation which is normally contingent on the qualified employee's presence for work and which would be deductible from the taxpayer's gross income under section 162(a)(1) if the qualified employee were present and receiving such compensation,

"(B) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and with respect to which the number of days the qualified employee participates in qualified reserve component duty does not result in any reduction in the amount of vacation time, sick leave, or other nonspecific leave previously credited to or earned by the qualified employee, and

"(C) group health plan costs (if any) with respect to the qualified employee.

"(4) QUALIFIED EMPLOYEE.—The term 'qualified employee' means a person who—

"(A) has been an employee of the taxpayer for the 21-day period immediately preceding the period during which the employee participates in qualified reserve component duty, and

"(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as defined in sections 10142 and 10101 of title 10, United States Code.

"(c) SELF-EMPLOYMENT CREDIT.—

"(1) IN GENERAL.—The self-employment credit of a qualified self-employed taxpayer for any taxable year is equal to 100 percent of the excess, if any, of—

"(A) the self-employed taxpayer's average daily self-employment income for the taxable year over

"(B) the average daily military pay and allowances received by the taxpayer during the taxable year, while participating in qualified reserve component duty to the exclusion of the taxpayer's normal self-employment duties for the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status.

"(2) AVERAGE DAILY SELF-EMPLOYMENT INCOME AND AVERAGE DAILY MILITARY PAY AND ALLOWANCES.—As used with respect to a self-employed taxpayer—

"(A) the term 'average daily self-employment income' means the self-employment income (as defined in section 1402) of the taxpayer for the taxable year plus the amount paid for insurance which constitutes medical care for the taxpayer for such year (within the meaning of section 162(l)) divided by the difference between—

"(i) 365, and

"(ii) the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status, and

"(B) the term 'average daily military pay and allowances' means—

"(i) the amount paid to the taxpayer during the taxable year as military pay and allowances on account of the taxpayer's participation in qualified reserve component duty, divided by

"(ii) the total number of days the taxpayer participates in qualified reserve component duty, including time spent in travel status.

"(3) QUALIFIED SELF-EMPLOYED TAXPAYER.—The term 'qualified self-employed taxpayer' means a taxpayer who—

"(A) has net earnings from self-employment (as defined in section 1402) for the taxable year, and

"(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States.

“(d) CREDIT IN ADDITION TO DEDUCTION.—The employment credit provided in this section is in addition to any deduction otherwise allowable with respect to compensation actually paid to a qualified employee during any period the qualified employee participates in qualified reserve component duty to the exclusion of normal employment duties.

“(e) LIMITATIONS.—

“(1) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

“(A) any taxable year in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

“(B) the 2 succeeding taxable years.

“(2) DISALLOWANCE WITH RESPECT TO PERSONS ORDERED TO ACTIVE DUTY FOR TRAINING.—No credit shall be allowed under subsection (a) to a taxpayer with respect to any period for which the person on whose behalf the credit would otherwise be allowable is called or ordered to active duty for any of the following types of duty:

“(A) active duty for training under any provision of title 10, United States Code,

“(B) training at encampments, maneuvers, outdoor target practice, or other exercises under chapter 5 of title 32, United States Code, or

“(C) full-time National Guard duty, as defined in section 101(d)(5) of title 10, United States Code.

“(f) GENERAL DEFINITIONS AND SPECIAL RULES.—

“(1) MILITARY PAY AND ALLOWANCES.—The term ‘military pay’ means pay as that term is defined in section 101(21) of title 37, United States Code, and the term ‘allowances’ means the allowances payable to a member of the Armed Forces of the United States under chapter 7 of that title.

“(2) QUALIFIED RESERVE COMPONENT DUTY.—The term ‘qualified reserve component duty’ includes only active duty performed, as designated in the reservist’s military orders, in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code.

“(3) NORMAL EMPLOYMENT AND SELF-EMPLOYMENT DUTIES.—A person shall be deemed to be participating in qualified reserve component duty to the exclusion of normal employment or self-employment duties if the person does not engage in or undertake any substantial activity related to the person’s normal employment or self-employment duties while participating in qualified reserve component duty unless in an authorized leave status or other authorized absence from military duties. If a person engages in or undertakes any substantial activity related to the person’s normal employment or self-employment duties at any time while participating in a period of qualified reserve component duty, unless during a period of authorized leave or other authorized absence from military duties, the person shall be deemed to have engaged in or undertaken such activity for the entire period of qualified reserve component duty.

“(4) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply for purposes of this section.”

(b) CONFORMING AMENDMENT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to general business credit) is amended—

(1) by striking “plus” at the end of paragraph (14),

(2) by striking the period at the end of paragraph (15) and inserting “, plus”, and

(3) by adding at the end the following new paragraph:

“(16) the reserve component employment credit determined under section 45G(a).”

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 45F the following new item:

“Sec. 45G. Reserve component employment credit.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

By Mr. ALLEN:

S. 394. A bill to amend the Internal Revenue Code of 1986 to expand the combat zone income tax exclusion to include income for the period of transit to the combat zone and to remove the limitation on such exclusion for commissioned officers; to the Committee on Finance.

Mr. ALLEN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 394

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

SECTION 1. EXPANSION OF INCOME TAX EXCLUSION FOR COMBAT ZONE SERVICE.

(a) COMBAT ZONE SERVICE TO INCLUDE TRANSIT TO ZONE.—Section 112(c)(3) of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following new sentence: “Such service shall include any period of transit to the combat zone.”

(b) REMOVAL OF LIMITATION ON EXCLUSION FOR COMMISSIONED OFFICERS.—

(1) IN GENERAL.—Subsection (b) of section 112 of the Internal Revenue Code of 1986 (relating to certain combat zone compensation of members of the Armed Forces) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 112(a) of such Code is amended—

(i) by striking “below the grade of commissioned officer”, and

(ii) by striking “ENLISTED PERSONNEL” in the heading and inserting “IN GENERAL”.

(B) Section 112(c) of such Code is amended by striking paragraphs (1) and (5) and by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after the date of the enactment of this Act.

By Mr. GRASSLEY (for himself,

Mr. BAUCUS, Mr. CONRAD, Mr. CRAPO, Mr. BREAUX, Mr. LEAHY, Mr. HARKIN, Mr. DURBIN, Mr. CRAIG, Mr. JOHNSON, Mr. CHAFEE, Ms. SNOWE, and Mr. KERRY):

S. 395. A bill to amend the Internal Revenue Code of 1986 to provide a 3-year extension of the credit for producing electricity from wind; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I rise today to introduce important tax legislation on behalf of myself and Senators

BAUCUS, CONRAD, CRAPO, BREAUX, LEAHY, HARKIN, DURBIN, CRAIG, JOHNSON, CHAFEE, SNOWE, and KERRY.

This bill, entitled the “Bipartisan Renewable Efficient Energy with Zero Effluent, BREEZE, Act,” extends the production tax credit for electricity generated by wind for three years. The current tax credit is set to expire on January 1, 2004.

As the author of the Wind Energy Incentives Act of 1993, I sought to give this alternative energy source the ability to compete against traditional, finite energy sources. I strongly believe that the expansion and development of wind energy must be facilitated by this production tax credit.

Wind, unlike most energy sources, is an efficient and environmentally safe form of energy production. Wind energy makes valuable contributions to maintaining cleaner air and a cleaner environment. Every 10,000 megawatts of wind energy produced in the United States can reduce carbon monoxide emissions by 33 million metric tons by replacing the combustion of fossil fuels.

Since the inception of the wind energy production tax credit in 1993, more than 3,000 megawatts of generating capacity have been put online. This generating capacity powers nearly 900,000 homes.

Just last year, over 400 megawatts of new wind energy capacity was installed, bringing total capacity to more than 4,500 megawatts. Wind energy is currently serving the equivalent of more than 1.3 million average American homes in 27 states across the country.

During the past two decades, the price of wind energy has been reduced more than 80 percent, making it one of the least expensive sources of renewable energy. In order to continue this investment and development in America’s energy future, we must extend the production tax credit.

From 1999 to 2001, wind energy capacity in Iowa grew by 33 percent, and while Iowa ranks tenth in the nation in terms of wind energy potential, Iowa currently ranks third nationally in wind development, with over 400 megawatts of generating capacity. Only California and Texas generate more electricity from wind than Iowa. And, the Iowa Department of Natural Resources estimates that Iowa has the potential to produce nearly 5 times its own annual electrical needs through wind power.

Wind energy also produces substantial economic benefits. For each wind turbine, a farmer or rancher can receive more than \$2,000 per year for 20 years in direct lease payments. Iowa’s major wind farms already pay more than \$640,000 per year to landowners.

Equally important, wind energy increases our energy independence, thereby providing the United States with insulation from an oil supply dominated by the Middle East. Our national security is currently threatened by a heavy reliance on oil from abroad.

Unfortunately, due to the structure of the current tax incentive, a significant portion of the electricity industry is unable to take advantage of the credit. Rural electric cooperatives and municipal utilities provide power to nearly 25 percent of the Nation's consumers. To encourage a unified national energy plan, it's only fair to give cooperatives and other not-for-profit utilities the ability to use renewable tax incentives.

REC's and municipal utilities should be given a mechanism to utilize the tax incentives for renewable electricity generation. And, while the legislation I'm introducing today does not address this issue, I look forward to working with my colleagues on the Finance Committee to include such a mechanism in a comprehensive energy tax package.

Extending the wind energy tax credit would allow for even greater expansion and planning stability in the wind energy field. Wind is a domestically produced natural resource, found abundantly across the country. Because wind energy is homegrown, it cannot be controlled by any foreign power.

Wind energy can be harnessed without injury to our environment. Wind is a reliable form of power that is renewable and inextinguishable. This legislation ensures that wind energy does not fall by the wayside as a productive alternative energy source.

The Senate needs to extend this important incentive and I encourage my colleagues to join us in this effort.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 395

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 "Bipartisan Renewable, Efficient Energy with Zero Effluent (BREEZE) Act".

SEC. 2. 3-YEAR EXTENSION OF CREDIT FOR PRODUCING ELECTRICITY FROM WIND.

Section 45(c)(3)(A) of the Internal Revenue Code of 1986 (relating to wind facility) is amended by striking "January 1, 2004" and inserting "January 1, 2007".

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 396. A bill to amend the Internal Revenue Code of 1986 to exempt small manufacturers from the firearms excise tax; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I am pleased to introduce the Gunsmith Excise Tax Simplification Act of 2003. This bill will protect funding for the Federal Aid to Wildlife Restoration Fund by simplifying administration and compliance with the excise tax by eliminating the assessment of the tax against custom gunsmiths.

The creation of the Federal Aid to Wildlife Restoration Fund is one of the great success stories of cooperation

among America's sportsmen and women, state fish and wildlife agencies, and the sporting goods industry. Working together with Congress, Americans who enjoy the outdoors volunteered to pay an excise tax on sporting arms and ammunition to be used for hunter education programs, wildlife restoration, and habitat conservation.

Under the tax code, all manufacturers of firearms must pay an excise tax of 10 percent or 11 percent of the retail price, depending on the type of firearm. For more than 25 years custom gunsmiths have sought to clarify that they were not intended to be subject to this tax. Many custom gunsmiths do not actually make new guns, rather they remodel or refurbish existing firearms. The proposal establishes an exemption from the excise tax for manufacturers of fewer than 50 firearms per year.

This issue is important to individuals in Montana. Steven Dodd Hughes, a custom gunmaker in Livingston, MT, pays this tax. He has a sole proprietorship, a one man shop. Steven's business is generated from outside of Montana and brings in much needed revenue to his community. He agrees with the tax as it was intended, on manufacturers. It was not intended to be applied to one man operations such as his. The American Custom Gunmakers Guild and the NRA agree with Mr. Hughes.

In summary, the Gunsmith Excise Tax Simplification Act of 2003 would accomplish two worthy objectives. First, this proposal will eliminate the assessment of the excise tax on custom gunmakers, which is fair. Second it eliminates the significant administrative burden placed on small businesses, such as determining who the manufacturer is and who is going to assess and collect the tax. These custom gunmakers rebuild and update the firearms, they don't administer tax laws. Last year, the Joint Committee on Taxation estimated the proposal will decrease revenues by less than \$10 million over ten years, resulting in minimal reduction of the Federal Aid to Wildlife Restoration Fund.

I ask unanimous consent that the text of my bill entitled "The Gunsmith Excise Tax Simplification Act of 2003" be printed in the RECORD.

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

S. 396

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 "Gunsmith Excise Tax Simplification Act of 2003".

SEC. 2. CUSTOM GUNSMITHS.

(a) SMALL MANUFACTURERS EXEMPT FROM FIREARMS EXCISE TAX.—Section 4182 of the Internal Revenue Code of 1986 (relating to exemptions) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) SMALL MANUFACTURERS, ETC.—

"(1) IN GENERAL.—The tax imposed by section 4181 shall not apply to any article de-

scribed in such section if manufactured, produced, or imported by a person who manufactures, produces, and imports less than 50 of such articles during the calendar year.

"(2) CONTROLLED GROUPS.—All persons treated as a single employer for purposes of subsection (a) or (b) of section 52 shall be treated as one person for purposes of paragraph (1)."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to articles sold by the manufacturer, producer, or importer on or after the date which is the first day of the month beginning at least 2 weeks after the date of the enactment of this Act.

(2) NO INFERENCE.—Nothing in the amendments made by this section shall be construed to create any inference with respect to the proper tax treatment of any sales before the effective date of such amendments.

By Mr. ENSIGN (for himself and Mrs. HUTCHISON):

S. 397. A bill to amend the internal Revenue Code of 1986 to allow a deduction for the old-age, survivors, and disability insurance taxes paid by employees and self-employed individuals, and for other purposes; to the Committee on Finance.

Mr. ENSIGN. Mr. President, 194 years ago this week, a son was born to Nancy and Thomas Lincoln in Elizabethtown, Kentucky. That son, Abraham, would go on to become President of the United States at one of the most defining times in our Nation's history.

President Lincoln is still revered today for his leadership and vision of a country in which all citizens have the opportunity to succeed. In 1864, when the outcomes of the war and his reelection were in question, he asked soldiers from Ohio's 66th regiment to stop at the White House on their way home so he could express his appreciation. President Lincoln shared with them the following:

"I beg you to remember this . . . I happen temporarily to occupy this big White House. I am a living witness that any one of your children may look to come here as my father's child has. It is in order that each of you may have through this free government which we have enjoyed, an open field and a fair chance for your industry, enterprise and intelligence; that you may all have equal privileges in the race of life, with all its desirable human aspirations. It is for this the struggle would be maintained, that we may not lose our birthright . . . The nation is worth fighting for, to secure such an inestimable jewel."

That jewel—the American dream that should be within reach of all who grasp for it—has been the hope of generations in this nation. This Nation that elected Abraham Lincoln—born in a one-room log cabin and once a farmhand . . . This Nation that harvests in its children a yearning to soar beyond the earth's atmosphere . . . This Nation that preaches that education, hard work, and family bring success.

Unfortunately, making a living, raising a family, and educating ourselves and our children is becoming more and more difficult in America. And it's the

leaders of this nation that have made the obstacles to success higher to get over and wider to get around.

Here in Washington, we've built a wall of obstacles with one tax burden after another. Our Founding Fathers outlined exactly the powers they wanted Congress to have in Article I, Section 8 of the Constitution. Just because the first thing listed is the power to lay and collect taxes, doesn't mean it's the power we need to exercise the most.

Not only should we take the responsibility of stopping the building of this wall of tax burdens, we need to step up and start removing these burdens. We need to alleviate the tremendous stress that comes with having to work to pay so much of what we earn to the government.

Last year, the average taxpayer in my home State of Nevada did not finish paying taxes until April 27, which was also the average across the United States. Everything earned for the first 117 days of the year went to a government entity. In comparison, the average American spends only 106 days paying for food, clothing, and shelter combined.

That doesn't leave enough days to pay for a family vacation or to save for education or to pay medical bills or to save for retirement or to take a class to improve skills or to do whatever you want with your money—after all, it is your money.

In itself, our tax system is unfair because American families have to work harder to make more money only to pay greater taxes, and workers bear the burden of a government that continues to find ways to tax them into working even harder.

Whatever our individual thoughts are on tax relief, we must agree that, although being taxed has become a challenging part of life, the idea of being double taxed is truly the government stealing from working Americans. Double taxation is immoral. Think about it in terms of a parent teaching a child. I am a parent of three young children. Just as I would explain to my children that it is not all right to take a piece of candy that they have not paid for, I would also tell them it is absolutely not okay to charge someone for something they aren't getting. But that is exactly what our government is doing with the Social Security tax.

Time magazine recently called it "The Really Unfair Tax." I call it the Social Security double dip. The take-home pay of 100 million Americans is fodder for this gutsy government scam. In very simple terms, this means that when a family pays income tax, the portion that is withheld for Social Security—money that they never see—is calculated into their personal income. The first dip is the tax that workers pay on wage income. The second dip is the icing on the cake for the government—taxing money that they are already taking anyway. Working Americans are forced to pay income tax on

their Social Security tax. It is textbook double taxation, and if a business concocted such a scheme it would be shut down. How can we continue this policy if we would teach our children that it is wrong? This is only one reason why the tax is unfair.

Another example of the outrageousness of this tax is that while working families are double taxed, American businesses are not. You see, half the Social Security tax is paid by workers, but employers pay the other half. Businesses and corporations get to deduct what they pay in Social Security taxes—a savings that working families are not afforded. This tax discrimination is unacceptable.

We must eliminate this absolutely wrong tax policy that mocks our Constitution's goal to "promote the general Welfare." I propose an above-the-line deduction for Social Security taxes so that an individual's Social Security taxes are not included in the calculation of income for income tax purposes. It's the right thing to do if we want to lead this Nation by example. Providing a Social Security tax deduction makes sense and will make a real difference to working families. About 100 million individuals and families would feel the savings—to the tune of around \$2,000 each. Such savings translate into real growth and opportunity. Scholars predict that the Payroll Tax Deduction Act would mean 900,000 new jobs in this country, and it also means a Nation of workers who get to keep more of their hard-earned money.

When government takes money away from working families, it stifles growth and builds obstacles to success. Let's take this chance to provide relief to America's families, open the doors to opportunity, and let future generations know that the American dream—the jewel that inspired Abraham Lincoln—is well within the reach of all who truly desire it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 397

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 "Payroll Tax Deduction Act".

SEC. 2. DEDUCTION FOR OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE TAXES OF EMPLOYEES AND SELF-EMPLOYED INDIVIDUALS.

(a) TAXES OF EMPLOYEES.—

(1) DEDUCTION ALLOWED IN ARRIVING AT ADJUSTED GROSS INCOME.—Section 62(a) of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by inserting after paragraph (18) the following new paragraph:

"(19) EMPLOYEES' OASDI TAXES.—The deduction allowed by section 164(g)."

(2) DETERMINATION OF DEDUCTION.—Section 164 of such Code (relating to deduction for taxes) is amended by redesignating sub-

section (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) EMPLOYEES' OASDI TAXES.—

"(1) IN GENERAL.—In the case of an individual, in addition to the taxes described in subsection (a), there shall be allowed as a deduction for the taxable year an amount equal to the sum of—

"(A) the taxes imposed by section 3101(a) for the taxable year, and

"(B) the taxes imposed by section 3201(a) for the taxable year but only to the extent attributable to the percentage in effect under section 3101(a).

"(2) SPECIAL RULE FOR CERTAIN AGREEMENTS.—For purposes of paragraph (1), taxes imposed by section 3101(a) shall include amounts equivalent to such taxes imposed with respect to remuneration covered by—

"(A) an agreement under section 218 of the Social Security Act, or

"(B) an agreement under section 3121(l) (relating to agreements entered into by American employers with respect to foreign affiliates).

"(3) COORDINATION WITH SPECIAL REFUND OF SOCIAL SECURITY TAXES.—Taxes shall not be taken into account under paragraph (1) to the extent the taxpayer is entitled to a special refund of such taxes under section 6413(c).

"(4) COORDINATION WITH EARNED INCOME CREDIT.—No deduction shall be allowed under paragraph (1) for any taxable year if the individual elects to claim the earned income credit under section 32 for the taxable year."

(3) CONFORMING AMENDMENT.—Subsection (a) of section 275 of such Code is amended in the matter following paragraph (6) by inserting "or 164(g)" after "164(f)".

(b) DEDUCTION FOR SELF-EMPLOYED INDIVIDUALS.—

(1) IN GENERAL.—Paragraph (1) of section 164(f) of the Internal Revenue Code of 1986 (relating to deduction for one-half of self-employment taxes) is amended to read as follows:

"(1) IN GENERAL.—In the case of an individual, in addition to the taxes described in subsection (a), there shall be allowed as a deduction for the taxable year an amount equal to the sum of—

"(A) the taxes imposed by section 1401(a) for such taxable year, plus

"(B) 50 percent of the taxes imposed by section 1401(b) for such taxable year.

In the case of an individual who elects to claim the earned income credit under section 32 for the taxable year, only 50 percent of the taxes described in subparagraph (A) shall be taken into account."

(2) CONFORMING AMENDMENTS.—

(A) Section 32(a)(1) of such Code is amended by inserting "who elects the application of this section" after "eligible individual".

(B) The heading for section 164(f) of such Code is amended by striking "ONE-HALF" and inserting "PORTION".

(C) Section 1402(a)(12) of such Code is amended—

(i) by striking "one-half" the first place it appears and inserting "portion", and

(ii) by striking subparagraph (B) and inserting:

"(B) a percentage equal to the sum for such year of the rate of tax under section 1401(a) and one-half of the rate of tax under section 1401(b);".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

By Mr. ALLEN:

S. 398. A bill to provide that members of the Armed Forces performing services at Guantanamo Bay Naval Station, Cuba, and in the Horn of Africa in support of Operation Enduring Freedom shall be entitled to tax benefits in the same manner as if such services were performed in a combat zone, and for other purposes; to the Committee on Finance.

Mr. ALLEN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 398

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

SECTION 1. AVAILABILITY OF CERTAIN TAX BENEFITS FOR MEMBERS OF THE ARMED FORCES PERFORMING SERVICES AT GUANTANAMO BAY NAVAL STATION, CUBA, AND IN THE HORN OF AFRICA.

(a) GENERAL RULE.—In the case of a member of the Armed Forces of the United States who is entitled to special pay under section 310 of title 37, United States Code (relating to special pay: duty subject to hostile fire or imminent danger), for services performed at Guantanamo Bay Naval Station, Cuba, or in any country located in the region known as the Horn of Africa as part of Operation Enduring Freedom (or any successor operation), such member shall be treated in the same manner as if such services were in a combat zone (as determined under section 112 of the Internal Revenue Code of 1986) for purposes of the following provisions of such Code:

(1) Section 2(a)(3) (relating to special rule where deceased spouse was in missing status).

(2) Section 112 (relating to the exclusion of certain combat pay of members of the Armed Forces).

(3) Section 692 (relating to income taxes of members of Armed Forces on death).

(4) Section 2201 (relating to members of the Armed Forces dying in combat zone or by reason of combat-zone-incurred wounds, etc.).

(5) Section 3401(a)(1) (defining wages relating to combat pay for members of the Armed Forces).

(6) Section 4253(d) (relating to the taxation of phone service originating from a combat zone from members of the Armed Forces).

(7) Section 6013(f)(1) (relating to joint return where individual is in missing status).

(8) Section 7508 (relating to time for performing certain acts postponed by reason of service in combat zone).

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect on the date of the enactment of this Act.

(2) WITHHOLDING.—Subsection (a)(5) shall apply to remuneration paid on or after such date of enactment.

By Mr. CAMPBELL:

S. 399. A bill to authorize grants for the establishment of quasi-judicial campus drug courts at colleges and universities modeled after State drug courts programs; to the Committee on the Judiciary.

Mr. CAMPBELL. Madam President, today I introduce the "Campus Classroom Offenders in Rehabilitation and Treatment Act of 2003."

The legislation I am introducing today is based on legislation I pre-

viously introduced toward the end of the 107th Congress.

The Campus Classroom Offenders in Rehabilitation and Treatment Act, which can also be referred to as the "Campus CORT Act," directs the Department of Justice to establish a demonstration program to provide grants and training to help our Nation's universities and colleges establish new quasi-judicial systems. These systems aim at countering the serious drug and substance abuse related problems that are taking such a heavy toll on our institutions of higher learning and the students who attend them. The demonstration program, which would be administered by the Department of Justice's Office of Justice Programs, would be based on the valuable lessons and successes we have garnered from our Nation's innovative and expanding drug court system.

Specifically, this demonstration program legislation would authorize the establishment of up to five Campus CORTs each year for Fiscal Years 2004 through 2007. The bill authorizes the Office of Justice Programs to provide \$2,000,000 in Federal funding during each of those years to help get five Campus CORTs well trained, soundly established and up and running. This new program's approach should be similar to how the Office of Justice Programs currently runs the ongoing drug court grant-making program, including providing an Internet-based application process.

There are plenty of good reasons to take the next step and establish a Campus CORTs program based on the drug court model. Since they first appeared in 1989, drug courts have rapidly spread all across the Nation. Rather than simply locking-up nonviolent drug offenders in prison along side violent criminals, drug courts provide the alternative of court-supervised treatment. Instead of simply punishing, drug courts help get people clean.

Drug courts' many successes are underscored both by the bipartisan support they have received in Congress and by the Bush Administration. For example, during a national conference hosted this last April by the National Association of Drug Court Professionals, both Office of National Drug Control Policy Director John Walters, our Nation's "Drug Czar," and Drug Enforcement Agency Director Asa Hutchinson gave speeches in support of drug courts and the benefits they provide.

According to the latest statistics as reported by the Department of Justice's Office of Justice Programs, as of November 2002, 946 Drug Courts are operating all across the United States. This is an impressive increase of approximately 250 Drug Courts over the past year. This 946 Drug Courts includes 547 Adult Drug Courts, 245 Juvenile Drug Courts, 59 Family Drug Courts and 14 Combination Courts. Over 400 additional new Drug Courts are in the planning process.

The report goes on to state that approximately 300,000 adults and 12,000 juveniles have been enrolled in the drug court system to date. Of those participants, 73,000 adults and 4,500 juveniles have successfully graduated from Drug Courts.

The merits of the drug court system are well documented. Nationwide, drug courts have been instrumental in enabling more than 1,000 children to be born drug free, more than 3,500 parents to regain custody of their children, and 4,500 parents to resume making their child-support payments. The retention rate is over 70 percent with 73 percent of the participants managing to keep their jobs or successfully find new work. These are encouraging statistics, and not just for the individuals involved, but for society as a whole.

While it is not as easy to measure, we know that Drug Courts play a beneficial role in reducing criminal behavior since so much crime these days is drug related.

Drug Courts also help save up money. It is estimated that every dollar spent on Drug Courts saves our country and communities approximately ten dollars in reduced prison and other criminal justice costs.

These are the kind of successes we should be able to see once the drug court model is customized and applied through Campus CORTs as we work together to respond to the alcohol, drug and other substance abuse challenges facing our Nation's colleges and universities.

Just as drugs are deeply interconnected with crime on our streets, drugs and serious substance abuse are also interconnected with much of the academic failure that damages so many of our Nation's institutions of higher learning and their aspiring students seeking college degrees.

Our Nation's drug courts use a carrot and stick approach where offenders can either live at home and remain free to work under court supervised treatment or face the very real threat of hard jail time. Similarly, Campus CORTs will give troubled students the chance to get supervised treatment and stay clean or get kicked out of school and watch their futures get squandered away.

Instead of simply booting students with substance abuse problems directly out of school, as is currently happening at many universities and colleges all across the country, I believe we should instead help provide institutions of higher learning with new tools they can use to help students get and stay clean. Of course, just like it is with the existing drug courts, there will be some students who simply do not respond to Campus CORTs. While those students will have to face the fact that they may well be expelled from school, at least we will have been able to give them the opportunity to clean-up their act.

Since the new Campus CORTs would be established at colleges and universities, the legislation calls on the Office of Justice Programs, or OJP, to establish new "quasi-judicial standards and procedures for disciplinary cases" for institutions of higher learning that wish to participate in the new Federal program.

Today, I am pleased to highlight that one of the leading institutions of higher learning in my home State, Colorado State University, CSU, has already broken new ground as the Nation's first university to apply the drug court concept in a campus setting. The "Day IV" program, as it is known at CSU, has racked-up a successful record in helping keep students clean and in school.

Our Drug Court system is making a difference all across our Nation. In fact, a 2002 report issued by Columbia University's prestigious National Center on Addiction and Substance Abuse states that "Drug Courts provide closer, more comprehensive supervision and much more frequent drug testing and monitoring during the program, than other forms of community supervision." The report underscores that "drug use and criminal behavior are substantially reduced while offenders are participating in drug court" and that "criminal behavior is lower after participation, especially for graduates."

Our Nation's Drug Court system is a good example of a viable and productive partnership between the Federal Government our State governments and local jurisdictions. Their collaboration is making a positive impact all across our country. I want to take this moment to thank the people of the OJP, the experts at the National Association of Drug Court Professionals and the state and local judges, prosecutors, law enforcement officers and other officials who have done so much to establish, build upon and continually improve our Nation's drug court system.

I also want to take a moment to thank Judge Karen Freeman Wilson, Chief Executive Officer of the National Association of Drug Court Professionals for her letter of support for the Campus CORT legislation I am introducing today. It is appreciated.

I ask unanimous consent that the letter of support and the text of the bill be printed in the RECORD.

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

NATIONAL ASSOCIATION OF
DRUG COURT PROFESSIONALS,
Alexandria, VA, January 15, 2003.

Senator BEN NIGHTHORSE CAMPBELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CAMPBELL: As the representative of the National Association of Drug Court Professionals (NADCP) and of drug court professionals throughout the country, I am writing this letter of support for the Campus Classmate Offenders in Rehabilitation and Treatment (CORT) Act" which I understand you will be introducing in the

Senate in the near future. Not only are campus drug courts a natural progression of the traditional drug court system which has proliferated successfully throughout the country for more than a decade, but they also will serve as yet another mechanism to reduce drug abuse and its concomitant crime.

Drug court professionals throughout the country truly appreciate your tenacious support and are eager to work collectively with you and other legislators to ensure that substance-abusing students are reached early and do not continuously cycle through the revolving door of the criminal justice system.

Because of your in depth knowledge of the substance abuse and its concomitant crime, you are already aware that drug and alcohol abuse is not limited to a specific age, gender or race. However, according to the 2001 National Household Survey on Drug Abuse, approximately 15.9 million Americans aged 12 or older were current users of an illicit drug in 2001, representing 7.1% of the population. The highest rate of use was found among young adults (ages 18-25) with 18.8% reporting current use and among youth (ages 12-17) with 10.8%. Current use of any illicit drug in the population aged 12 and older increased significantly from 6.3% in 2000 to 7.1% in 2001. The Substance Abuse and Mental Health Services Administration reported an equally alarming statistic in its fact sheet entitled "Consequences of Underage Alcohol Use" as it stated in 1998, there were 8,844 arrests for drug law violations on 487 college campuses.

Unfortunately, the 2001 National Household Survey on Drug Abuse and other studies clearly indicate that the need still exists to invest more attention to the rising problem of drug abuse, specifically on college campuses, throughout the country. Drug courts have already proven that an early investment in treatment obviates the need for repeated investments in incarceration and allow previously addicted offenders to lead healthy, productive lives within their communities. Campus drug courts are the natural extension of drug courts and will combat campus drug and alcohol abuse head on, thereby preventing accidents and crimes at colleges and universities throughout the nation.

Thank you once again for your staunch support of the drug court field and for introducing the "Campus CORT Act." I look forward to providing support to this and similar legislation and to working with you and your staff in the future.

Very truly yours,
Judge KAREN FREEMAN-WILSON (ret.),
Chief Executive Officer.

S. 399

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 "Campus Classmate Offenders in Rehabilitation and Treatment Act" or the "Campus CORT Act".

SEC. 2. ESTABLISHMENT OF CAMPUS DRUG COURTS.

(a) IN GENERAL.—The Attorney General, acting through the Office of Justice Programs, is authorized to make demonstration grants to accredited universities and colleges to establish not to exceed 5 campus classmate offenders in rehabilitation and treatment programs (referred to as "Campus CORTS") each fiscal year modeled after the statewide local drug court programs throughout the United States.

(b) CAMPUS CORTS.—Campus CORTS shall—

(1) be established at accredited colleges or universities;

(2) have jurisdiction over substance abuse related disciplinary cases involving students that may or may not be criminal in nature, including illegal drug use, abuse of prescription drugs, alcohol abuse, and other issues, but no student who is deemed to be a danger to the community may be involved;

(3) pursuant to regulations promulgated by the Attorney General, establish appropriate quasi-judicial standards and procedures for disciplinary cases; and

(4) impose as the ultimate sanction expulsion from school.

(c) CONSULTATION.—The Attorney General shall consult with the National Association of Drug Court Professionals, d.b.a., the National Drug Court Institute, universities and colleges, including the Campus Drug Court program at Colorado State University, and other experts in establishing quasi-judicial standards required by this Act.

(d) ASSISTANCE.—The Attorney General shall make grants to qualified universities and colleges, the National Association of Drug Court Professionals, d.b.a., the National Drug Court Institute, and other associations and experts to assist in establishing campus drug courts and provide training and technical assistance in support of the program.

(e) GRANT MAKING CONSIDERATIONS.—In awarding grants to qualified colleges or universities, the Office of Justice Programs should—

(1) endeavor to include colleges and universities of different sizes across the United States; and

(2) enable colleges and universities to apply for grants through the Internet site of the Office of Justice Programs.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$2,000,000 for each of the fiscal years 2004 through 2007 to carry out this Act.

By Ms. LANDRIEU:

S. 401. A bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age; and for other purposes; to the Committee on Armed Services.

Ms. LANDRIEU. Mr. President, I rise today to speak on an issue of great importance to our military retirees. This issue I want to address is the Survivor's Benefit Plan and the need to eliminate the Social Security offset.

The Survivor's Benefit Plan, SBP, has been in existence for nearly 30 years. Under this plan, military retirees may contribute part of their monthly retirement pay to the SBP, with the knowledge that after their death, their spouses can continue to receive 55 percent of their monthly retirement pay. But, when the surviving spouse reaches the age of 62, something disturbing happens. At the age of 62, the widow or widower of a military retiree sees his or her payments under the SBP shrink to 35 percent. This reduction is an offset for the Social Security payments that the survivor has begun to collect.

The survivors of military retirees find this to be unjust, and rightly so. The SBP is a fund that their spouses payed into, with the expectation that their survivors would be taken care of

after they pass away. The SBP is not a lavish monthly payment, but reflects the low salaries that men and women on active duty receive. In a recent article in the Shreveport Times, Billie Combs, who is 73, and is the widow of an Air Force Master Sergeant commented on the strain that the Social Security Offset imposes on their budget. She said: "It curtails my spending. It stops me from buying the things that I need; I just cut back and make sure that I have enough to carry me through to the next month."

The legislation that I introduce today would slowly phase out the social security offset to Survivor Benefit Plan, reducing it significantly by 2007, and completely erasing it by 2013.

Those who choose the military as their profession don't do it for the money. They do it because they have a love for country. They have a love for country that runs so deep, they would gladly sacrifice their lives in defense of the homeland. Despite the extreme sacrifice our Soldiers, Sailors, Airmen, and Marines are willing to make, they are not well compensated. And we don't just ask the servicemen to sacrifice, we ask their families to make a sacrifice. They endure long periods of separation, they live in military housing which in many cases is substandard, and we ask them to get by on low pay. The least we can do for our servicemen is to give them a decent retirement system. The very least we can do for their widows, is to restore the funds that are unjustly removed from their survivor's benefit plan.

Mr. President, I ask unanimous consent that the article and the text of this bill be printed in the RECORD.

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

**MILITARY WIDOWS LOSE CHUNK OF BENEFITS
AT 62**

(By Dennis Camire)

WASHINGTON.—Some survivors of military retirees have a rude awakening when they turn 62 and find their income from a Defense Department pension plan slashed.

Many who enrolled in the survivor annuity plan in the 1970s say they understood their surviving spouses would receive 55 percent of their retirement pay for life.

But that's not the case. The benefit droops to as low as 35 percent when survivors reach 62. Retirees who have paid decades of premiums say they feel betrayed.

"I like to have dropped dead right there," Marion Charles, 78, said in finding out about the reduction after her husband, Edward, died last year. "In fact, I wondered why God didn't take me with Ed."

Charles of Plant City, Fla., was left struggling with funeral expenses, credit card debts and house maintenance bills after she saw her income drop by \$1,200 a month upon the death of her husband, who retired in 1966 as a Navy chief petty officer. She now lives in a damaged 28-foot travel trailer and gets by with help from the Navy-Marine Corps Relief Society.

Though the annuity covers all spouses of military service members who don't opt out, women overwhelmingly are affected because most who have chosen the military as a career through the years have been men.

"It curtails my spending. It stops me from buying the things I want and need," said Billie Combs, 73, of Bossier City, widow of an Air Force master sergeant who died in 1995. "I just cut back and make sure I have enough to carry me over to the next month."

Lee Lange of the Military Officers Association of America called the cutback wrong. "It just seems counter-intuitive that we would be cutting their benefit as they get older."

Benefits for elderly widows and widowers at the 35 percent level are modest even for relatively senior officers, Lange said. For many widows of enlisted service members, the money amounts to less than \$5,000 a year.

About 800,000 of the nation's 1.9 million retirees are paying 6.5 percent of their retirement pay to participate in the plan, and more than 250,000 survivors are collecting the benefits.

Service members automatically are enrolled in the program when they retire but can opt out if they and their spouses sign a form.

The controversial drop is called a Social Security offset. The theory behind the drop was that the plan should give a survivor access to about 55 percent of the member's retired pay—but from all sources related to military service, including Social Security.

The offset began as a dollar-for-dollar reduction but was changed in 1985 to the current plan. Survivors whose spouses were eligible to retire by Oct. 1, 1985, may have the offset computed under the old system or the new to gain the best benefit. The offset is computed only upon death of the retiree.

Veteran's organizations—including the Military Officers Association, the Non-commissioned Officers Association, the American Legion and the Fleet Reserve Association—want Congress to eliminate the benefit reduction.

The Military Coalition, a group of 33 military and veterans groups, plans to push for elimination of the cutback as an issue of fairness and equity for the survivors.

That's how Combs of Bossier City sees it. "I would tell Congress to worry about the widows. Worry about the women that are left behind and don't have very much money and are never really able to get on their feet," Combs said.

"Imagine if all the wives told their husbands to get out of the military, that they could make a better living on the outside, then where would we be? But we didn't do that because they made a promise to us. And now we are having to fight for it."

S. 401

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 "SBP Benefits Improvement Act of 2003".

SEC. 2. FULL AMOUNT OF SURVIVOR BENEFITS FOR SURVIVING SPOUSES WHO ARE 62 YEARS OF AGE OR OVER.

(a) PHASED INCREASE OF BASIC ANNUITY.—(1) Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is amended by striking "35 percent of the base amount," and inserting "the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning on or before the date of the enactment of the SBP Benefits Improvement Act of 2003, 40 percent for months beginning after such date and before October 2007, 45 percent for months beginning after September 2004, and 55 percent for months beginning after September 2013."

(2) Subsection (a)(2)(B)(i)(I) of such section is amended by striking "35 percent" and in-

serting "the percent specified under paragraph (1)(B)(i) as being applicable for the month".

(3) Subsection (c)(1)(B)(i) of such section is amended—

(A) by striking "35 percent" and inserting "the applicable percent"; and

(B) by adding at the end the following: "The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month."

(4) The heading for subsection (d)(2)(A) of such section is amended to read as follows: "COMPUTATION OF ANNUITY.—"

(b) PHASED ELIMINATION OF SUPPLEMENTAL ANNUITY.—(1) Section 1457(b) of title 10, United States Code, is amended—

(A) by striking "5, 10, 15, or 20 percent" and inserting "the applicable percent"; and

(B) by inserting after the first sentence the following: "The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning on or before the date of the enactment of the SBP Benefits Improvement Act of 2003, 15 percent for months beginning after that date and before October 2007, and 10 percent for months beginning after September 2007."

(2) Effective on October 1, 2013, chapter 73 of such title is amended—

(A) by striking subchapter III; and

(B) by striking the item relating to subchapter III in the table of subchapters at the beginning of that chapter.

(c) RECOMPUTATION OF ANNUITIES.—(1) Effective on the first day of each month referred to in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) The requirements for recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) The first month that begins after the date of the enactment of this Act.

(B) October 2007.

(C) October 2013.

(d) RECOMPUTATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1460 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

By Mr. FEINGOLD:

S. 402. A bill to abolish the death penalty under Federal law; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I introduce the Federal Death Penalty Abolition Act of 2003. This bill would abolish the death penalty at the Federal level. It would put an immediate

halt to executions and forbid the imposition of the death penalty as a sentence for violations of Federal law.

Since 1976, when the death penalty was reinstated by the Supreme Court, there have been 830 executions across the country, including two at the Federal level. At the same time, 103 people on death row were later found innocent and released from death row. Exonerated inmates are not only removed from death row, but they are usually released from prison altogether. Apparently, these people never should have been convicted in the first place. While death penalty proponents claim that the death penalty is fair, efficient, and a deterrent, the fact remains that our criminal justice system has failed and has resulted in at least 103 very grave mistakes.

Eight hundred and thirty executions, and 103 exonerations. Those are not good odds. It is an embarrassing statistic, one that should have us all questioning the use of capital punishment in this country.

Since January 25, 2001, when I last introduced this bill, the Federal Government resumed executions for the first time in almost 40 years, and 138 people have been executed nationwide. In this new year, we have begun our use of capital punishment at an alarming pace. We are only in the second week of February, and there have already been 10 executions this year. And yet this one-to-eight error rate looms. Is it possible that those 10 people are representative of the one-to-eight error rate that has plagued the death penalty since it was reinstated in 1976? Is it possible that in the last six weeks, as we have debated a war in Iraq, funding levels for Federal programs, and judicial nominations, our nation has killed an innocent person?

It is a difficult question to ask, but an even more difficult one to ignore.

While executions continue and the death row population grows, the national debate on the death penalty continues and has become even more vigorous. The number of voices joining in to express doubt about the use of capital punishment in America is growing. As evidence of the flaws in our system mounts, it has created an awareness that has not escaped the attention of the American people. Layer after layer of confidence in the death penalty system has been gradually peeling away, and the voices of those questioning its fairness are growing louder and louder. Now they can be heard from college campuses and court rooms and podiums across the Nation, to the Senate Judiciary Committee hearing room, to the Supreme Court. We must not ignore them.

That our society relies on killing as punishment is disturbing enough. Even more disturbing, however, is that the States' and Federal Government's use of the death penalty is often not consistent with principles of due process, fairness, and justice. These principles are the foundation of our criminal jus-

tice system. It is more clear than ever before that we have put innocent people on death row. In addition, statistics show that those States that have the death penalty are more likely to put people to death for killing white victims than for killing black victims.

After the death penalty was reinstated in 1976, the Federal Government first resumed death penalty prosecutions after enactment of a 1988 Federal law that provided for the death penalty for murder in the course of a drug-kidnap conspiracy. The Federal death penalty was then expanded significantly in 1994, when the omnibus crime bill allowed its use to apply to a total of some 60 Federal offenses. Since 1994, Federal prosecutions seeking the death penalty have now accelerated.

A survey on the Federal death penalty system from 1988 to early 2000 was released by the U.S. Department of Justice in September 2000. That report showed troubling racial and geographic disparities in the federal government's administration of the death penalty. In other words, who lives and who dies in the Federal system appears to relate to the color of the defendant's skin or the region of the country where the defendant is prosecuted. Attorney General Janet Reno was so disturbed by the results of that report that she ordered a further, in-depth study of the results. Attorney General John Ashcroft pledged to continue that study, but we still await the results of that further study. The Federal Government should do all that it can to ensure that no person is ever subject to harsher penalties, most importantly that of capital punishment, because of the color of the defendant's skin.

I am certain that not one of my colleagues here in the Senate, not a single one, would defend racial discrimination in this ultimate punishment. The most fundamental guarantee of our Constitution is equal justice under law, and equal protection of the laws.

While the Federal death penalty system is clearly plagued by flaws, there are 38 States across our Nation that also authorize the use of capital punishment. And like the Federal system, those systems are not free from error.

Over three years ago, Governor George Ryan took the historic step of placing a moratorium on executions in Illinois and creating an independent, blue ribbon commission to review the State's death penalty system. The Commission conducted an extensive study of the death penalty in Illinois and released a report with 85 recommendations for reform of the death penalty system. The Commission concluded that the death penalty system is not fair, and that the risk of executing the innocent is alarming real. Governor Ryan recently pardoned four death row inmates and commuted the sentences of all remaining Illinois death row inmates, after the State legislature failed to enact even one of the Commission's recommendations.

Illinois is not alone. Two years ago, then Governor Parris Glendening

learned of suspected racial disparities in the administration of the death penalty in Maryland. Governor Glendening did not look the other way. He commissioned the University of Maryland to conduct the most exhaustive study of Maryland's application of the death penalty in history. Then last year, faced with the rapid approach of a scheduled execution, Governor Glendening acknowledged that it was unacceptable to allow executions to take place while the study he had ordered was not yet complete. So, in May 2002, he placed a moratorium on executions.

That study was released in January and the findings should startle us all. The study found that blacks accused of killing whites are simply more likely to receive a death sentence than blacks who kill blacks, or than white killers. According to the report, black offenders who kill whites are four times as likely to be sentenced to death as blacks who kill blacks, and twice as likely to get a death sentence as whites who kill whites.

Maryland and Illinois are not exceptions to a rule, nor anomalies in an otherwise perfect system. In fact, since reinstatement of the modern death penalty, 81 percent of capital cases across the country have involved white victims, even though only 50 percent of murder victims are white. Nationwide, more than half of the death row inmates are African Americans or Hispanic Americans.

There is evidence of racial disparities, inadequate counsel, prosecutorial misconduct, and false scientific evidence in death penalty systems across the country. While the research done in Maryland and Illinois has yielded shocking results, there are 36 other States that authorize the use of the death penalty, most of them far more frequently. Twenty-one of the 38 States that authorize capital punishment have executed more inmates than Maryland, and 13 of those States have carried out more executions than Illinois. So while we are closer to uncovering the unthinkable truth about the flaws in the Maryland and Illinois death penalty systems, there are 36 other states with systems that are most likely plagued with the same flaws. And yet, the killing continues.

At the beginning of 2003, at the beginning of a new century and millennium with hopes for great progress, I cannot help but believe that our progress has been tarnished by our Nation's not only continuing, but increasing use of the death penalty. We are a Nation that prides itself on the fundamental principles of justice, liberty, equality and due process. We are a Nation that scrutinizes the human rights records of other nations. We are one of the first nations to speak out against torture and killings by foreign governments. We should hold our own system of justice to the highest standard.

Over the last two years, some prominent voices in our country have done

just that. And they are not just voices of liberals, or of the faith community. They are the voices of Justice Sandra Day O'Connor, Reverend Pat Robertson, George Will, former FBI Director William Sessions, Republican Governor George Ryan, and Democratic Governor Parris Glendening. The voices of those questioning our application of the death penalty are growing in number, and they are growing louder.

And while we examine the flaws in our death penalty system, we cannot help but note that our use of the death penalty stands in stark contrast to the majority of nations, which have abolished the death penalty in law or practice. There are now 111 countries that have abolished the death penalty in law or in practice. The European Union denies membership in the alliance to those nations that use the death penalty. In fact, it passed a resolution calling for the immediate and unconditional global abolition of the death penalty, and it specifically called on all states within the United States to abolish the death penalty. This is significant because it reflects the unanimous view of a group of nations with which the United States enjoys the closest of relationships.

On February 5, 2003, the International Court of Justice, ICJ, ruled unanimously that the United States must temporarily stay the execution of three Mexican citizens on death row in Texas and Oklahoma. There are currently 112 foreign nationals on death row in this country. Under Article 36 of the 1963 Vienna Convention on Consular Relations, local authorities are required to notify all detained foreigners "without delay" of their right to have their consulate informed of their detention. In most cases, this international law is not being followed. In fact, only seven cases of 152 reported death sentences have been identified as meeting complete compliance with Article 36 requirements. The purpose of this law is to ensure that foreign nationals are allowed time to secure adequate counsel during the critical stages of their cases. The February ruling of the ICJ was based on the need for an investigation into whether the foreign nationals on death row were ever given their right to legal assistance from their home governments.

What is even more troubling in the international context is that the United States is now one of only seven countries that imposes the death penalty for crimes committed by juveniles. So, while a May 2002 Gallup poll found that 69 percent of Americans oppose the death penalty for those under the age of 18, we are one of only seven nations on this earth that puts to death people who were under 18 years of age when they committed their crimes. The other are Iran, the Democratic Republic of the Congo, Pakistan, Nigeria, Saudi Arabia and Yemen. In the last decade, the United States has executed more juvenile offenders than all other nations combined, and in

the last three years, only four nations have executed juvenile offenders: Iran, the Congo, Pakistan, and the United States.

Iran, the Congo, and Pakistan are countries that are often criticized for human rights abuses. We should remove any grounds for charges that human rights violations are taking place on our own soil by halting the execution of people who were not even adults when they committed the crimes for which they were sentenced to die. No one can reasonably argue that executing child offenders is a normal or acceptable practice in the world community. And I do not think that we should be proud that the United States is the world leader in the execution of child offenders.

As we begin a new year and another Congress, our society is still far from fully just. The continued use of the death penalty shames us. The penalty is at odds with our best traditions. It is wrong and it is immoral. The adage "two wrongs do not make a right," applies here. Our nation has long ago done away with other barbaric punishments like whipping and cutting off the ears of suspected criminals. Just as our nation did away with these punishments as contrary to our humanity and ideals, it is time to abolish the death penalty as we seek justice in this new century. And it's not just a matter of morality. The continued viability of our justice system as a truly just system requires that we do so. And our Nation's striving to remain the leader and defender of freedom, liberty and equality demands that we do so.

Abolishing the death penalty will not be an easy task. It will take patience, persistence, and courage. As we work to move forward in a rapidly changing world, let us leave this archaic practice behind.

I ask my colleagues to join me in taking the first step in abolishing the death penalty in our great Nation. I also call on each State that authorizes the use of the death penalty to cease this practice. Let us step away from the culture of violence and restore fairness and integrity to our criminal justice system.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 402

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Death Penalty Abolition Act of 2003".

SEC. 2. REPEAL OF FEDERAL LAWS PROVIDING FOR THE DEATH PENALTY.

(a) HOMICIDE-RELATED OFFENSES.—

(1) MURDER RELATED TO THE SMUGGLING OF ALIENS.—Section 274(a)(1)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(B)(iv)) is amended by striking "punished by death or".

(2) DESTRUCTION OF AIRCRAFT, MOTOR VEHICLES, OR RELATED FACILITIES RESULTING IN

DEATH.—Section 34 of title 18, United States Code, is amended by striking "to the death penalty or".

(3) MURDER COMMITTED DURING A DRUG-RELATED DRIVE-BY SHOOTING.—Section 36(b)(2)(A) of title 18, United States Code, is amended by striking "death or".

(4) MURDER COMMITTED AT AN AIRPORT SERVING INTERNATIONAL CIVIL AVIATION.—Section 37(a) of title 18, United States Code, is amended, in the matter following paragraph (2), by striking "punished by death or".

(5) CIVIL RIGHTS OFFENSES RESULTING IN DEATH.—Chapter 13 of title 18, United States Code, is amended—

(A) in section 241, by striking ", or may be sentenced to death";

(B) in section 242, by striking ", or may be sentenced to death";

(C) in section 245(b), by striking ", or may be sentenced to death"; and

(D) in section 247(d)(1), by striking ", or may be sentenced to death".

(6) MURDER OF A MEMBER OF CONGRESS, AN IMPORTANT EXECUTIVE OFFICIAL, OR A SUPREME COURT JUSTICE.—Section 351 of title 18, United States Code, is amended—

(A) in subsection (b)(2), by striking "death or"; and

(B) in subsection (d)(2), by striking "death or".

(7) DEATH RESULTING FROM OFFENSES INVOLVING TRANSPORTATION OF EXPLOSIVES, DESTRUCTION OF GOVERNMENT PROPERTY, OR DESTRUCTION OF PROPERTY RELATED TO FOREIGN OR INTERSTATE COMMERCE.—Section 844 of title 18, United States Code, is amended—

(A) in subsection (d), by striking "or to the death penalty";

(B) in subsection (f)(3), by striking "subject to the death penalty, or";

(C) in subsection (i), by striking "or to the death penalty"; and

(D) in subsection (n), by striking "(other than the penalty of death)".

(8) MURDER COMMITTED BY USE OF A FIREARM DURING COMMISSION OF A CRIME OF VIOLENCE OR A DRUG TRAFFICKING CRIME.—Section 924(j)(1) of title 18, United States Code, is amended by striking "by death or".

(9) GENOCIDE.—Section 1091(b)(1) of title 18, United States Code, is amended by striking "death or".

(10) FIRST DEGREE MURDER.—Section 1111(b) of title 18, United States Code, is amended by striking "by death or".

(11) MURDER BY A FEDERAL PRISONER.—Section 1118 of title 18, United States Code, is amended—

(A) in subsection (a), by striking "by death or"; and

(B) in subsection (b), in the third undesignated paragraph—

(i) by inserting "or" before "an indeterminate"; and

(ii) by striking ", or an unexecuted sentence of death".

(12) MURDER OF A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL OR OTHER PERSON AIDING IN A FEDERAL INVESTIGATION; MURDER OF A STATE CORRECTIONAL OFFICER.—Section 1121 of title 18, United States Code, is amended—

(A) in subsection (a), by striking "by sentence of death or"; and

(B) in subsection (b)(1), by striking "or death".

(13) MURDER DURING A KIDNAPING.—Section 1201(a) of title 18, United States Code, is amended by striking "death or".

(14) MURDER DURING A HOSTAGE-TAKING.—Section 1203(a) of title 18, United States Code, is amended by striking "death or".

(15) MURDER WITH THE INTENT OF PREVENTING TESTIMONY BY A WITNESS, VICTIM, OR INFORMANT.—Section 1512(a)(2)(A) of title 18, United States Code, is amended by striking "the death penalty or".

(16) MAILING OF INJURIOUS ARTICLES WITH INTENT TO KILL OR RESULTING IN DEATH.—Section 1716(i) of title 18, United States Code, is amended by striking “to the death penalty or”.

(17) ASSASSINATION OR KIDNAPING RESULTING IN THE DEATH OF THE PRESIDENT OR VICE PRESIDENT.—Section 1751 of title 18, United States Code, is amended—

(A) in subsection (b)(2), by striking “death or”; and

(B) in subsection (d)(2), by striking “death or”.

(18) MURDER FOR HIRE.—Section 1958(a) of title 18, United States Code, is amended by striking “death or”.

(19) MURDER INVOLVED IN A RACKETEERING OFFENSE.—Section 1959(a)(1) of title 18, United States Code, is amended by striking “death or”.

(20) WILLFUL WRECKING OF A TRAIN RESULTING IN DEATH.—Section 1992(b) of title 18, United States Code, is amended by striking “to the death penalty or”.

(21) BANK ROBBERY-RELATED MURDER OR KIDNAPING.—Section 2113(e) of title 18, United States Code, is amended by striking “death or”.

(22) MURDER RELATED TO A CARJACKING.—Section 2119(3) of title 18, United States Code, is amended by striking “, or sentenced to death”.

(23) MURDER RELATED TO AGGRAVATED CHILD SEXUAL ABUSE.—Section 2241(c) of title 18, United States Code, is amended by striking “unless the death penalty is imposed,”.

(24) MURDER RELATED TO SEXUAL ABUSE.—Section 2245 of title 18, United States Code, is amended by striking “punished by death or”.

(25) MURDER RELATED TO SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(d) of title 18, United States Code, is amended by striking “punished by death or”.

(26) MURDER COMMITTED DURING AN OFFENSE AGAINST MARITIME NAVIGATION.—Section 2280(a)(1) of title 18, United States Code, is amended by striking “punished by death or”.

(27) MURDER COMMITTED DURING AN OFFENSE AGAINST A MARITIME FIXED PLATFORM.—Section 2281(a)(1) of title 18, United States Code, is amended by striking “punished by death or”.

(28) TERRORIST MURDER OF A UNITED STATES NATIONAL IN ANOTHER COUNTRY.—Section 2332(a)(1) of title 18, United States Code, is amended by striking “death or”.

(29) MURDER BY THE USE OF A WEAPON OF MASS DESTRUCTION.—Section 2332a of title 18, United States Code, is amended—

(A) in subsection (a), by striking “punished by death or”; and

(B) in subsection (b), by striking “by death, or”.

(30) MURDER BY ACT OF TERRORISM TRANSCENDING NATIONAL BOUNDARIES.—Section 2332b(c)(1)(A) of title 18, United States Code, is amended by striking “by death, or”.

(31) MURDER INVOLVING TORTURE.—Section 2340A(a) of title 18, United States Code, is amended by striking “punished by death or”.

(32) MURDER RELATED TO A CONTINUING CRIMINAL ENTERPRISE OR RELATED MURDER OF A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT OFFICER.—Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended—

(A) in each of subparagraphs (A) and (B) of subsection (e)(1), by striking “, or may be sentenced to death”;

(B) by striking subsections (g) and (h) and inserting the following:

“(g) [Reserved.]”

“(h) [Reserved.]”;

(C) in subsection (j), by striking “ and as to appropriateness in that case of imposing a sentence of death”;

(D) in subsection (k), by striking “, other than death,” and all that follows before the

period at the end and inserting “authorized by law”; and

(E) by striking subsections (l) and (m) and inserting the following:

“(l) [Reserved.]”

“(m) [Reserved.]”.

(33) DEATH RESULTING FROM AIRCRAFT HIJACKING.—Section 46502 of title 49, United States Code, is amended—

(A) in subsection (a)(2), by striking “put to death or”; and

(B) in subsection (b)(1)(B), by striking “put to death or”.

(b) NON-HOMICIDE RELATED OFFENSES.—

(1) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking “punished by death or” and all that follows before the period and inserting “imprisoned for any term of years or for life”.

(2) TREASON.—Section 2381 of title 18, United States Code, is amended by striking “shall suffer death, or”.

(c) REPEAL OF CRIMINAL PROCEDURES RELATING TO IMPOSITION OF DEATH SENTENCE.—

(1) IN GENERAL.—Chapter 228 of title 18, United States Code, is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part II of title 18, United States Code, is amended by striking the item relating to chapter 228.

SEC. 3. PROHIBITION ON IMPOSITION OF DEATH SENTENCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, no person may be sentenced to death or put to death on or after the date of enactment of this Act for any violation of Federal law.

(b) PERSONS SENTENCED BEFORE DATE OF ENACTMENT.—Notwithstanding any other provision of law, any person sentenced to death before the date of enactment of this Act for any violation of Federal law shall serve a sentence of life imprisonment without the possibility of parole.

By Mr. BAUCUS (for himself,
Mrs. LINCOLN, Mr. CONRAD, and
Mrs. MURRAY):

S. 403. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Madam President, I rise today to introduce the Free Trade with Cuba Act of 2003. This legislation presents an important step toward normalizing United States economic relations with Cuba and opening a dialog between our two nations. Perhaps more importantly, the bill promotes human rights and democracy in a nation that has suffered under totalitarian rule for more than 4 decades, an objective central to the same democratic principles that have driven our foreign policy since the end of the Second World War.

The Free Trade with Cuba Act contains three essential components. First, it lifts the trade embargo against Cuba and eliminates the travel ban that accompanies the embargo. Second, it graduates Cuba from Jackson-Vanik and authorizes the President to extend nondiscriminatory trade treatment to Cuba. Finally, it removes the restrictions on travel between our two countries.

This legislation is similar to the legislation I introduced in the last Congress, S. 400 and S. 401. That legislation was referred to the Finance Committee. I am hopeful the committee can pass favorably on this legislation quickly so we can bring it to the floor and pass it.

This legislation is long overdue. In 1962, the United States embargoed virtually all trade with Cuba as a response to the rise of the totalitarian regime and seizure of American property. Over the years, U.S. sanctions against Cuba were further tightened, culminating with restrictions on the rights of Americans to visit Cuba.

Within the context of the cold war, many of these sanctions seemed to make sense. Yet throughout that time the embargo appeared to have little, if any, effect on the Castro regime. Forty years of the embargo, 4 decades of disengagement, have simply not worked. It is time to try a new approach. It is time for engagement.

Supporters of the embargo throw out many arguments against the legislation. First, they will say that private property of U.S. citizens that was taken in the early days of the Castro regime compels us to refuse trade with Cuba until we get the property back. They point out horrendous treatment of Cuban citizens by Castro and denial of the most basic human rights is also a reason. Let us be clear. These are problems and they must be resolved. Yet, the debate is not whether these problems exist. They do exist, of course, they exist. That is not the issue. We all know that.

The question, rather, is how to solve it. Forty years of embargo have done nothing to regain private assets taken so long ago by Castro and 40 years of embargo have done nothing to improve the living conditions and prospects for democratic reform in Cuba.

I have been to Cuba and visited Cuba. The people are in terrible shape. If anything, the embargo has lessened the prospects for reform by giving Castro someone else to blame for the terrible economic plight of his people. This embargo, frankly, is something Castro loves. It is a foil. He can blame the United States for some of the ills of his citizens. It is working in the opposite direction. In other words, while the problems may seem complicated, the one thing we can say we do know for certain is this: Current policy is not the answer; the current policy is a failure.

We must look to alternatives. How would this legislation resolve these problems? First, as to expropriation, the legislation I am proposing today calls for the President to undertake negotiations with the government of Cuba to settle this issue and make sure those harmed by this expropriation are fairly compensated. Second, as to the crucial issues of human rights and democratic reform, the legislation simply reflects the commonsense truth that engagement between the American and Cuban peoples will do much more to open Cuban society and help Cuban people, as it has around the world for 200 years, than silence and neglect—so similar to the question we had of China not too many years ago.

What did we do with China? The answer was very simple: We engaged. We

engaged without losing. China is a country. We are a country. Let's engage again. The same is true for Cuba: They are a country, we are a country, let's start talking and figure out how to solve things.

We should not delude ourselves. Embargo is a word for neglect. By not engaging the Cuban people and opening our world and tradition to them, we are neglecting them.

Last year we worked hard to further trade liberalization, passing the Trade Act of 2002. When the President signed that bill he said this:

Free trade is also a proven strategy for building global prosperity and adding to the momentum of political freedom. Greater freedom for commerce across the borders eventually leads to greater freedom for citizens within the borders.

I agree. This statement is as true for Cuba as it is for any other country.

Third, on the economics of this, sure, we are in tough times. The economy is flat. Our farmers and workers are hurting, but there is a market worth up to \$1 billion a year we are shutting ourselves out, denying ourselves. It makes no sense. The embargo against Cuba accomplishes nothing, and hurts our farmers and workers and companies by excluding them from a great potential market. Meanwhile, the European Union, Japan, Mexico, Canada, dozens of other countries, are busy selling goods and building commercial relations in Cuba. We are not. They are. Ask me the rationale of that.

There is a final point regarding the basic rights of freedoms of the American people. It is a fundamental violation of the spirit of our democratic principles to tell the American people they cannot travel to Cuba. What a sad irony is trying to promote freedom and democracy in another country by restricting it in our own. It is time to get real about this. It is time to get real about promoting freedom and democracy, it is time to get real regarding economic expansion, and it is time to end the embargo.

By Mr. BUNNING (for himself and Mr. BROWNBACK):

S. 404. A bill to protect children from exploitive child modeling, and for other purposes; to the Committee on the Judiciary.

Mr. BUNNING. Mr. President, I rise to introduce, along with Senator SAM BROWNBACK, the Child Modeling Exploitation Prevention Act.

Many Senators may not be aware of what I am talking about. I was not until recently, and I think it is important to raise awareness of the issue. Once my colleagues see what it is I am talking about, I am sure they will join in supporting my bill.

The Internet sites we are talking about are disturbing and dangerous. I wanted to have some enlarged pictures to illustrate what I am talking about, but the images are indecent and would only be further exploiting these children.

What I am talking about are websites with pictures and videos of children—mostly girls between the ages of 7 and 14, barely clothed and in revealing positions—being sold on the Internet. For \$25 a month at one site, you can look at pictures of a sweet and tender child being turned into a prostitute. She hikes up her skirt and poses in a bikini on a bearskin rug.

What is the point of this? It is not to sell a bearskin rug or an article of clothing or any other product. There is one thing being sold: A child as a sex object.

But there's more to this site. For \$50 you can purchase a video of this little girl dancing and running around in skimpy outfits that leave little to the imagination.

Normal people do not visit these sites. The primary viewers of these Internet sites are grown men. Some are pedophiles. Some are even registered sex offenders.

And what is more disturbing is that some of these children are put on display by their parents. It is absurd that a parent would do this to their own child for cash.

Some parents even allow Internet viewers to interact with their children through e-mail. Some even make personal videos for subscribers and allow them to send in clothes for the girls to model.

This is wrong. Any sane and logical person knows it is wrong. And that is why Congress should do something about it.

I am not talking about children modeling clothes in a Sears catalog. I am not talking about kids advertising shoes or jackets.

That is fine. And legitimate marketing of products is not illegal under my bill.

This bill has been carefully crafted to protect legitimate modeling activities and to not trample on the First Amendment.

Children are precious.

I know firsthand because I have 9 of my own. I also have 35 grandchildren, and 3 great-grandchildren. And I don't want any of them—or any other children—growing up in a world where we exploit children in a sexual way.

I urge my colleagues to cosponsor this bill and end exploitive child modeling.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 404

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Modeling Exploitation Prevention Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The use of children in the production of exploitive child modeling, including on

Internet websites, in photographs, films, videos, and other visual depictions, is a form of child abuse that can result in physical and psychological harm to the children involved.

(2) Exploitive child modeling is different from other, legitimate, child modeling because exploitive child modeling involves marketing the child himself or herself in lascivious positions and acts, rather than actually marketing products to average American consumers.

(3) The purpose of exploitive child modeling is to satisfy the demand of pedophiles.

(4) Unlike legitimate child modeling, exploitive child modeling may involve a direct and personal interaction between the child model and the pedophile. The pedophile often knows the child's name and has a way of communicating with the child.

(5) The interaction between the exploited child model and the pedophile can lead the child to trust pedophiles and to believe that it is acceptable and safe to meet with pedophiles in private.

(6) Over 70 percent of convicted pedophiles have used child pornography or exploitive child modeling depictions to whet their sexual appetites. Because children are used in its production, exploitive child modeling can place the child in danger of being abducted, abused, or murdered by the pedophiles who view such depictions.

(7) These exploitive exhibitions of children are unacceptable by social standards and lead to a direct harm to the children involved.

SEC. 3. EMPLOYMENT IN EXPLOITIVE CHILD MODELING.

(a) PROHIBITION ON EMPLOYMENT.—Section 12 of the Fair Labor Standards Act of 1938 (29 U.S.C. 212) is amended by adding at the end the following:

"(e)(1) No employer may employ a child model in exploitive child modeling.

"(2) Notwithstanding section 16(a), whoever violates paragraph (1) shall be fined under title 18 or imprisoned not more than 10 years, or both.

"(3)(A) In this subsection, the term 'exploitive child modeling' means modeling involving the use of a child under 17 years old for financial gain without the purpose of marketing a product or service other than the image of the child.

"(B) Such term applies to any such use, regardless of whether the employment relationship of the child is direct or indirect, or contractual or noncontractual, or is termed that of an independent contractor.

"(C) Such term does not apply to an image which, taken as a whole, has serious literary, artistic, political, or scientific value."

(b) OPPRESSIVE CHILD LABOR.—Section 3(1) of such Act (29 U.S.C. 203(1)) is amended—

(1) by striking "(1) any" and inserting "(A) any";

(2) by striking "(2) any" and inserting "(B) any";

(3) by inserting "(1)" after "(1)"; and

(4) by adding at the end the following new paragraph:

"(2) Such term includes employment of a minor in violation of section 12(e)(1)."

SEC. 4. EXPLOITIVE CHILD MODELING OFFENSE.

(a) IN GENERAL.—110 of title 18, United States Code, is amended by inserting after section 2252A the following:

"§ 2252B. Exploitive child modeling

"(a) IN GENERAL.—Except as provided in subsection (b), whoever, in or affecting interstate or foreign commerce, with the intent to make a financial gain thereby—displays or offers to provide the image of an individual engaged in exploitive child modeling (as defined in section 12(e) of the Fair Labor Standards Act of 1938) shall be fined under this title or imprisoned not more than 10 years, or both.

"(b) EXCEPTION.—This section does not apply to an image which, taken as a whole, has serious literary, artistic, political, or scientific value."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2252A the following:

"2252B. Exploitive child modeling."

By Mr. DEWINE (for himself and Mr. DODD):

S. 405. A bill to amend the Higher Education Act of 1965 to improve the loan forgiveness program for child care providers, including preschool teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. LIEBERMAN):

S. 406. A bill to provide grants to States and outlying areas to encourage the States and outlying areas to encourage existing or establish new statewide coalitions among institutions of higher education, communities around the institutions, and other relevant organizations or groups, including anti-drug or anti-alcohol coalitions, to reduce underage drinking and illicit drug-use by students, both on and off campus; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. ROCKEFELLER):

S. 407. A bill to amend the Higher Education Act of 1965 to provide loan forgiveness for attorneys who represent low-income families or individuals involved in the family or domestic relations court systems; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 408. A bill to establish a grant program to enable institutions of higher education to improve schools of education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. ROCKEFELLER):

S. 409. A bill to provide loan forgiveness to social workers who work for child protective agencies; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Madam President, I join several of my colleagues today to introduce a series of bills related to the reauthorization of the Higher Education Act (HEA). These five bills emphasize a number of issues that are vital to higher education, including teacher quality; loan forgiveness for social workers, family lawyers, and early childhood teachers; and the reduction of drug use and underage drinking at our colleges and universities.

The quality of a student's education is the direct result of the quality of that student's teachers. If we don't have well trained teachers, then future

generations of our children will not be well educated. That is why I am introducing a bill that would provide \$200 million in grants to our schools of education to partner with local schools to ensure that our teachers are receiving the best, most extensive training available before they enter the classroom.

The Secretary of Education's annual report on teacher quality reported that a majority of graduates of schools of education believe that the traditional teacher preparation program left them ill prepared for the challenges and rigors of the classroom. Part of the responsibility for this lies in the hands of our schools of education. However, Congress also has a responsibility to give our schools of education the tools they need to make necessary improvements. This new bill would create a competitive grant program for schools of education, which partner with low-income schools to create clinical programs to train teachers. Additionally, it would require schools of education to make internal changes by working with other departments at the university to ensure that teachers are receiving the highest quality education in core academic subjects. Finally, it would require the college or university to demonstrate a commitment to improving their schools of education by providing matching funds.

Another complex issue affecting the teaching force is the high percentage of disillusioned beginning teachers who leave the field. Our bill would help combat this issue, as well. Schools of education receiving these grants would be responsible for following their graduates and continuing to provide assistance after they enter the classroom. The more we invest in the education of teachers—especially once they have entered the profession—the more likely they will remain in the classroom.

Today, I also would like to introduce, along with Senator DODD, the Early Care and Education Loan Forgiveness Act. Our dear friend and colleague, Senator Wellstone, and I had included this legislation in the last higher education reauthorization bill. We had been working on this legislation together before Paul's tragic death. I know he cared deeply about this issue and about making sure that all children receive a quality education. He was passionate about that. And, in his memory, I would like to rename our bill the Paul Wellstone Early Educator Loan Forgiveness Act.

This bill would expand the loan forgiveness program so that it benefits not just childcare workers, but also early childhood educators. This loan forgiveness program would serve as an incentive to keep those educators in the field for longer periods of time.

Paul Wellstone knew how important early learning programs are in preparing our children for kindergarten and beyond. Research shows that children who attend quality early childcare programs when they were three or four years old scored better on

math, language arts, and social skills in early elementary school than children who attended poor quality childcare programs. In short, children in early learning programs with high quality teachers—teachers with a bachelor's degree or an associate's degree or higher—do substantially better.

When we examine the number and recent growth of pre-primary education programs, it becomes difficult to differentiate between early education and childcare settings because they are so often intertwined—especially considering that 11.9 million children younger than age five spend part of their time with a care provider other than a parent and that demand for quality childcare and education is growing as more mothers enter the workforce.

Because this bill targets loan forgiveness to those educators working in low-income schools or childcare settings, we can make significant strides toward providing high quality education for all of our young children, regardless of socioeconomic status. The bill would serve a twofold function. First, it would reward professionals for their training. Second, it would encourage professionals to remain in the profession over longer periods of time, since more time in the profession leads to higher percentages of loans forgiveness. The bill would result in more educated individuals with more teaching experience and lower turnover rates, each of which enhance student performance.

I encourage my colleagues to join me in this effort to ensure that truly no children—especially our youngest children—are left behind.

I also am working on two bills with my friend and colleague from West Virginia, Senator JAY ROCKEFELLER. These bills would provide loan forgiveness to students who dedicate their careers to working in the realm of child welfare, including social workers, who work for child protective services, and family law experts.

Currently, Mr. President, there aren't enough social workers to fill available jobs in child welfare today. Furthermore, the number of social work job openings is expected to increase faster than the average for all occupations through 2010. The need for highly qualified social workers in the child protective services is reaching crisis level.

We also need more qualified individuals focusing on family law. The wonderful thing about family law is its focus on rehabilitation—that is the rehabilitation of families by helping them through life's transitions, whether it is a family going through a divorce, a family dealing with their troubled teenager in the juvenile system, or a child getting adopted and becoming a member of a new family.

Across the United States, family, juvenile, and domestic relations courts are experiencing a shortage of qualified attorneys. As many of my colleagues and I know, law school is an expensive

investment. In the last 20 years, tuition has increased more than 200 percent. Currently, the average rate of law school debt is about \$80,000 per graduate. To be sure, few law school graduates can afford to work in the public sector because debts prevent even the most dedicated public service lawyer from being able to take these low-paying jobs. This results in a shortage of family lawyers.

The shortage of family law attorneys also disproportionately impacts juveniles. The lack of available representation causes children to spend more time in foster care because cases are adjourned or postponed when they simply cannot find an attorney to represent their rights or those of the parent or guardian. Furthermore, the number of children involved in the court system is sharply increasing. We need to ensure that the interests of these children are taken care of by making certain they have an advocate—someone working solely on their behalf. By offering loan forgiveness to those willing to pursue careers in the child welfare field, we can increase the number of highly qualified and dedicated individuals who work in the realm of child welfare and family law.

Finally, I am introducing a bill today with my friend and colleague from Connecticut, Senator LIEBERMAN, that would help address an epidemic—the epidemic of underage drinking, binge drinking, and drug-related problems on college and university campuses across the United States. Our bill would provide grants to states to establish statewide partnerships among colleges and universities and the surrounding communities to work together to reduce underage and binge drinking and illicit drug use by students.

According to a study by Boston University, over 1,400 students aged 18–24 died in 1998 from alcohol-related injuries, more than 600,000 students were assaulted by another student, and another 500,000 were injured unintentionally while under the influence of alcohol. According to a 1999 Harvard University study, 40 percent of college students are binge drinkers and according to the Department of Health and Human Services, nearly 10.5 million current drinkers were under the legal age of 21, and of these, over 5 million were binge drinkers.

Currently, 28 States, including my home State of Ohio, have coalitions that deal specifically with the culture of alcohol and drug abuse on our nation's college campuses. They work with the surrounding communities, including local residents, bar, restaurant and shop owners, and law enforcement officials, toward a goal of changing the pervasive culture of drug and alcohol abuse. They provide alternative alcohol-free events, as well as support groups for those who choose not to drink. They also educate students about the dangers of alcohol and drug use.

Furthermore, the coalitions recognize that while it is important to pro-

mote an alcohol aware and drug-free campus community, if the community surrounding the campus does not promote these initiatives, there will be no long-term solutions. Therefore, these coalitions also have worked to establish regulations both on and off campus, which will help our nation's youth to stay healthy, alive, and get the most out of their time at college. Some of these regulations include the registration of kegs. This provides accountability for both the store and the student. This is just an example of one step that colleges, local communities, and organizations can take.

To help start the expansion of these coalitions, our bill would provide \$50 million in grants. This is an important demonstration project that would help lead to positive effects for our young people. It is up to us to change the culture, which has been perpetuated by years of complacency and a dismissal tone of—"that's just the way it is in college." We must protect the health and education of our young people by changing this culture of abuse—and that is exactly what this bill would do.

Next year when we consider the reauthorization of the Higher Education Act, I encourage my colleagues to join in support of these initiatives.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bills be printing in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 405

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 "Paul Wellstone Early Educator Loan Forgiveness Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1)(A) The first 5 years of a child's life are a time of momentous change.

(B) Research shows that a child's brain size doubles between birth and age 3.

(2) New scientific research shows that the electrical activity of the brain cells actually changes the physical structure of the brain, and that without a stimulating environment, a baby's brain suffers.

(3) Research also indicates that there is a connection between the cognitive, social, emotional, and physical stimulation young children receive from their early childhood teachers and caregivers and success in learning, school readiness, and intellectual growth. There are important short- and long-term effects of that stimulation on cognition and social development.

(4) High quality early childhood education correlates with better language development, mathematics abilities, and social skills.

(5) 11,900,000 children younger than age 5 spend part of their time with a child care provider other than a parent. By 2000, 64 percent of 3- to 5-year-olds were enrolled in some type of preschool program. Demand for child care is growing as more mothers enter the workforce.

(6) Good quality child care, in a healthy and safe environment, with trained, caring providers who provide age-appropriate, developmentally appropriate, and effective ac-

tivities, helps children grow and thrive. Recent research shows that most child care needs significant improvement.

(7) Good quality child care depends largely on the provider, yet providers of child care earn on average \$7.86 per hour, or \$16,350 per year. Such earnings cause high annual turnover, up to 31 percent of the staff in some child care programs. High turnover affects the overall quality of a child care program and causes anxiety for children.

(8) Children attending lower quality child care programs and child care programs with high staff turnover are less competent in language and social development than other children.

(9) The quality of child care is primarily related to high staff-to-child ratios, staff education, professional development, and administrators' prior experience. In addition, certain characteristics distinguish poor, mediocre, and good quality child care programs, the most important of which are teacher wages, education, and specialized training.

(10) Each State requires kindergarten teachers to hold at least a bachelor's degree and certificate in early childhood education. Only 20 States and the District of Columbia require teachers in prekindergarten programs to satisfy those requirements. Thirty States allow caregivers with no previous training to work in child care programs.

SEC. 3. LOAN FORGIVENESS FOR CHILD CARE PROVIDERS.

Section 428K of the Higher Education Act of 1965 (20 U.S.C. 1078–11) is amended to read as follows:

"SEC. 428K. LOAN FORGIVENESS FOR CHILD CARE PROVIDERS.

"(a) PURPOSES.—The purposes of this section are—

"(1) to bring more highly trained individuals into the early child care profession; and

"(2) to keep more highly trained child care providers in the early child care field for longer periods of time.

"(b) DEFINITIONS.—In this section:

"(1) CHILD CARE FACILITY.—The term 'child care facility' means a facility, including a home, that—

"(A) provides child care services; and

"(B) meets applicable State or local government licensing, certification, approval, or registration requirements, if any.

"(2) CHILD CARE SERVICES.—The term 'child care services' means activities and services provided for the education and care of children from birth through age 5 by an individual who has a degree in early childhood education, including a preschool teacher.

"(3) DEGREE.—The term 'degree' means an associate's or bachelor's degree awarded by an institution of higher education.

"(4) EARLY CHILDHOOD EDUCATION.—The term 'early childhood education' means education in the area of early child development and education, or any other educational area related to early child development and education or child care, that the Secretary determines to be appropriate.

"(5) ELIGIBLE PRESCHOOL PROGRAM PROVIDER.—The term 'eligible preschool program provider' means a preschool program provider serving children younger than the age of compulsory school attendance in the State that is—

"(A) a public or private school;

"(B) a provider that is supported, sponsored, supervised, or administered by a local educational agency;

"(C) a Head Start agency designated under the Head Start Act (42 U.S.C. 9831 et seq.);

"(D) a nonprofit or community-based organization; or

"(E) a licensed child care center or family child care provider.

“(6) INSTITUTION OF HIGHER EDUCATION.—Notwithstanding section 102, the term ‘institution of higher education’ has the meaning given the term in section 101.

“(7) PRESCHOOL TEACHER.—The term ‘preschool teacher’ means an individual—

“(A) who has received at least an associate’s degree in early childhood education and who is working toward or who has already received a bachelor’s degree in early childhood education; and

“(B) who works for an eligible preschool program provider supporting the children’s cognitive, social, emotional, and physical development to prepare the children for the transition to kindergarten.

“(c) LOAN FORGIVENESS.—

“(1) IN GENERAL.—The Secretary may carry out a program of assuming the obligation to repay, pursuant to subsection (d), a loan made, insured, or guaranteed under this part, part D (excluding loans made under sections 428B and 428C or comparable loans made under part D), or part E for any new borrower after the date of enactment of the Higher Education Amendments of 1998, who—

“(A) receives a degree in early childhood education;

“(B) obtains employment in a child care facility, such as employment as a preschool teacher; and

“(C) has been employed full time, for the 2 consecutive years preceding the year for which the determination is made, as a provider of child care services in a child care facility in a low-income community.

“(2) LOW-INCOME COMMUNITY.—In this subsection, the term ‘low-income community’ means a community in which 70 percent of households earn less than 85 percent of the State median household income.

“(3) AWARD BASIS; PRIORITY.—

“(A) AWARD BASIS.—Subject to subparagraph (B), loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

“(B) PRIORITY.—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

“(4) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

“(d) LOAN REPAYMENT.—

“(1) IN GENERAL.—The Secretary shall assume the obligation to repay—

“(A) after the second consecutive year of employment described in subparagraphs (B) and (C) of subsection (c)(1), 20 percent of the total amount of all loans described in subsection (c)(1) and made after the date of enactment of the Higher Education Amendments of 1998, to a student;

“(B) after the third consecutive year of such employment, 20 percent of the total amount of all such loans; and

“(C) after each of the fourth and fifth consecutive years of such employment, 30 percent of the total amount of all such loans.

“(2) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan made, insured, or guaranteed under this part, part D, or part E.

“(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan that accrues for such year shall be repaid by the Secretary.

“(4) SPECIAL RULE.—In the case in which a student borrower who is not participating in loan repayment pursuant to this section returns to an institution of higher education after graduation from an institution of high-

er education for the purpose of obtaining a degree in early childhood education, the Secretary is authorized to assume the obligation to repay the total amount of loans described in subsection (c)(1) and incurred for a maximum of 2 academic years in returning to the institution of higher education for the purpose of obtaining the degree in early childhood education. Such loans shall only be repaid for borrowers who qualify for loan repayment pursuant to the provisions of this section, and shall be repaid in accordance with the provisions of paragraph (1).

“(5) INELIGIBILITY OF NATIONAL SERVICE AWARD RECIPIENTS.—No student borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

“(e) REPAYMENT TO ELIGIBLE LENDERS AND HOLDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of the lender’s or holder’s loans that are subject to repayment pursuant to this section for such year.

“(f) APPLICATION FOR REPAYMENT.—

“(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(2) CONDITIONS.—An eligible individual may apply for loan repayment under this section after completing each of the second through the fifth consecutive years of qualifying employment described in subsection (d)(1). The borrower shall receive forbearance while engaged in qualifying employment described in subsection (d)(1) unless the borrower is in deferment while so engaged.

“(g) EVALUATION.—

“(1) IN GENERAL.—The Secretary shall conduct, by grant or contract, an independent national evaluation of the impact of the program assisted under this section on the field of early childhood education.

“(2) COMPETITIVE BASIS.—The grant or contract described in paragraph (1) shall be awarded on a competitive basis.

“(3) CONTENTS.—The evaluation described in this subsection shall—

“(A) determine the number of individuals who were encouraged by the program assisted under this section to pursue early childhood education;

“(B) determine the number of individuals who remain employed in a child care facility as a result of participation in the program;

“(C) identify the barriers to the effectiveness of the program;

“(D) assess the cost-effectiveness of the program in improving the quality of—

“(i) early childhood education; and

“(ii) child care services;

“(E) identify the reasons why participants in the program have chosen to take part in the program;

“(F) identify the number of individuals participating in the program who received an associate’s degree and the number of such individuals who received a bachelor’s degree; and

“(G) identify the number of years each individual participated in the program.

“(4) INTERIM AND FINAL EVALUATION REPORTS.—The Secretary shall prepare and submit to the President and Congress such interim reports regarding the evaluation described in this subsection as the Secretary determines to be appropriate, and shall prepare and so submit a final report regarding the evaluation by January 1, 2007.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$25,000,000 for fiscal

year 2004, and such sums as may be necessary for each of the 4 succeeding fiscal years.”.

S. 406

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 “Communities Combating College Drinking and Drug Use Act”.

SEC 2. FINDINGS.

Congress makes the following findings:

(1) Alcohol is by far the drug most widely used and abused by young people in the United States.

(2)(A) In 2003, it is illegal for youths under the age of 21 to purchase alcohol in all of the 50 States and the District of Columbia, and illicit drugs remain illegal.

(B) According to the National Institute on Drug Abuse, on average, young people begin drinking at about age 13. However, some start even younger. By the time young people are high school seniors, more than 80 percent have used alcohol and approximately 64 percent have been drunk.

(C) When adolescents move on to college, they bring their drinking habits with them. According to a 1993–1997 Harvard School of Public Health College Alcohol Study, 40 percent of college students are binge drinkers.

(D) According to the Department of Health and Human Services, in 1998, 10,400,000 current drinkers were under legal age (age 12–21) and of these, 5,100,000 were binge drinkers, including 2,300,000 heavy drinkers.

(E) Among 10th graders the perceived harmfulness of regularly taking LSD (lysergic acid diethylamide) is 68.8 percent, and among 8th graders the perceived harmfulness is 52.9 percent, according to the 2001 Monitoring the Future Study (MTF) funded by the National Institute on Drug Abuse.

(F) Only 45.7 percent of 12th graders perceived a great risk in trying MDMA (ecstasy) once or twice.

(G) The perceived availability of crack and cocaine among 10th graders was thought of as easy or fairly easy by 31 percent of 10th graders.

(3)(A) Underage drinking particularly impacts institutions of higher education.

(B) In 1999, Harvard University’s School of Public Health College Alcohol Study surveyed 119 colleges and found that students who were binge drinkers in high school were 3 times more likely to binge drink in college.

(C) According to a March 2002 article published in the Journal of Studies on Alcohol, a study conducted by the Social and Behavioral Sciences Department of the Boston University School of Public Health reported that 1998 and 1999 studies show over 2,000,000 of the 8,000,000 college students in the United States drove under the influence of alcohol, over 500,000 were unintentionally injured while under the influence of alcohol, and over 600,000 were hit or assaulted by another student who had been drinking.

(D) According to the same Boston University study, it is estimated that over 1,400 students aged 18–24 and enrolled in 2-year and 4-year colleges died in 1998 from alcohol-related unintentional injuries.

(E) More than 600,000 students between the ages of 18 and 24 are assaulted by another student who has been drinking, and another 500,000 students are unintentionally injured under the influence of alcohol.

(F) More than 70,000 students between the ages of 18 and 24 are victims of alcohol-related sexual assault or date rape, more than 400,000 students reported having unprotected sex, and more than 100,000 students reported having been too intoxicated to know if they consented to having sex, according to the Boston University study.

(4)(A) Longstanding cultural influences perpetuate student patterns of drinking.

(B) Of frequent binge drinkers, 73 percent of males and 68 percent of females cited drinking to get drunk as an important reason for drinking according to "Binge Drinking on Campus: Results of a National Study", from Harvard School of Public Health.

(C) The proportion of college students who drink varies depending on where they live. Drinking rates are highest in fraternities and sororities, followed by on-campus housing. Students who live independently offsite (e.g., in apartments) drink less, while commuting students who live with their families drink the least.

(D) Institutions of higher education in places with strict laws such as keg registration, prohibitions on happy hours, and open container in public bans, which restrict the volume of alcohol sold or consumed, displayed lower rates of consumption and binge drinking among underage students.

(E) A 2000 report by the Department of Health and Human Services, entitled "Healthy People 2010", observes that "The perception that alcohol use is socially acceptable correlates with the fact that more than 80 percent of American youth consume alcohol before their 21st birthday, whereas the lack of social acceptance of other drugs correlates with comparatively low rates of use. Similarly, widespread societal expectations that young persons will engage in binge drinking may encourage this highly dangerous form of alcohol consumption."

(F) Mutually reinforcing interventions between the college and surrounding community can change the broader environment and help reduce alcohol abuse and alcohol-related problems over the long term.

(5)(A) The use of illicit drugs threatens the lives and well-being of students at institutions of higher education.

(B) According to the working paper, "Alcohol and Marijuana Use Among College Students: Economic Complements or Substitutes", for the National Bureau of Economic Research, alcohol and marijuana are economic complements, meaning that as the use of alcohol goes down on campuses, it is expected that marijuana will as well, or that as marijuana usage falls, so will alcohol usage.

(C) The annual prevalence of the use of an illicit drug at institutions of higher education is 36 percent. The annual marijuana use is 34 percent. The annual use of cocaine and LSD is 4.8 percent. The annual use of heroin is 4.5 percent.

SEC. 3. DEFINITIONS.

In this Act:

(1) **BINGE DRINKING.**—The term "binge drinking" means the consumption of 5 or more drinks on any 1 occasion.

(2) **INSTITUTION OF HIGHER EDUCATION.**—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) **OUTLYING AREA.**—The term "outlying area" means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(4) **SECRETARY.**—The term "Secretary" means the Secretary of Education.

(5) **STATE.**—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(6) **STATEWIDE COALITION.**—The term "statewide coalition" means a coalition that—

(A) includes—

(i) the entity a State designates to apply for a grant under this Act and to administer the grant funds; and

(i)(I) institutions of higher education within that State; and

(II) a nonprofit group, a community anti-drug or anti-alcohol coalition, or another substance abuse prevention group within the State; and

(B) works toward lowering the drug and alcohol abuse rate at not fewer than 50 percent of the institutions of higher education throughout the State and in the communities surrounding the campuses of the institutions.

(7) **SURROUNDING COMMUNITY.**—The term "surrounding community" means the community—

(A) which surrounds an institution of higher education participating in a statewide coalition;

(B) where the students from the institution of higher education take part in the community; and

(C) where students from the institution of higher education live in off-campus housing.

SEC. 4. PURPOSE.

The purpose of this Act is to encourage States, institutions of higher education, local communities, nonprofit groups, including community anti-drug or anti-alcohol coalitions, and other substance abuse groups within the State to enhance existing or, where none exist, to establish new statewide coalitions to reduce the usage of drugs and alcohol by college students both on campus and in the surrounding community at large.

SEC. 5. GRANTS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this Act \$50,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(b) **GRANTS TO STATES.**—

(1) **ALLOTMENTS.**—

(A) **IN GENERAL.**—From amounts appropriated under subsection (a) for a fiscal year, the Secretary shall make grants according to allotments under subparagraph (B) to States having applications approved under subsection (c) to pay the cost of carrying out the activities described in the application.

(B) **DETERMINATION OF ALLOTMENTS.**—

(i) **RESERVATION OF FUNDS.**—From the total amount appropriated under subsection (a) for a fiscal year, the Secretary shall reserve—

(I) one-half of 1 percent for allotments to the outlying areas, to be distributed among those outlying areas on the basis of their relative need for assistance under this Act, as determined by the Secretary, to carry out the purpose of this Act; and

(II) one-half of 1 percent for the Secretary of the Interior for programs under this Act for schools operated or funded by the Bureau of Indian Affairs.

(ii) **STATE ALLOTMENTS.**—From funds appropriated under subsection (a) for a fiscal year that remain after reserving funds under clause (i), the Secretary shall allot to each State an amount that bears the same relation to such remainder as the population of the State bears to the population of all States, as determined by the 2000 decennial census.

(2) **MATCHING FUNDS REQUIRED.**—Each State receiving a grant under this Act shall contribute matching funds, from non-Federal sources, toward the cost of the activities described in the application, in an amount equal to—

(A) 100 percent of the Federal funds received under the grant, in the case of a State supporting a new statewide coalition; and

(B) 50 percent of the Federal funds received under the grant, in the case of a State supporting a statewide coalition that was in existence on the day preceding the date of enactment of this Act.

(3) **ADMINISTRATIVE COSTS.**—Each State receiving a grant under this section may ex-

pend not more than 25 percent of the grant funds for administrative costs.

(c) **STATE APPLICATIONS.**—

(1) **IN GENERAL.**—For a State to be eligible to receive a grant under this part, the State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall reasonably require.

(2) **CONTENTS.**—Each application submitted under this section shall include the following:

(A) A description of how the State will work to enhance existing, or where none exists, to build a statewide coalition in cooperation with—

(i) not fewer than 50 percent of the institutions of higher education within the State;

(ii) local communities;

(iii) nonprofit groups, community anti-drug or anti-alcohol coalitions; and

(iv) other substance abuse prevention groups within the State.

(B) A description of how the State intends to ensure that the statewide coalition is actually implementing the purpose of this Act and moving toward the achievement indicators described in subsection (d).

(C) A list of the members of the statewide coalition or interested parties.

(d) **ACCOUNTABILITY.**—On the date on which the Secretary first publishes a notice in the Federal Register soliciting applications for grants under this section, the Secretary shall include in the notice achievement indicators for the program assisted under this section. The achievement indicators shall be designed—

(1) to measure the impact that the statewide coalitions assisted under this Act are having on the institutions of higher education and the surrounding communities, including changes in the number of alcohol or drug-related incidents of any kind (including violations, physical assaults, sexual assaults, reports of intimidation, disruptions of school functions, disruptions of student studies, illnesses, or deaths);

(2) to measure the quality and accessibility of the programs or information offered by the statewide coalitions; and

(3) to provide such other measures of program impact as the Secretary determines appropriate.

S. 407

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Across the United States, family, juvenile, and domestic relations courts experience shortages of qualified attorneys to represent the interests of men, women, and children involved in their court systems.

(2) The Constitution of the United States provides that everyone charged with a crime is entitled to adequate counsel.

(3) In 1967, the Supreme Court held, for the first time, that children were persons under the provisions of the 14th amendment to the Constitution relating to due process, and entitled to certain constitutional rights.

(4) In the case of *In re Gault* (387 U.S. 1), the Supreme Court held that juveniles are entitled to notice of the charges against them, legal counsel, questioning of witnesses, and protection against self-incrimination in a hearing that could result in commitment to an institution.

(5) Studies have indicated that many juveniles do not receive the due process protections to which they are entitled. More importantly, they frequently do not receive effective assistance of legal counsel.

(6) Lawyers who represent juveniles often labor under enormous caseloads with little training or support staff.

(7) Public defenders who represent juveniles have, on average, more than 500 cases per year, with more than 300 of those cases being juvenile cases.

(8) Public defenders often lack specialized training in representing juveniles. Approximately one-half of public defender offices do not even have a section devoted to juvenile delinquency practice in their office training manuals.

(9) Due to relatively low wages, there is a nationwide shortage of family law attorneys willing to represent juveniles.

(10) The shortage of family law attorneys results in a severe, disproportionate, and negative impact upon children, impoverished parents, and victims of domestic violence.

(11) Children involved in family court cases are assigned attorneys to protect their interests. Adults are entitled to representation by attorneys. The lack of available representation by family law attorneys causes children to spend more time in foster care because cases are adjourned or postponed due to lack of appropriate representation. Victims of domestic violence seeking protection from their abusers often will remain in the abusive situation, choose to represent themselves, or wait until an attorney becomes available, all of which risk their personal safety.

(12) In 1995, 3,100,000 children were reported to child protection agencies as being abused or neglected, which is about double the number reported in 1984. Of these, 996,000 children were confirmed after investigation to be abused or neglected. A 1996 study by the Department of Health and Human Services found that the number of children seriously injured nearly quadrupled between 1986 and 1993 from 141,700 to 565,000.

(13) As of 1995 year-end, about 494,000 children were in foster care, a considerable rise from the estimated 280,000 children in foster care at the end of 1986. Most of these children are in foster care because of abuse, neglect, or abandonment by their parents. Many are also placed in foster care due to a court order during a child protection case.

(14) Some estimates suggest that in 70 percent of homes where there is domestic violence, there is also child abuse.

(15) Children who witness domestic violence can also develop posttraumatic stress disorder, low self-esteem, anxiety, depression, eating disorders, and destructive behavior that can last through adulthood, limiting an individual's ability to achieve academically, socially, and on the job. However, early intervention and education can help prevent further danger to children.

(16) Continued adjournment forces victims to repeatedly confront their abusers in court. This not only increases the risk of retribution, but also the chance that the victim will abandon the process because of the burden.

(17) Between 1984 and 1994 there was a 65 percent increase in domestic relations cases and a 59 percent increase in the number of juvenile cases.

(18) The caseload for child abuse in New York State alone has increased by more than 300 percent between 1984 and 1988.

(19) Judges in Chicago hear on average 1,700 delinquency cases per month, and in Los Angeles judges for juvenile cases have about 10 minutes to devote to each case.

SEC. 2. PURPOSE.

The purposes of this Act are—

(1) to encourage attorneys to enter the field of family law, juvenile law, or domestic relations law;

(2) to increase the number of attorneys who will represent low-income families and individuals, and who are trained and educated in such field; and

(3) to keep more highly trained family law, juvenile law, and domestic relations attorneys in this field of law for longer periods of time.

SEC. 3. LOAN FORGIVENESS.

Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by inserting after section 428K (20 U.S.C. 1078-11) the following:

“SEC. 428L. LOAN FORGIVENESS FOR FAMILY LAW, JUVENILE LAW, AND DOMESTIC RELATIONS ATTORNEYS WHO WORK IN THE DEFENSE OF LOW-INCOME FAMILIES, INDIVIDUALS, OR CHILDREN.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE LOAN.—The term ‘eligible loan’ means a loan made, insured, or guaranteed under this part or part D (excluding loans made under section 428B or 428C, or comparable loans made under part D) for attendance at a law school.

“(2) FAMILY LAW OR DOMESTIC RELATIONS ATTORNEY.—The term ‘family law or domestic relations attorney’ means an attorney who works in the field of family law or domestic relations, including juvenile justice, truancy, child abuse or neglect, adoption, domestic relations, child support, paternity, and other areas which fall under the field of family law or domestic relations law as determined by State law.

“(3) HIGHLY QUALIFIED ATTORNEY.—The term ‘highly qualified attorney’ means an attorney who has at least 2 consecutive years of experience in the field of family or domestic relations law serving as a representative of low-income families or minors.

“(b) DEMONSTRATION PROGRAM.—

“(1) IN GENERAL.—The Secretary may carry out a demonstration program of assuming the obligation to repay eligible loans for any new borrower after the date of enactment of this section, who—

“(A) obtains a Juris Doctorate (JD), and takes at least 1 law school class in family law, juvenile law, domestic relations law, or some other class that the Secretary determines equivalent to any such class pursuant to regulations prescribed by the Secretary; and

“(B) has worked full-time for a State or local government entity, or a nonprofit private entity, as a family law or domestic relations attorney on behalf of low-income individuals in the family or domestic relations court system for 2 consecutive years immediately preceding the year for which the determination was made.

“(2) AWARD BASIS.—Loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

“(3) PRIORITY.—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

“(4) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

“(c) LOAN REPAYMENT.—

“(1) IN GENERAL.—The Secretary shall assume the obligation to repay—

“(A) after the third consecutive year of employment described in subparagraph (B) of subsection (b)(1), 20 percent of the total amount of all eligible loans;

“(B) after the fourth consecutive year of such employment, 30 percent of the total amount of all eligible loans; and

“(C) after the fifth consecutive year of such employment, 50 percent of the total amount of all eligible loans.

“(2) CONSTRUCTION.—Nothing in this section shall be construed to authorize any re-

funding of any repayment of a loan made under this part or part D.

“(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

“(4) INELIGIBILITY OF NATIONAL SERVICE AWARD RECIPIENTS.—No student borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

“(d) REPAYMENT TO ELIGIBLE LENDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of eligible loans which are subject to repayment pursuant to this section for such year.

“(e) APPLICATION FOR REPAYMENT.—

“(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(2) CONDITIONS.—An eligible individual may apply for loan repayment under this section after completing each year of qualifying employment. The borrower shall receive forbearance while engaged in qualifying employment unless the borrower is in deferment while so engaged.

“(f) EVALUATION.—

“(1) IN GENERAL.—The Secretary shall conduct, by grant or contract, an independent national evaluation of the impact of the demonstration program assisted under this section on the field of family and domestic relations law.

“(2) COMPETITIVE BASIS.—The grant or contract described in this section shall be awarded on a competitive basis.

“(3) CONTENTS.—The evaluation described in this subsection shall determine whether the loan forgiveness program assisted under this section—

“(A) has increased the number of highly qualified attorneys;

“(B) has contributed to increased time on the job for family law or domestic relations attorneys, as measured by—

“(i) the length of time family law or domestic relations attorneys receiving loan forgiveness under this section have worked in the family law or domestic relations field; and

“(ii) the length of time family law or domestic relations attorneys continue to work in such field after the attorneys meet the requirements for loan forgiveness under this section;

“(C) has increased the experience and the quality of family law and domestic relations attorneys; and

“(D) has contributed to better family outcomes, as determined after consultation with the Secretary of Health and Human Services and the Attorney General.

“(4) INTERIM AND FINAL EVALUATION REPORTS.—The Secretary shall prepare and submit to the President and Congress such interim reports regarding the evaluation described in this section as the Secretary determines appropriate, and shall prepare and so submit a final report regarding the evaluation by September 30, 2005.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$20,000,000 for fiscal year 2004, and such sums as may be necessary for each of the 4 succeeding fiscal years.”.

S. 408

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 "Ready To Educate All Children Act of 2003".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) An estimated 2,000,000 new teachers will be needed over the next decade.

(2) Under the No Child Left Behind Act of 2001, States must recruit highly qualified teachers by 2006, yet schools in rural areas and high poverty schools have trouble attracting and retaining such teachers.

(3) A 2000 study by the Education Trust reports that high poverty schools are twice as likely not to have teachers certified in the fields in which they teach as schools that are not high poverty schools, which highlights that high poverty schools will need special help to meet the goals of the No Child Left Behind Act of 2001.

(4) If the Nation is to improve student achievement and success in school, the United States must encourage and support the training and development of our Nation's teachers, who are the single most important in-school influence on student learning.

(5) A majority of graduates of schools of education believe that traditional teacher preparation programs left them ill prepared for the challenges and rigors of the classroom.

(6) Fewer than 36 percent of new teachers feel very well prepared to implement curriculum and performance standards.

(7) Highly qualified teachers are more effective in impacting student academic achievement because such teachers have high verbal abilities, high content knowledge, and an enhanced ability to know how to teach the content using appropriate pedagogical strategies.

(8) The difference in annual student achievement growth between having an effective and ineffective teacher can be more than 1 grade level of achievement in academic performance.

(9) Studies have consistently documented the important connection between a teacher's verbal and cognitive abilities and student achievement.

(10) Research has shown that there is a positive effect on student achievement when students are taught by teachers with a strong subject-matter background.

(b) PURPOSE.—It is the purpose of this Act to provide grants to teacher preparation programs to better prepare teachers to educate all children.

SEC. 3. DEFINITIONS.

In this Act:

(1) BEGINNING TEACHER.—The term "beginning teacher" means a highly qualified teacher who has taught for not more than 3 years.

(2) CORE ACADEMIC SUBJECTS.—The term "core academic subjects" means—

- (A) mathematics;
- (B) science;
- (C) reading (or language arts) and English;
- (D) social studies, including history, civics, political science, government, geography, and economics;
- (E) foreign languages; and
- (F) fine arts, including music, dance, drama, and the visual arts.

(3) HIGH POVERTY LOCAL EDUCATIONAL AGENCY.—The term "high poverty local educational agency" means a local educational agency for which the number of children who are served by the agency, aged 5 through 17, and from families with incomes below the poverty line—

- (A) is not less than 40 percent of the number of all children served by the agency; or
- (B) is more than 15,000.

(4) HIGH POVERTY SCHOOL.—The term "high poverty school" means an elementary school

or secondary school that serves a high number or percentage of children from families with incomes below the poverty line.

(5) HIGHLY QUALIFIED.—The term "highly qualified" has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education"—

(A) has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); and

(B) if such an institution prepares teachers and receives Federal funds, means such an institution that—

(i) is in full compliance with the requirements of section 207 of the Higher Education Act of 1965 (20 U.S.C. 1027); and

(ii) does not have a teacher preparation program identified by a State as low-performing.

(7) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(8) LOCAL PARTNER.—The term "local partner" means a high poverty local educational agency or a high poverty school.

(9) MENTORING.—The term "mentoring" means activities that consist of structured guidance and regular and ongoing support for beginning teachers.

(10) SECRETARY.—The term "Secretary" means the Secretary of Education.

(11) STATE.—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 4. GRANT PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to award grants on a competitive basis to institutions of higher education to establish a partnership with a local partner to—

(1) establish a clinically-based elementary school or secondary school teacher training program; or

(2) enhance such institution's clinically-based elementary school or secondary school teacher training program.

(b) APPLICATION.—

(1) IN GENERAL.—An institution of higher education that desires to receive a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(2) DEVELOPMENT.—The institution of higher education shall develop the application in collaboration with 1 or more local partners.

(3) CONTENTS.—Each application submitted pursuant to paragraph (1) shall include—

(A) a description of any shortages in the State, where the institution of higher education is located, of highly qualified teachers in high poverty schools in core academic subjects;

(B) an assessment of the needs of beginning teachers in high poverty schools to be effective in the classroom that is—

(i) developed with the involvement of the local partner; and

(ii) based on—

(I) student achievement data in core academic subjects; and

(II) other indicators of the need to fully prepare beginning teachers;

(C) a description of how the institution of higher education will use funds made available pursuant to a grant awarded under this Act to—

(i) improve the quality of the teaching force; and

(ii) decrease the use of out-of-field placement of teachers;

(D) a description of how the institution of higher education will align activities assisted under this Act with challenging State

academic content standards and student academic achievement standards, and State assessments, by setting numerical, annual improvement goals;

(E) a plan, developed with the extensive participation of the local partner, for addressing long-term teacher recruitment, retention, professional development, and mentoring needs;

(F) a description of how the institution of higher education will assist local educational agencies in implementing effective and sustained mentoring and other professional development activities for beginning teachers;

(G) a description of how the institution of higher education will work with individuals who successfully complete a teacher education program to become certified or licensed; and

(H) a description of how the institution of higher education will prepare teachers to succeed in the classroom.

(c) APPROVAL.—

(1) IN GENERAL.—The Secretary shall approve an application submitted pursuant to subsection (a) if the application meets the requirements of this section and holds reasonable promise of achieving the purpose of this Act.

(2) EQUITABLE DISTRIBUTION.—To the extent practicable, the Secretary shall ensure an equitable geographic distribution of grants under this section among the regions of the United States.

(3) DURATION OF GRANTS.—The Secretary is authorized to make grants under this section for a period of 5 years. At the end of the 5-year period, the grant recipient may apply for an additional grant under this section.

(d) USES OF FUNDS.—

(1) MANDATORY USES.—An institution of higher education that receives a grant under this section shall use the grant funds to—

(A) establish a partnership with a local partner to establish, or enhance an existing, clinically-based elementary school or secondary school teacher training program to better train teachers for challenges in the classroom;

(B) facilitate a partnership among departments of the institution to ensure that future teachers are prepared to teach; and

(C) implement a project-based assessment that facilitates the program evaluation developed under subsection (f) and that assesses the impact of the activities undertaken with grant funds awarded under this Act on achieving the purpose of this Act, as well as on institutional policies and practices.

(2) ADDITIONAL ACTIVITIES.—An institution of higher education that receives a grant under this section shall use the grant funds for not less than 3 of the following activities:

(A) The enhancement of high caliber teaching, including—

(i) enabling faculty to spend additional time in smaller class settings teaching students pursuing teaching degrees;

(ii) providing—

(I) summer school teaching opportunities for students pursuing teaching degrees;

(II) additional salary for faculty members who serve as advisors to students pursuing teaching degrees; or

(III) stipends for students pursuing teaching degrees.

(B) Opportunities to develop new pedagogical approaches to teaching, including a focus on content knowledge in academic areas such as mathematics, science, foreign language development, history, political science, and special education.

(C) Creation of multidisciplinary courses or programs that formalize collaborations for the purpose of improved student instruction.

(D) Expansion of innovative mentoring or tutoring programs proven to enhance recruitment of students pursuing teaching degrees or persistence in obtaining a teaching degree.

(E) Improvement of undergraduate science, mathematics, engineering, and technology education for nonmajors, including teacher education majors.

(e) **MATCHING FUNDS.**—Each institution of higher education that receives a grant under this section shall demonstrate a financial commitment to such institution's school of education by contributing, either directly or through private contributions, non-Federal matching funds equal to 20 percent of the amount of the grant.

(f) **ASSESSMENT, EVALUATION, AND DISSEMINATION OF INFORMATION.**—

(1) **PROGRAM EVALUATION.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall award not less than 1 grant or contract to an independent evaluative organization to—

(A) develop metrics for measuring the impact of the activities authorized under this section on—

(i) the number of students enrolled in education classes;

(ii) academic achievement of students pursuing teaching degrees, including quantifiable measurements of students' mastery of content and skills, such as students' grade point averages;

(iii) persistence in completing a teaching degree, including students who transfer from departments of education to programs in other academic disciplines; and

(iv) placement during the 2 years after degree completion in public schools and an evaluation of the teachers' performance;

(B) conduct an evaluation of the impacts of the activities authorized under this section, including a comparison of the funded projects to identify best practices with respect to achieving the purpose of this Act.

(2) **DISSEMINATION OF INFORMATION.**—The Secretary shall disseminate, biannually, information on the activities and the results of the projects assisted under this section, including best practices, to institutions of higher education that receive a grant under this section and other interested institutions of higher education.

(g) **STUDENT LOAN ELIGIBILITY.**—Notwithstanding any other provision of law, a student who participates in a clinically-based teacher training program funded under this Act shall be eligible for student assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) during such student's fifth year of a program of study for obtaining a teaching degree, if the fifth year of the program of study is required under such clinically-based program in order for students to obtain the teaching degree.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act \$200,000,000 for each of fiscal years 2004 through 2009.

S. 409

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Approximately 3,000,000 reports of child abuse and neglect must be investigated each year.

(2) Approximately 1,000,000 of these reports are confirmed and require ongoing intervention.

(3) On any given day in the United States, more than 500,000 children are being served outside their homes by the child welfare system.

(4) These children are served in more than 150,000 foster homes and more than 5,000 residential programs.

(5) The child welfare workforce crisis has developed as the result of the following 3 major factors:

(A) Overall low levels of unemployment and the resulting increase in competition for workers in all sectors of the economy.

(B) The increasing numbers of children and families needing service coupled with the decreasing numbers of workers in the employment pool.

(C) The relatively low pay and difficult working conditions that exist in many child welfare agencies.

(6) The vacancy rate in State child welfare agencies is 8.1 percent, and 14.3 percent for private agencies.

(7) The overall turnover rate in child welfare agencies has doubled since 1991, to 13.9 percent in public agencies and to 46.5 percent in private agencies.

(8) The child welfare workforce crisis is real and is already compromising the ability of the child welfare system to effectively provide essential services to its children and families. In addition, analysis of trends indicates that the situation will worsen over the next decade. It is clear that steps must be taken now to encourage more workers to enter the child welfare services field and to improve the salaries, working conditions, and training of workers who provide these critically important services.

SEC. 2. LOAN FORGIVENESS FOR CHILD WELFARE WORKERS.

(a) **GUARANTEED STUDENT LOANS.**—Part B of title IV of the Higher Education Act of 1965 is amended by inserting after section 428K (20 U.S.C. 1078-11) the following:

"SEC. 428L. LOAN FORGIVENESS FOR CHILD WELFARE WORKERS.

"(a) **PURPOSE.**—It is the purpose of this section—

"(1) to bring more highly trained individuals into the child welfare profession; and

"(2) to keep more highly trained child welfare workers in the child welfare field for longer periods of time.

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

"(1) **CHILD WELFARE SERVICES.**—The term 'child welfare services' has the meaning given the term in section 425 of the Social Security Act.

"(2) **CHILD WELFARE AGENCY.**—The term 'child welfare agency' means the State agency responsible for administering subpart 1 of part B of title IV of the Social Security Act and any public or private agency under contract with the State agency to provide child welfare services.

"(3) **INSTITUTION OF HIGHER EDUCATION.**—The term 'institution of higher education' has the meaning given the term in section 101.

"(4) **STATE.**—The term 'State' has the meaning given the term in section 1101(a)(1) of the Social Security Act for purposes of title IV of such Act, and includes an Indian tribe.

"(c) **DEMONSTRATION PROGRAM.**—

"(1) **IN GENERAL.**—The Secretary may carry out a demonstration program of assuming the obligation to repay, pursuant to subsection (d), a loan made, insured, or guaranteed under this part or part D (excluding loans made under sections 428B and 428C, or comparable loans made under part D) for any new borrower after the date of enactment of this section, who—

"(A) obtains a bachelor's or master's degree in social work;

"(B) obtains employment in public or private child welfare services; and

"(C) has worked full time as a social worker for 2 consecutive years preceding the year for which the determination is made.

"(2) **AWARD BASIS; PRIORITY.**—

"(A) **AWARD BASIS.**—Subject to subparagraph (B), loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

"(B) **PRIORITY.**—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

"(3) **OUTREACH.**—The Secretary shall post a notice on a Department Internet web site regarding the availability of loan repayment under this section, and shall notify institutions of higher education regarding the availability of loan repayment under this section.

"(4) **REGULATIONS.**—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

"(d) **LOAN REPAYMENT.**—

"(1) **IN GENERAL.**—The Secretary shall assume the obligation to repay—

"(A) after the third consecutive year of employment described in subsection (c)(1)(C), 20 percent of the total amount of all loans made under this part or part D (excluding loans made under section 428B or 428C, or comparable loans made under part D) for any new borrower after the date of enactment of this section;

"(B) after the fourth consecutive year of such employment, 30 percent of the total amount of such loans; and

"(C) after the fifth consecutive year of such employment, 50 percent of the total amount of such loans.

"(2) **CONSTRUCTION.**—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan made under this part or part D.

"(3) **INTEREST.**—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

"(4) **SPECIAL RULE.**—In the case of a student borrower not participating in loan repayment pursuant to this section who returns to an institution of higher education after graduation from an institution of higher education for the purpose of obtaining a degree described in subsection (c)(1)(A), the Secretary is authorized to assume the obligation to repay the total amount of loans made under this part or part D incurred for a maximum of 2 academic years in returning to an institution of higher education for the purpose of obtaining such a degree. Such loans shall only be repaid for borrowers who qualify for loan repayment pursuant to the provisions of this section, and shall be repaid in accordance with the provisions of paragraph (1).

"(5) **INELIGIBILITY OF NATIONAL SERVICE AWARD RECIPIENTS.**—No student borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

"(e) **REPAYMENT TO ELIGIBLE LENDERS.**—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of loans which are subject to repayment pursuant to this section for such year.

"(f) **APPLICATION FOR REPAYMENT.**—

"(1) **IN GENERAL.**—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) **CONDITIONS.**—An eligible individual may apply for loan repayment under this

section after completing each year of qualifying employment. The borrower shall receive forbearance while engaged in qualifying employment unless the borrower is in deferment while so engaged.

“(g) EVALUATION.—

“(1) IN GENERAL.—The Secretary shall conduct, by grant or contract, an independent national evaluation of the impact of the demonstration program assisted under this section on the field of child welfare services.

“(2) COMPETITIVE BASIS.—The grant or contract described in paragraph (1) shall be awarded on a competitive basis.

“(3) CONTENTS.—The evaluation described in this subsection shall determine—

“(A) whether the loan forgiveness program has increased child welfare workers’ education in the areas covered by loan forgiveness;

“(B) whether the loan forgiveness program has contributed to increased time on the job for child welfare workers as measured by—

“(i) the length of time child welfare workers receiving loan forgiveness have worked in the child welfare field; and

“(ii) the length of time such workers continue to work in such field after the workers meet the requirements for loan forgiveness under this section; and

“(C) whether the loan forgiveness program has increased the experience and the quality of child welfare workers and has contributed to increased performance in the outcomes of child welfare services in terms of child well-being, permanency, and safety, as determined after consultation with the Secretary of Health and Human Services.

“(4) INTERIM AND FINAL EVALUATION REPORTS.—The Secretary shall prepare and submit to the President and Congress such interim reports regarding the evaluation described in this subsection as the Secretary determines appropriate, and shall prepare and so submit a final report regarding the evaluation by September 30, 2005.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$20,000,000 for fiscal year 2004, and such sums as may be necessary for each of the 4 succeeding fiscal years.”.

By Mr. EDWARDS:

S. 410. A bill to establish the Homeland Intelligence Agency, and for other purposes; to the Select Committee on Intelligence.

Mr. EDWARDS. Mr. President, I have previously given a statement and a speech on the floor of the Senate with regard to Mr. Estrada’s nomination. I voted against him in the Judiciary Committee. The concerns I had included his not answering questions that were put to him, serious questions, in my judgment—issues about his record and his temperament.

Today, I wish to talk about homeland security. First, I will talk about the serious shortcomings in the administration’s response, and then I will talk about six bills I have introduced in this Congress to improve our homeland security, including a bill today to overhaul the way we do intelligence work here at home.

The first responsibility of any government is to protect its people. Yet we live in a time when Americans feel extraordinary insecurity. We are at an elevated level of threat warning. The CIA Director says al-Qaida is “resuming the offensive.” The FBI Director says there are “al-Qaida cells in the

United States that we have not yet been able to identify.”

In other words, al-Qaida cells are operating here, but we do not know who they are, where they are, or what they are doing.

Americans are buying plastic sheeting and duct tape in record amounts. While they are doing everything they can to protect themselves, they have a right to know that those of us in Government are doing everything we can to protect them, their homes, their families, and their children. This is a dangerous time.

But a dangerous time calls for an honest response: This President is failing the test on homeland security. Homeland security has yielded to chemical companies that are holding back commonsense steps to secure chemical plants against horrific explosions. Homeland security is yielding to bureaucratic inertia that is defending old and outworn ways of fighting terror.

Today there are huge holes in our borders—one guard for every 5 miles on the Canadian border. There are huge holes at our ports—we are still inspecting only a fraction of all shipments into the United States, shipments that could carry nuclear or biological weapons. There are huge holes in our hometowns—where cops and firefighters do not have the equipment or the training that they need.

For all these holes, this President has vetoed billions for homeland security, he is withholding funds that first responders need today, and he has proposed funding homeland security this year at a level that even Republican experts like Warren Rudman say is totally inadequate.

We cannot cover the holes in our borders with plastic sheeting. Our cops and firefighters need reinforcements and new gear, not canned goods.

In 2000, the President’s team talked about the dangers of a hollow military. At a time when the greatest dangers we face are here at home, this administration risks creating a hollow homeland defense.

This is happening for a very simple reason. The bare minimum of homeland security improvements we need—\$10 billion more this year—costs less than half of President Bush’s tax cut just for 226,000 millionaires.

I believe it is time to say to this President: Mr. President, please put our security first. Please set aside \$20 billion in tax breaks for 226,000 millionaires, and put homeland security for 290 million Americans first.

Let me talk a little bit about my work on homeland security since Congress came back into session. Back in December, I laid out a comprehensive plan for strengthening our domestic security, from stopping ID fraud to sharing more information with local police to improving our cybersecurity. And in the 6 weeks Congress has been in session so far, I have introduced six bills to strengthen our homeland security.

Each of these bills would make a concrete, tangible difference in people’s lives.

Two bills are focused on empowering people to play a greater role in homeland security.

First, until this week, most Americans have no better idea how to respond to a terrorist attack than on September 11. Now the administration has begun giving out useful information, but we still don’t have enough. We are not being told, for example, how to respond to chemical or biological attacks. In addition, there is still a serious question whether people will get the information they need when they need it, particularly when they are sleeping. Obviously TV and radio won’t help if you are asleep. So I have a bill, which I wrote with Senator Fritz Hollings, that will create an emergency warning system to reach everyone—for example, using special phone rings that could wake people up in the middle of the night.

Second, we want to encourage more people to contribute. People want to serve, but they feel like they haven’t been asked. We should ask. One way is through the Neighborhood Watch program. Neighborhood Watches help prevent both terrorism and ordinary crime. We are going to increase support for these, encourage folks to get involved, with the goal—the realistic goal—of tripling the number of neighborhood watches.

Next, I have introduced two bills focused on hardening vulnerable targets—in other words, taking those targets we know terrorists want to attack, and transforming them so they will be less vulnerable.

One bill is to do research to enhance building security, to improve the quality of private security guards and make buildings more resistant to attack. We know that at the Oklahoma City bombing, 85 percent of the lives might have been saved if the building had been built with better materials, in a better way. We are still learning about the World Trade Center collapse. We know we need better construction and better security around buildings across America.

A fourth bill would require the Government to improve its cybersecurity. A few weeks ago, we had an attack that crippled a lot of Government computer systems. There are simple tests we could be doing to block computer attacks that we are not doing: to “patch” holes in the systems. We need to make that happen.

Fifth, I have introduced a bill to help local law enforcement by requiring the Government to give security clearances to more police officers, firefighters, and health officials. They need information to keep us safe, but too often they are not getting it. This bill would help make sure they do.

Finally, there is the bill I have introduced today, and that I want to talk about in some detail. This bill will make fundamental changes in the way

we protect Americans against international terrorists operating within our borders. This bill takes away from the FBI the responsibility to collect intelligence on foreign terrorist groups operating in America. And this bill gives that responsibility to a new Homeland Intelligence Agency. I believe this agency will do a better job protecting our safety and our basic freedoms. Let me briefly explain why.

There is no question that the FBI is full of dedicated professionals who are patriots, who serve their country with courage and conviction, who do all of us proud.

But there is also no question that the FBI made many serious mistakes before September 11. There was the Phoenix memorandum, a memorandum about suspicious behavior at flight schools that the FBI did not follow up on. There was the Moussaoui case, where the FBI had in its possession a computer full of critical information, yet did not access the information there. There were even two hijackers who the FBI knew were threats but did not track and stop.

It is true all this was before September 11. The other day, Director Mueller told me that my criticisms understated the extent of the FBI's reforms. Well, I respect Director Mueller, and I look forward to continuing to talk with him about FBI reform. I have only the best wishes for his reform efforts.

At the same time, it would be hard to understate the seriousness of the problems we have seen.

This is not just my view; it is the view of every objective panel to look at this issue. These panels have raised serious questions about the FBI's response to terrorism, and in some instances, about the FBI's capacity to respond to terrorism.

The Markle Task Force commented: "... there is a resistance ingrained in the FBI ranks to sharing counter-terrorism information ... the FBI has not prioritized intelligence analysis in the areas of counter-terrorism."

The Joint Congressional Inquiry noted: The FBI has a "history of repeated shortcomings within its current responsibility for domestic intelligence. . . ."

The Brookings Institution went further, stating that "there are strong reasons to question whether the FBI is the right agency to conduct domestic intelligence collection and analysis."

And finally, the Gilmore Commission recently said: "the Bureau's long standing tradition and organizational culture persuade us that, even with the best of intentions, the FBI cannot soon be made over into an organization dedicated to detecting and preventing attacks rather than one dedicated to punishing them."

I believe the Gilmore Commission reached the right conclusion.

Part of the problem is bureaucratic resistance at the FBI. The FBI is full of superb public servants. But the reality

is that the FBI is also a bureaucracy, and it is the nature of a bureaucracy to resist change. That is just the reality. It was only in November that the New York Times reported the FBI's No. 2 official was "amazed and astounded" by the FBI's sluggish response to the terrorist threat.

Beyond the problem of bureaucratic resistance, there is a more fundamental problem with the FBI. That problem is the conflict at the base of the FBI's mission, which is a conflict between law enforcement and intelligence. These are fundamentally different functions.

Law enforcement is about building criminal cases and putting people in jail. Intelligence isn't about building a case; it is about gathering information and putting it together into a bigger picture.

The FBI has never been built for intelligence. It has always been an agency that hires people who want to be law enforcement officers, trains them to be law enforcement officers, and promotes them for succeeding as law enforcement officers.

Cases have been run by field offices with little of the central coordination that is essential to combat national networks of terrorists. The FBI has regularly kept intelligence within the agency's walls rather than sharing it with other key players.

Now, the FBI says all this is changing. But with all due respect, the FBI's reforms are too little and too late. They are not enough, and because of the nature of the FBI, they cannot ever be enough.

That is why I propose today to create a Homeland Intelligence Agency, one that would be responsible for collecting foreign intelligence inside the United States, analyzing that intelligence, and getting it to the policymakers or first responders who need it. This entity isn't in the new Department of Homeland Security. It isn't in the newly announced "Terrorist Threat Integration Center." That's just about analysis. This is about collection, gathering the intelligence information to begin with.

I believe this agency will do a better job fighting terrorism because its sole focus will be intelligence gathering. The inherent conflict between law enforcement and intelligence will not get in the way of its work.

I also believe it will do a better job protecting our civil liberties. While we will not give the new agency any new authorities, we will place new checks on its ability to collect information about innocent people. Time and again, we have seen this administration overreach when it comes to civil liberties. That should stop, and this proposal will help stop it.

We will require judicial approval before the most secretive and invasive investigations of religious and political groups. We will require greater public reporting and more internal auditing. We will establish a new and independent office of civil liberties within

the new agency that is dedicated to protecting the constitutional rights of innocent Americans. So at the end of the day, we will help to fulfill America's promise—that we are safe and free at the same time.

I believe this bill is an important step to making America safer, and I look forward to working on it with colleagues on both sides of the aisle in getting this legislation passed.

By Mr. BINGAMAN:

S. 411. A bill to amend title 49, United States Code, to establish a university transportation center to be known as the "Southwest Bridge Research Center"; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Madam President, I rise to introduce legislation that I believe will go a long way in helping to improve the safety and durability of the Nation's highway bridges. Today, with great pleasure I am introducing the Southwest Bridge Research Center Establishment Act of 2003.

The purpose of this bill is to authorize the Secretary of Transportation to establish a new University Transportation Center focused on the safety of highway bridges. The new Southwest Bridge Research Center is a cooperative effort between New Mexico State University and the Oklahoma Transportation Center, comprising the University of Oklahoma and Oklahoma State University. The new center will lead the Nation in the research and development of technologies for bridge testing and monitoring, procedures for ensuring bridge safety and security, and training in methods of bridge inspection.

Our highway network is a central component of our economy and fundamental to our freedom and quality of life. America's mobility is the engine of our free market system. Transportation via cars, buses, and trucks plays a central role in our basic quality of life. Much of the food we eat, the clothes we wear, the materials for our homes and offices, comes to us over the 4 million miles of our road network.

One critical element of our highway network is the highway bridges that span streams, rivers, and canyons of our cities and rural areas. Bridges also help traffic flow smoothly by carrying one road over another.

Most highway bridges are easy to overlook. Notable exceptions are New England's covered bridges, the well-known Golden Gate Bridge, and the spectacular Rio Grande Gorge Bridge near Taos, New Mexico. The fact is, according to the Federal Highway Administration, we have about 590,000 highway bridges in this country that are more than 20-feet long. The total bridge-deck area of these 590,000 bridges is an amazing 120 square miles, or slightly smaller in area than the entire city limits of Albuquerque, New Mexico, roughly twice the size of the entire District of Columbia, or five times the area of New York's Manhattan Island. The State of Texas leads

the Nation with over 48,000 bridges, about ten percent of the total. Ohio is second with about 28,000 highway bridges.

A little known, and disturbing fact about these 590,000 highway bridges is that nearly 84,000, or 14 percent, are considered to be structurally deficient according to the most recent statistics from the FHWA. The percent of structurally deficient bridges varies widely among the 50 States. For example, this chart shows some of the States with some of the highest percentage of deficient bridges.

State	Number of bridges	Number of structurally deficient bridges	Percent of structurally deficient bridges (in percent)
Oklahoma	22,708	7,605	33.5
Missouri	23,604	6,083	25.8
Rhode Island	749	187	25.0
Pennsylvania	22,092	5,418	24.5
South Dakota	6,001	1,398	23.3
Mississippi	16,825	3,694	22.0
Iowa	25,030	5,036	20.1
North Dakota	4,517	871	19.3
Michigan	10,631	2,012	18.9
Louisiana	13,426	2,425	18.1
Alabama	15,641	2,677	17.1
North Carolina	16,991	2,513	14.8
Kansas	25,638	3,465	13.5
Ohio	27,952	3,304	11.8

Source: FHWA National Bridge Inventory (NBI) System, December 2001.

Structurally deficient bridges are a particular concern in rural areas of our country. According to FHWA's 2002 edition of its Conditions and Performance Report to Congress, 16 percent of rural bridges are structurally deficient compared to only 10 percent of urban bridges. The report estimates the average cost required to maintain the existing 590,000 highway bridges is \$7.3 billion per year.

Another surprising fact about our Nation's highway bridges is their age. About one-third of all highway bridges are more than 50 years old, and an amazing 10,000 bridges are at least 100 years old. About 4,000 of these century-old bridges are currently rated as structurally deficient.

I do believe the number of deficient bridges in this country should be a concern to all Senators. Ensuring that States and local communities have the funds they need to help correct these deficient bridges will be one of my priorities when Congress reauthorizes TEA-21. However, because there may not be sufficient Federal and State funding to address all of the deficient bridges, it will be important to identify the bridges that are most in need of replacement or rehabilitation.

To ensure the most efficient use of limited resources, Congress should also address the need for new technologies to help States monitor the condition of the Nation's 590,000 highway bridges and determine priorities for repair or replacement. Such monitoring technologies, or "smart bridges," should be quick, efficient, and not damage the bridge in any way. I am very pleased that New Mexico State University is one of the Nation's pioneers in the development of non-destructive methods of determining the physical condition of highway bridges. Such smart bridges

can record and transmit information on their current structural condition as well as on the traffic crossing them.

In 1998, NMSU installed 67 fiber-optic sensors on an existing steel bridge on Interstate 10 in Las Cruces. This award-winning project was the first application of fiber-optic sensors to highway bridges. More recently, in 2000, sensors were incorporated directly in a concrete bridge during construction to monitor the curing of the concrete; the bridge crosses the Rio Puerco on Interstate 40, west of Albuquerque. NMSU has an actual 40-foot "bridge" in a laboratory on campus to allow studies of instrumentation and data collection.

I ask unanimous consent that two articles describing NMSU's accomplishments on smart bridge technology be printed in the Record, exhibits one and two.

NMSU is also a leader in other areas of bridge inspection. It has provided training for bridge inspectors for over 30 years. It has also developed expertise in using a virtual reality approach to document a bridge's physical condition.

At the same time, Oklahoma State University leads the Nation in the development of the Geothermal Smart Bridge System, which uses energy stored in the earth itself to help keep bridges free of ice and snow. OSU is also performing cutting edge research on high-performance structural materials frequently used in bridges including concrete, steel, and timber.

At the University of Oklahoma, a multidisciplinary team of researchers is working to develop a "smart" vehicle-bridge system that is expected to reduce the impact of moving trucks on bridge structures, thereby increasing the lifespan of highway bridges. The UO team is also expert in the development of high-performance concrete and of sensors for non-destructive testing.

Of course, the Oklahoma Transportation Center was also heavily involved last year in the rebuilding of the Interstate 40 bridge over the Arkansas River near Webbers Falls, OK, after it collapsed when struck by a barge. The bridge was reopened to traffic only 64 days after the accident.

This is just a glimpse at the high quality bridge research at these three universities. All three institutions are widely recognized as national leaders in all aspects of bridge research and technology. I believe it is fully appropriate for these three nationally recognized universities to collaborate in operating the Southwest Bridge Research Center.

The bill I am introducing today authorizes the Secretary of Transportation to establish and operate the Southwest Bridge Research Center at New Mexico State University in collaboration with the Oklahoma Transportation Center. I do believe the three universities have earned this honor. In fact, in some ways, Congress has already recognized their fine work of the three centers. For example, the Univer-

sity of Oklahoma was allotted \$3.5 million in TEA-21 for research work on intelligent stiffeners for bridge stress reduction and Oklahoma State received \$3.5 million for work on the geothermal heat pump smart bridge program.

I am pleased to have also played a part. At my request, Congress provided \$600,000 in 2001 for bridge research at New Mexico State University and an additional \$250,000 in the current fiscal year.

The specific purpose of the Southwest Bridge Research Center will be to contribute to improving the performance of the nation's highway bridges. The center will emphasize five goals: 1. Increasing the number of skilled individuals entering the field of transportation; 2. improving the monitoring of the structural health of highway bridges; 3. developing innovative technologies for testing and assessment of bridges; 4. developing technologies and procedures for ensuring bridge safety, reliability, and security; and 5. providing training in the methods of bridge inspection and evaluation.

Building on the three universities' research work, the Southwest Bridge Research Center will develop a strong educational component, including degree opportunities in bridge engineering at both the undergraduate and graduate levels. In addition, the center will have a cooperative certificate program for training and professional development. Distance education technology and computer-based learning will allow programs to be offered at any of the universities.

The bill provides \$3 million in funding from the Highway Trust Fund to operate the center.

New Mexico State University and the Oklahoma Transportation Center have applied their vast talents, tools, and techniques to solving technological problems with highway bridges for over 30 years. The team is well established and maintains cutting-edge expertise. The members of the team are recognized and respected at the national and international levels through accomplishments in bridge testing, monitoring, and evaluation.

I ask all senators to support the designation of a new Southwest Bridge Research Center. I look forward to working this year with the Chairman of the Environment and Public Works Committee, Senator INHOFE, and Senator JEFFORDS, the ranking member, to incorporate this bill into the full 6-year reauthorization of the transportation bill.

I ask unanimous consent that a letter of support from the three universities and a letter from Rhonda Fought, the Secretary of New Mexico's State Highway and Transportation Department be printed in the RECORD. I also ask unanimous consent that the text of the bill be printed in the RECORD.

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

EXHIBIT 1

[From the Washington Post, May 18, 1998]
 SENSORS BRIDGE GAP IN COMMUNICATION
 ABOUT REPAIR NEEDS
 (By Louis Jacobson)

LAS CRUCES, NM.—Hardly anyone in this burgeoning southwestern city realizes it, but right behind the Las Cruces Days Inn is a state-of-the-art experimental bridge. It isn't very exciting to look at—in fact, a motorist whizzing under Interstate 10 probably wouldn't notice anything unusual. But the experiment's sponsors—including the Federal Highway Administration, the National Science Foundation and state highway departments—hope that it will eventually revolutionize the way the United States maintains its half-million aging highway bridges.

Undergirding the Las Cruces "smart bridge" is a series of special sensors. It's not unusual for a bridge to be strung with mechanical sensors to measure structural stresses, particularly when a bridge is older and at higher risk of long-term fatigue. But the Las Cruces sensors are embedded in fiber-optic cables that—once the experiment is fully underway—will be able to transmit their readings to bridge officials in real time. In other words, weary bridges will soon be able to telephone their weakened conditions directly to the highway authorities so that bridge engineers can be dispatched to head off catastrophe.

"We're looking at a very large bridge stock in the U.S. that's in need of maintenance," says Rola Idriss, the civil engineer at New Mexico State University who is monitoring the I-10 experiment. "Our idea was, how can we better inspect our bridges, how can we better evaluate them and how can we save money and time? The basic idea was to monitor them from far away."

The fiber-optic cables used in the experiment were designed by the Naval Research Laboratory. First, laser beams etch the cables' cores with five-millimeter-long internal gauges, spaced about two to three meters apart. Once the cable is strung under the bridge and attached with epoxy, engineers program the system so that light beams career down the cable at regular intervals. The degree of the light beams' bend directly correlates with the degree of bridge stress. If the results exceed a pre-calibrated benchmark, officials will be alerted to check for weakness exactly where they need to. The gauges can also be used to report general traffic patterns, aiding transportation planners as well as bridge inspectors.

So far, the fiber-optic gauges have remained fastened better than normal wire gauges have, Idriss says. More important, the fiber simultaneously serves as a data collector and transmitter. "It was a very elegant way to get away from the traditional method of using wires and installation," Idriss says. "You just hook it to a computer and then let it cell phone the information home. The beauty of it is that you don't have to be on the bridge. I could monitor a bridge in Washington if I wanted to."

Though the bridge in Las Cruces—which Idriss describes as an ordinary interstate bridge—was built in the 1970s, it has already displayed some metal fatigue (a fact that was known even before the smart bridge experiment was concocted). "It's not unusual to have that kind of fatigue, but the bridge is not very old, so you want to know much more about what's happening," she says. "Now, we need to expand the capability of the system by collecting from many more sensors. It currently has 30, but we'd like to double that at least."

Idriss—who grew up in a family of engineers in Beirut and later became the first woman to earn a civil engineering PhD from

New Mexico State—acknowledges that both technical and economic challenges remain. Her sensors cost about \$50 to \$100 each, including the cost of the cable itself. The benefits, she says, would come from freeing bridge inspectors from many of their routine and time-consuming duties. At the same time, highway departments could use their new data to repair bridges more precisely and cost-efficiently than today's information sources allow. "If a fiber-optic gauge system costs \$30,000," she says, "that's still far less than a typical new bridge, which costs millions."

Even if that price tag eventually drops, highway officials who aren't involved in the experiment suggest that the system will be most appropriate for the minority of bridges that officials already fret about.

"It seems like this system would be best for bridges that need special attention," says David Hensing, deputy executive director of the American Association of State Highway and Transportation Officials. "It's probably more expensive than is necessary for 90 percent of America's bridges. But for the other 5 or 10 percent, that kind of instrumentation will get more years of life out of the bridge and lead to more timely corrective action."

Bob Reilly, director of cooperative research programs at the federal Transportation Research Board, which is part of the National Research Council, concurs. "I could imagine it would be a very useful thing in rare cases, but my guess is that it's not worth it for all bridges," he says.

Richard Livingston, the Federal Highway Administration official who is supplying Idriss with equipment and grant money, suggests three types of bridges that are likeliest to benefit: bridges that are already thought to be structurally deficient, critical urban bridges that carry economically vital traffic flows and newer bridge designs with which engineers have little long-term experience.

California transportation officials have expressed interest in installing fiber-optic gauges in critical seismic zones. Closer to home, the Washington area's Woodrow Wilson Bridge—a clogged and vital drawbridge on the Capital Beltway—could be among the first to serve as a test site, if Congress authorizes funding to do so.

"It would be able to help us schedule maintenance activities in a more cost-effective way," says Louis Triandafilou, a Baltimore-based Federal Highway Administration official who has been trying to broker the Wilson Bridge deal. "The Wilson Bridge is a good one to test because it's a drawbridge and because it has a very high traffic count, especially truck traffic, so you can get information on how the bridge is affected by fatigue and repetitive stress."

Given that it often takes four or five professionals a full week to inspect just one bridge—and considering the big back-log of bridges to inspect, including some whose crucial parts aren't easy to reach—the experiment's advocates say that the benefits of remote sensing can be substantial. "The real problem is that no one has ever done a cost-benefit analysis," Livingston says. "It has increased cost, but it may also have increased benefits."

EXHIBIT 2

[From the Public Roads magazine, Nov./Dec., 2002]

A DECADE OF ACHIEVEMENT

(By Richard A. Livingston, Milton Mills, and Morton S. Oskard)

Installation of sensor systems in bridges is increasingly recognized as important for obtaining information on strains, temperature, moisture, and other variables. The information collected from such smart bridges can

be used to confirm design calculations, detect damage, and count traffic, among other functions.

An example of the sensor systems developed by the Advanced Research program is the fiber-optic strain gauge based on Bragg gratings. These gratings consist of alternating zones of different indexes of refraction. The spacing of the layers determines a specific wavelength of light that will be reflected. The technology is the same as that used in the broadband fiber-optic telecommunications systems now being installed across the country.

Since the fiber-optic sensor operates with light waves rather than electrons, it has several advantages over conventional electronic strain gauges: ruggedness, absence of drift, and immunity to electromagnetic noise. It permits as many as 100 gauges to be put on a single fiber as thin as a human hair. The installation of the gauges is simplified, the cabling requirement is reduced, and the cost-per-sensor is lowered.

Possible applications may require networks on the order of 1,000 sensors, or 1 kilosensor. Working under an interagency agreement with the Naval Research Laboratory, which has developed many fiber-optic sensors, the Advanced Research program has demonstrated several applications of sensor networks for structural monitoring.

The first application, co-funded with the National Science Foundation (NSF), resulted in the installation of a system of 67 calibrated fiber-optic sensors on an existing steel bridge on Interstate 10 in Las Cruces, NM. This work was carried out by New Mexico State University, with Dr. Rola Idriss as the principal investigator.

"The research has shown the fiber-optic sensors to be a powerful nondestructive evaluation tool," says Idriss. "Whether retrofitted to an existing structure or built into a new smart bridge, they can yield a wealth of information about the structure and the traffic crossing it."

The installation has generated several types of information under random traffic loading, including girder deflections, fundamental vibration frequencies, vehicle speed data, and traffic flow on an hourly basis. To date, the Las Cruces project has achieved notable success in its primary purpose of investigating practical issues in the full-scale application and regular operation of fiber-optic sensors on highway structures. The project has been widely covered in the media and received several awards.

New Mexico State University applied the sensors to the construction of a new concrete bridge in a project co-funded by Advanced Research, NSF, and the New Mexico State Highway and Transportation Department (NMSHTD). The mix design and curing conditions now being used to make high-performance concrete structures may produce unexpectedly high temperatures and stresses during the casting of girders, possibly leading to cracking and major structural failure. Obtaining information on the internal conditions is difficult with conventional temperature or strain gauges because of their fragility.

Forty fiber-optic long-gauge deformation and temperature sensors were embedded in the concrete girders of the Rio Puerco Bridge during casting. These sensors monitored the prestress forces applied to the steel strands in the precast concrete components during and after the steam curing period. One finding was that some design codes considerably overestimate the actual losses. NMSHTD now is planning to use sensors routinely in the construction of concrete bridges in the future. "Building the sensors into new bridges," says Idriss, "enables us to evaluate new high-performance materials and new designs. It also establishes a baseline for long-term monitoring."

Several companies now offer Bragg fiber-optic sensor systems on a commercial basis. Two States (Hawaii and New Mexico) have received funding from the FHWA Innovative Bridge Research and Construction Program. In addition, several other States are considering installation of these systems on new or existing bridges. Fiber-optic systems also have been chosen as the method for measuring expansion in concrete girders under the lithium treatment evaluation program. All these developments indicate that fiber-optic sensor systems have been transferred successfully from Advanced Research to other FHWA programs.

COLLEGE OF ENGINEERING,
OFFICE OF THE DEAN, NEW MEXICO
STATE UNIVERSITY,

Las Cruces, NM, January 8, 2003.

Hon. JEFF BINGAMAN,
U.S. Senator, Hart Building,
Washington, DC.

DEAR SENATOR BINGAMAN: We are writing to express our support for your bill to establish a bridge research center (brc) as a cooperative effort of New Mexico State University and the Oklahoma Transportation Center (Oklahoma State University and the University of Oklahoma). NMSU and OTC desire to work together in a spirit of cooperation as a University Transportation Center. We are bonded together in a desire to provide bridge research leadership for our respective states and the nation.

The purpose of the Bridge Research Center shall be to contribute at a national level to a systems approach to improving the overall performance of bridges. The BRC will emphasize the following:

1. Increase the number of highly skilled individuals entering the field of transportation.
2. Improve the monitoring of the structural health over the life of bridges.
3. Develop innovative technologies for bridge testing and monitoring.
4. Develop technologies and procedures for ensuring bridge safety, reliability and security.
5. Provide training in the methods for bridge inspection and evaluation.

The objective of the BRC is to carry out several programs and activities. Included will be basic and applied research with products judged by peers or other experts to advance the body of knowledge for bridges. An educational program that includes multidisciplinary course work and participation in bridge research. Finally, an ongoing program of technology transfer that makes research results available to potential users in a form that can be implemented.

NMSU and OTC have applied their talents, tools and techniques to solving technological problems with bridges for over 30 years. Our team is well established and maintains cutting-edge expertise. Our team members are recognized and respected at the national and international levels through major accomplishments in bridge testing, monitoring and evaluation.

New Mexico State University has agreed to provide the administrative leadership for the BRC. The research activity of the BRC will be approximately equally divided between New Mexico and Oklahoma.

By the signatures of the representatives of each institution, we pledge our support and commitment to the partnership known as the Bridge Research Center.

GORMAN GILBERT,
Civil and Environmental Engineering,
Oklahoma State University.

THOMAS L. LANDERS,
Associated Dean, University of Oklahoma.

KENNETH R. WHITE,
Interim Dean of Engineering,
New Mexico State University.

NEW MEXICO STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT,
Santa Fe, NM, January 27, 2003.

Hon. JEFF BINGAMAN,
U.S. Senator, Hart Building,
Washington, DC.

DEAR SENATOR BINGAMAN: I am writing to express my support for your bill to establish a Bridge Research Center as a cooperative effort of New Mexico State University and the Oklahoma Transportation Center (Oklahoma State University and the University of Oklahoma). NMSU and OTC desire to provide bridge research leadership for our Nation. The areas of leadership include research and development of techniques and technologies for bridge testing and monitoring, procedures for ensuring bridge safety and security, and curricula to train persons in the methods for bridge inspection and evaluation as one part of increasing the number of highly skilled individuals entering the field of transportation.

I believe it is important for the Bridge Research Center to be established as a University Transportation Center. The New Mexico State Highway and Transportation Department, through our Research Bureau, will work with New Mexico State University to ensure a match for the New Mexico portion of the Bridge Research Center funds.

I appreciate your continued leadership on behalf of transportation in New Mexico and our Nation.

Sincerely,

RHONDA G. FAUGHT,
Cabinet Secretary.

S. 411

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 "Southwest Bridge Research Center Establishment Act of 2003".

SEC. 2. BRIDGE RESEARCH CENTER.

Section 5505 of title 49, United States Code, is amended by adding at the end the following:

"(k) SOUTHWEST BRIDGE RESEARCH CENTER.—

"(1) IN GENERAL.—In addition to the university transportation centers receiving grants under subsections (a) and (b), the Secretary shall provide grants to New Mexico State University, in collaboration with the Oklahoma Transportation Center, to establish and operate a university transportation center to be known as the 'Southwest Bridge Research Center' (referred to in this subsection as the 'Center').

"(2) PURPOSE.—The purpose of the Center shall be to contribute at a national level to a systems approach to improving the overall performance of bridges, with an emphasis on—

- "(A) increasing the number of highly skilled individuals entering the field of transportation;
- "(B) improving the monitoring of structural health over the life of bridges;
- "(C) developing innovative technologies for bridge testing and assessment;
- "(D) developing technologies and procedures for ensuring bridge safety, reliability, and security; and
- "(E) providing training in the methods for bridge inspection and evaluation.

"(3) OBJECTIVES.—The Center shall carry out the following programs and activities:

"(A) Basic and applied research, the products of which shall be judged by peers or

other experts in the field to advance the body of knowledge in transportation.

"(B) An education program that includes multidisciplinary course work and participation in research.

"(C) An ongoing program of technology transfer that makes research results available to potential users in a form that can be implemented.

"(4) MAINTENANCE OF EFFORT.—To be eligible to receive a grant under this subsection, the institution specified in paragraph (1) shall enter into an agreement with the Secretary to ensure that, for each fiscal year after establishment of the Center, the institution will fund research activities relating to transportation in an amount that is at least equal to the average annual amount of funds expended for the activities for the 2 fiscal years preceding the fiscal year in which the grant is received.

"(5) COST SHARING.—

"(A) FEDERAL SHARE.—The Federal share of the cost of any activity carried out using funds from a grant provided under this subsection shall be 50 percent.

"(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activity carried out using funds from a grant provided under this subsection may include funds provided to the recipient under any of sections 503, 504(b), and 505 of title 23.

"(C) ONGOING PROGRAMS.—After establishment of the Center, the institution specified in paragraph (1) shall obligate for each fiscal year not less than \$200,000 in regularly budgeted institutional funds to support ongoing transportation research and education programs.

"(6) PROGRAM COORDINATION.—

"(A) COORDINATION.—The Secretary shall—

- "(i) coordinate the research, education, training, and technology transfer activities carried out by the Center;
- "(ii) disseminate the results of that research; and

- "(iii) establish and operate a clearinghouse for information derived from that research.

"(B) ANNUAL REVIEW AND EVALUATION.—At least annually, and in accordance with the plan developed under section 508 of title 23, the Secretary shall review and evaluate each program carried out by the Center using funds from a grant provided under this subsection.

"(7) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available to carry out this subsection shall remain available for obligation for a period of 2 years after the last day of the fiscal year for which the funds are authorized.

"(8) AMOUNT OF GRANT.—For each of fiscal years 2004 through 2009, the Secretary shall provide a grant in the amount of \$3,000,000 to the institution specified in paragraph (1) to carry out this subsection.

"(9) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$3,000,000 for each of fiscal years 2004 through 2009."

By Mr. KYL (for himself, Mr. MCCAIN, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. CORNYN, and Mr. SCHUMER):

S. 412. A bill to amend the Balanced Budget Act of 1997 to extend and modify the reimbursement of State and local funds expended for emergency health services furnished to undocumented aliens; to the Committee on Finance.

Mr. KYL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 412

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 "Local Emergency Health Services Reimbursement Act of 2003".

SEC. 2. FEDERAL REIMBURSEMENT OF EMERGENCY HEALTH SERVICES FURNISHED TO UNDOCUMENTED ALIENS.

Section 4723 of the Balanced Budget Act of 1997 (8 U.S.C. 1611 note) is amended to read as follows:

"SEC. 4723. FEDERAL REIMBURSEMENT OF EMERGENCY HEALTH SERVICES FURNISHED TO UNDOCUMENTED ALIENS.

"(a) TOTAL AMOUNT AVAILABLE FOR ALLOTMENT.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, \$1,450,000,000 for each of fiscal years 2004 through 2008, for the purpose of making allotments under this section to States described in paragraph (1) or (2) of subsection (b). Funds appropriated under the preceding sentence shall remain available until expended.

"(b) STATE ALLOTMENTS.—

"(1) BASED ON PERCENTAGE OF UNDOCUMENTED ALIENS.—

"(A) IN GENERAL.—Out of the amount appropriated under subsection (a) for each fiscal year, the Secretary shall use \$957,000,000 of such amount to make allotments for each such fiscal year in accordance with subparagraph (B).

"(B) FORMULA.—The amount of the allotment for each State for a fiscal year shall be equal to the product of—

"(i) the total amount available for allotments under this paragraph for the fiscal year; and

"(ii) the percentage of undocumented aliens residing in the State with respect to the total number of such aliens residing in all States, as determined by the Statistics Division of the Immigration and Naturalization Service, as of January 2003, based on the 2000 decennial census.

"(2) BASED ON NUMBER OF UNDOCUMENTED ALIEN APPREHENSION STATES.—

"(A) IN GENERAL.—Out of the amount appropriated under subsection (a) for a fiscal year, the Secretary shall use \$493,000,000 of such amount to make allotments for each such fiscal year for each of the 6 States with the highest number of undocumented alien apprehensions for such fiscal year.

"(B) DETERMINATION OF ALLOTMENTS.—The amount of the allotment for each State described in subparagraph (A) for a fiscal year shall bear the same ratio to the total amount available for allotments under this paragraph for the fiscal year as the ratio of the number of undocumented alien apprehensions in the State in the fiscal year bears to the total of such numbers for all such States for such fiscal year.

"(C) DATA.—For purposes of this paragraph, the highest number of undocumented alien apprehensions for a fiscal year shall be based on the 4 most recent quarterly apprehension rates for undocumented aliens in such States, as reported by the Immigration and Naturalization Service.

"(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as prohibiting a State that is described in both of paragraphs (1) and (2) from receiving an allotment under both paragraphs for a fiscal year.

"(c) USE OF FUNDS.—

"(1) AUTHORITY TO MAKE PAYMENTS.—From the allotments made for a State under sub-

section (b) for a fiscal year, the Secretary shall pay directly to local governments, hospitals, or other providers located in the State (including providers of services received through an Indian Health Service facility whether operated by the Indian Health Service or by an Indian tribe or tribal organization) that provide uncompensated emergency health services furnished to undocumented aliens during that fiscal year, and to the State, such amounts (subject to the total amount available from such allotments) as the local governments, hospitals, providers, or State demonstrate were incurred for the provision of such services during that fiscal year.

"(2) LIMITATION ON STATE USE OF FUNDS.—Funds paid to a State from allotments made under subsection (b) for a fiscal year may only be used for making payments to local governments, hospitals, or other providers for costs incurred in providing emergency health services to undocumented aliens or for State costs incurred with respect to the provision of emergency health services to such aliens.

"(3) INCLUSION OF COSTS INCURRED WITH RESPECT TO CERTAIN ALIENS.—Uncompensated emergency health services furnished to aliens who have been allowed to enter the United States for the sole purpose of receiving emergency health services may be included in the determination of costs incurred by a State, local government, hospital, or other provider with respect to the provision of such services.

"(d) APPLICATIONS; ADVANCE PAYMENTS; REALLOTMENT OF UNUSED FUNDS.—

"(1) DEADLINE FOR ESTABLISHMENT OF APPLICATION PROCESS.—

"(A) IN GENERAL.—Not later than July 31, 2003, the Secretary shall establish a process under which States, local governments, hospitals, or other providers located in the State may apply for payments from allotments made under subsection (b) for a fiscal year for uncompensated emergency health services furnished to undocumented aliens during that fiscal year.

"(B) INCLUSION OF MEASURES TO COMBAT FRAUD.—The Secretary shall include in the process established under subparagraph (A) measures to ensure that fraudulent payments are not made from the allotments determined under subsection (b) or from amounts reallocated under paragraph (3).

"(2) ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.—The process established under paragraph (1) shall allow for making payments under this section for each quarter of a fiscal year on the basis of advance estimates of expenditures submitted by applicants for such payments and such other investigation as the Secretary may find necessary, and for making reductions or increases in the payments as necessary to adjust for any overpayment or underpayment for prior quarters.

"(3) REALLOTMENT OF UNUSED FUNDS.—

"(A) IN GENERAL.—With respect to allotments made under subsection (b) for a fiscal year, the amount of any allotment to a State for a fiscal year that the Secretary determines will not be expended during that fiscal year or the succeeding fiscal year shall be available for reallocation during the second succeeding fiscal year, on such date as the Secretary may determine, to other States with allotments under that subsection that the Secretary determines will use such excess amounts during that second succeeding fiscal year.

"(B) DETERMINATION OF REALLOTMENTS.—Reallotments under subparagraph (A) shall be made in the same manner as allotments are determined under paragraphs (1) and (2) of subsection (b) but only with respect to those States that the Secretary determines

qualify for a reallocation for a fiscal year under that subparagraph.

"(C) TREATMENT.—Any amount reallocated under subparagraph (A) to a State is deemed to be part of its allotment under subsection (b) for the fiscal year in which the reallocation occurs.

"(e) DEFINITIONS.—In this section:

"(1) HOSPITAL.—The term 'hospital' has the meaning given such term in section 1861(e) of the Social Security Act (42 U.S.C. 1395x(e)).

"(2) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms 'Indian tribe' and 'tribal organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act.

"(3) PROVIDER.—The term 'provider' includes a physician, any other health care professional licensed under State law, and any other entity that furnishes emergency health services, including ambulance services.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(5) STATE.—The term 'State' means the 50 States and the District of Columbia.

"(f) ENTITLEMENT.—This section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of amounts provided under this section."

By. Mr. NICKLES:

S. 413. A bill to provide for the fair and efficient judicial consideration of personal injury and wrongful death claims arising out of asbestos exposure, to ensure that individuals who suffer harm, now or in the future, from illnesses caused by exposure to asbestos receive compensation for their injuries, and for other purposes; to the Committee on the Judiciary.

Mr. NICKLES. Mr. President, I rise today to introduce a bill and to speak about a litigation crisis affecting both the overall well-being of our nation and our ability to stimulate economic recovery. I'm speaking of the out-of-control explosion of asbestos litigation.

Asbestos litigation has become a disease in our economy. It threatens to drive scores of companies into bankruptcy. It discourages investment in companies under suit. It drives stock value down. It diverts funds away from expansion and growth. It results in job loss and, in short, it has become an obstacle to economic recovery.

The cost of asbestos litigation and burden on business has been devastating. Over 8,400 companies have been named as defendants in suits. At least \$54 billion has been paid on more than 6000,000 claims. U.S. Insurers have paid over \$22 billion. Insurers outside U.S. have paid \$8-12. Defendant companies have already expended between \$20-24 billion in claims and transaction costs associated with asbestos litigation.

The total cost of asbestos litigation could reach between \$200-265 billion. This is revenue not invested in the economy, not invested in new jobs.

Some companies are hit with multiple suits involving thousands of plaintiffs. The weight of claims and settlements has resulted in an alarming increase in Chapter 11 bankruptcies. Over sixty companies have

filed Chapter 11 bankruptcy due to asbestos claims. This trend toward bankruptcy has had an alarming domino effect. As companies declare Chapter 11 reorganization, the litigation burden shifts to other defendant companies only encouraging them to declare bankruptcy as well.

At least 5 major companies have each spent more than \$1 billion. Thirty-eight of the nations top 100 contractors to the DoD are now asbestos defendants. This crisis threatens to impact our national security industry at the worst possible time in our history. But it also prevents us from aggressively stimulating the economy. The bottom-line is: the cost of litigation and/or bankruptcy siphons away critical business revenue needed for growth and the creation of new jobs. What is frightening, is that only about half the number of potential claimants have come forward thus far. If left unchecked, we have only seen the tip of this crisis.

It's not only business that suffers. Employees of defendant companies suffer a great deal from a damaging ripple effect. The Rand Institute of Civil Justice estimates that 100,000 jobs were not created as a result of asbestos litigation. Bankruptcies related to asbestos litigation have led to 52,000–60,000 people losing their jobs, according to a SEBAGO study. It is estimated that each displaced worker will lose, on average, \$25,000–\$50,000 in wages before finding a job, or in reduced salary following finding a new job.

It does not stop there. Approximately 42 percent of displaced manufacturing workers participate in retraining programs, costing about \$2,000–\$3,000 per worker. Local communities also bear the brunt of job reductions due to asbestos-related lay-offs. It is estimated that there have been between \$.6 and \$2.1 billion in additional indirect local costs and loss. On average, there are eight additional jobs lost locally for every initial job lost. Additional multiplier effects include lowered property values, population decline and lost Federal and State tax revenue.

Those employees fortunate enough not to lose their jobs in asbestos-related cut-backs, also suffer due to the weakened position of their employer. Studies show that reduced stock value in defendant companies results in a 25 percent reduction in employees' 401(k) plan value. The average worker loses, on average \$8,300 in pension devaluation.

This is a situation that has been exploited by the non-injured. Over 65 percent of plaintiffs, estimates as high as 90 percent, have no medical injury, but have filed suit on the basis that they "may" develop illness in the future. To date, most claims have been paid to non-injured claimants. Some plaintiffs' attorneys are signing up thousands of individual plaintiffs onto suits where there may be no evidence of injury or no evidence of exposure to asbestos products. The effect is that the largest portion of the claim pool is being paid

to non-injured claimants. As a result, this adversely affects the ability of truly injured plaintiffs to collect damages. Claimants with malignant injuries are being lost in the stampede of those not injured. There is not only less money for those who really need it, the courts are swamped with a flood of questionable claims. It is not surprising that the U.S. Supreme Court has twice called out for Congress to find a solution.

Congress must indeed act. We must find a solution that both protects the economy and the legal rights of those truly injured by asbestos or who will develop asbestos-related injuries in the future. That is why today I introduce a bill that will not only introduce criteria to reassert some control over an out-of-control litigation process, but will come to the assistance of those truly injured and who need help. It is also intended to put a halt to the severe damage asbestos litigation has been wrecking on our economy, so that we can get on with the process of economic recovery.

My bill, entitled the Asbestos Claims Criteria and Compensation Act of 2003, establishes medical criteria that a claimant must meet prior to filing a suit. It will also toll the statute of limitations, so that those who develop an asbestos-related disease years down the road will still retain their right of legal action. It also will limit abusive venue shopping, but provides an exception of venue choice for those terminally-ill and facing a shortened life expectancy.

In conclusion, I believe this bill offers a reasonable approach to resolving this serious problem. I believe it offers a solid bipartisan approach that many of my colleagues on both sides of the aisle will come to support. If ever we hope to stimulate our economy into recovery and achieve sustained growth, we must also address and eliminate those factors that tend to drag the economy in the opposite direction. Asbestos litigation is one of those inhibitors of the economy, and this bill is a good step toward recovery. I encourage my colleagues to lend their support to this bill and I thank you, Mr. President. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 413

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Asbestos Claims Criteria and Compensation Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.
- Sec. 4. Physical impairment.
- Sec. 5. Procedures; removal.
- Sec. 6. Statute of limitations; two-disease rule.

Sec. 7. Miscellaneous provisions.

Sec. 8. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) asbestos is a mineral that was widely used before the 1980s for insulation, fireproofing, and other purposes;

(2) millions of American workers and others were significantly exposed to asbestos, especially during and after World War II and before the advent of regulation by the Occupational Safety and Health Administration in the early 1970s;

(3) exposure to asbestos has been associated with various types of cancer, including mesothelioma and lung cancer, and such nonmalignant conditions as asbestosis, pleural plaques, and diffuse pleural thickening;

(4) the diseases caused by asbestos have latency periods of up to 40 years or more, but the most serious asbestos-related disease, mesothelioma, is fatal within 1 to 2 years, and other related cancers are often fatal;

(5) although the use of asbestos has dramatically declined since 1980 and workplace exposures have been regulated since 1971 by the Occupational Safety and Health Administration, past exposures will continue to result in significant death and disability from mesothelioma and other cancers well into the 21st century;

(6) exposure to asbestos has created a flood of litigation targeting approximately 8,400 defendant companies in Federal and State courts that the United States Supreme Court has characterized as "an elephantine mass" of cases that "defies customary judicial administration and calls for national legislation," *Ortiz v. Fibreboard Corporation*, 119 S. Ct. 2295, 2302 (1999);

(7) the American Bar Association supports enactment of Federal legislation that would—

(A) allow persons alleging non-malignant asbestos-related disease claims to file a cause of action in Federal or State court only if those persons meet the medical criteria in the "ABA Standard for Non-Malignant Asbestos-Related Disease Claims" dated February 2003 or an appropriate similar medical standard; and

(B) toll all applicable statutes of limitations until such time as the medical criteria in such standard are met;

(8) asbestos personal injury litigation can be unfair and inefficient, imposing a severe burden on litigants and taxpayers alike, in most cases involving defendant companies that were never involved in the production of asbestos;

(9) the extraordinary volume of nonmalignant asbestos cases continues to strain Federal and State courts, with over 200,000 cases pending and over 50,000 new cases filed each year;

(10) asbestos personal injury litigation has already contributed to the bankruptcy of more than 60 companies and the rate of asbestos-driven bankruptcies is accelerating;

(11) the vast majority of asbestos claims are filed by individuals who—

(A) have been exposed to asbestos;

(B) may have some physical sign of exposure; and

(C) suffer no present asbestos-related impairment;

(12) the cost of compensating exposed persons who are not sick—

(A) jeopardizes the ability of defendants to compensate people with cancer and other serious asbestos-related diseases, now and in the future; and

(B) strains the ability of courts to manage the deluge of cases involving nonimpaired plaintiffs;

(13) an estimated 50,000 to 60,000 workers have lost their jobs as a direct result of asbestos litigation and related bankruptcies of

defendant companies and each displaced worker will, on average, lose between \$25,000 and \$50,000 in lost wages;

(14) employees of defendant companies declaring bankruptcy (who are often stockholders of those companies) will, on average, lose 25 percent of the value of their retirement investment under section 401(k) of the Internal Revenue Code of 1986 because of lost stock value;

(15) concerns about statutes of limitations can force claimants who have been exposed to asbestos but who have no current injury to bring premature lawsuits in order to protect against losing their rights to future compensation should those claimants become impaired;

(16) consolidations, joinder, and similar procedures, to which some courts have resorted in order to deal with the mass of asbestos cases, can undermine the appropriate functioning of the judicial process and encourage the filing of thousands of cases by exposed persons who are not yet sick and who may never become sick;

(17) the availability of sympathetic forums in States with no connection to the plaintiff or to the exposures that form the basis of a lawsuit has encouraged the filing of thousands of cases on behalf of exposed persons who are not yet sick and may never become sick;

(18) asbestos litigation, if left unchecked by reasonable congressional intervention, will—

(A) continue to inhibit the economy and run counter to plans to stimulate economic growth and the creation of new jobs;

(B) threaten the savings, retirement benefits, and employment of defendants' current and retired employees;

(C) affect adversely the communities in which these defendants operate; and

(D) impair interstate commerce and national initiatives, including national security; and

(19) the public interest and the interest of interstate commerce requires deferring the claims of exposed persons who are not sick in order to—

(A) preserve, now and for the future, defendants' ability to compensate people who develop cancer and other serious asbestos-related injuries; and

(B) safeguard the jobs, benefits, and savings of American workers and the well-being of the national economy.

(b) PURPOSES.—It is the purpose of this Act to—

(1) give priority to those asbestos claimants who can demonstrate actual physical harm or illness caused by asbestos;

(2) fully preserve the rights of claimants who were exposed to asbestos to pursue compensation should those claimants become sick in the future;

(3) enhance the ability of the Federal and State judicial systems to supervise and control asbestos litigation and asbestos-related bankruptcy proceedings; and

(4) conserve the scarce resources of the defendants, and marshal assets in bankruptcy, to allow compensation of cancer victims and others who are physically harmed by exposure to asbestos while securing the right to similar compensation for those who may suffer physical harm in the future.

SEC. 3. DEFINITIONS.

In this Act:

(1) AMA GUIDES TO THE EVALUATION OF PERMANENT IMPAIRMENT.—The term "AMA Guides to the Evaluation of Permanent Impairment" means the American Medical Association's Guides to the Evaluation of Permanent Impairment (Fifth Edition 2000).

(2) ASBESTOS.—The term "asbestos" includes all minerals defined as "asbestos"

under section 1910 of title 29 of the Code of Federal Regulations.

(3) ASBESTOS CLAIM.—The term "asbestos claim"—

(A) means any claim for damages or other relief presented in a civil action or bankruptcy proceeding, arising out of, based on, or related to the health effects of exposure to asbestos, including loss of consortium and any other derivative claim made by or on behalf of any exposed person or any representative, spouse, parent, child or other relative of any exposed person; and

(B) does not include claims for benefits under a workers' compensation law or veterans' benefits program, or claims brought by any person as a subrogee by virtue of the payment of benefits under a workers' compensation law.

(4) ASBESTOSIS.—The term "asbestosis" means bilateral diffuse interstitial fibrosis of the lungs caused by inhalation of asbestos fibers.

(5) CERTIFIED B-READER.—The term "certified B-reader" means an individual qualified as a "final" or "B-reader" under section 37.51(b) of title 42 of the Code of Federal Regulations.

(6) CIVIL ACTION.—The term "civil action"—

(A) means all suits of a civil nature in Federal or State court, whether cognizable as cases at law or in equity or in admiralty; and

(B) does not include an action relating to any workers' compensation law, or a proceeding for benefits under any veterans' benefits program.

(7) EXPOSED PERSON.—The term "exposed person" means any person whose exposure to asbestos or to asbestos-containing products is the basis for an asbestos claim.

(8) FEV1.—The term "FEV1" means forced expiratory volume in the first second, which is the maximal volume of air expelled in 1 second during performance of simple spirometric tests.

(9) FVC.—The term "FVC" means forced vital capacity, which is the maximal volume of air expired with maximum effort from a position of full inspiration.

(10) ILO SCALE.—The term "ILO Scale" means the system for the classification of chest x-rays set forth in the International Labour Office's Guidelines for the Use of ILO International Classification of Radiographs of Pneumoconioses (1980) as amended by the International Labour Office.

(11) NONMALIGNANT CONDITION.—The term "nonmalignant condition" means any condition that is caused or may be caused by asbestos other than a diagnosed cancer.

(12) PATHOLOGICAL EVIDENCE OF ASBESTOSIS.—The term "pathological evidence of asbestosis" means a statement by a Board-certified pathologist that—

(A) more than 1 representative section of lung tissue uninvolved with any other disease process demonstrates a pattern of peribronchiolar or parenchymal scarring in the presence of characteristic asbestos bodies; and

(B) there is no other more likely explanation for the presence of the fibrosis.

(13) PREDICTED LOWER LIMIT OF NORMAL.—The term "predicted lower limit of normal" for any test means the fifth percentile of healthy populations based on age, height, and gender, as referenced in the AMA Guides to the Evaluation of Permanent Impairment.

(14) RADIOLOGICAL EVIDENCE OF ASBESTOSIS.—The term "radiological evidence of asbestosis" means a chest x-ray showing small, irregular opacities (s,t) graded by a certified B-reader as at least 1/1 on the ILO scale.

(15) RADIOLOGICAL EVIDENCE OF DIFFUSE PLEURAL THICKENING.—The term "radiological evidence of diffuse pleural thick-

ening" means a chest x-ray showing bilateral pleural thickening of at least B2 on the ILO scale and blunting of at least 1 costophrenic angle.

(16) STATE.—The term "State" means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States or any political subdivision of any of the entities under this paragraph.

(17) VETERANS' BENEFITS PROGRAM.—The term "veterans' benefits program" means any program for benefits in connection with military service administered by the Veterans' Administration under title 38, United States Code.

(18) WORKERS' COMPENSATION LAW.—The term "workers' compensation law"—

(A) means a law respecting a program administered by a State or the United States to provide benefits, funded by a responsible employer or an insurance carrier of that employer, for occupational diseases or injuries or for disability or death caused by occupational diseases or injuries;

(B) includes the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) and chapter 81 of title 5, United States Code; and

(C) does not include the Federal Employer's Liability Act (45 U.S.C. 51 et seq.).

SEC. 4. PHYSICAL IMPAIRMENT.

(a) IMPAIRMENT ESSENTIAL ELEMENT OF CLAIM.—Physical impairment of the exposed person, to which asbestos exposure was a substantial contributing factor, shall be an essential element of an asbestos claim. For purposes of this section, cancer shall be presumed to involve physical impairment.

(b) PRIMA FACIE EVIDENCE OF PHYSICAL IMPAIRMENT.—

(1) IN GENERAL.—No person shall bring or maintain a civil action alleging a nonmalignant asbestos claim in the absence of a prima facie showing of physical impairment as a result of a medical condition to which exposure to asbestos was a substantial contributing factor.

(2) REQUIREMENTS OF PRIMA FACIE SHOWING.—A prima facie showing under this subsection shall include all of the following minimum requirements:

(A) PERMANENT RESPIRATORY IMPAIRMENT RATING.—A determination by a qualified physician, on the basis of a medical examination and pulmonary function testing, that the exposed person has a permanent respiratory impairment rating of at least Class 2 as defined by and evaluated under the AMA Guides to the Evaluation of Permanent Impairment.

(B) DIAGNOSIS.—A diagnosis by a qualified physician of asbestosis or diffuse pleural thickening, based at a minimum on pathological evidence of asbestosis, radiological evidence of asbestosis, or radiological evidence of diffuse pleural thickening.

(C) SUBSTANTIAL CONTRIBUTING FACTOR.—A determination by a qualified physician that asbestosis or diffuse pleural thickening (rather than solely chronic obstructive pulmonary disease) is a substantial contributing factor to the exposed person's physical impairment, based at a minimum on a determination that the exposed person has either—

(i) a ratio of FEV1 to FVC that is equal to or greater than the predicted lower limit of normal; or

(ii) a chest x-ray showing small, irregular opacities (s,t) graded by a certified B-reader as at least 2/1 on the ILO scale.

(c) COMPLIANCE WITH TECHNICAL STANDARDS.—

(1) IN GENERAL.—Evidence relating to physical impairment under this section, including pulmonary function testing and diffusing studies, shall comply with—

(A) the technical recommendations for examinations, testing procedures, quality assurance and quality control, and equipment of the AMA Guides to the Evaluation of Permanent Impairment; or

(B) if the AMA Guides to the Evaluation of Permanent Impairment are not applicable, other authoritative standards.

(2) ADJUSTMENTS.—No adjustments with respect to pulmonary function testing shall be made on the basis of race.

(d) NO PRESUMPTION AT TRIAL.—Presentation of prima facie evidence of asbestos-related impairment meeting the requirements of this section shall not result in any presumption at trial that the exposed person is impaired by an asbestos-related condition, and evidence that the exposed person made a prima facie showing of impairment shall not be admissible at trial.

SEC. 5. PROCEDURES; REMOVAL.

(a) CONSOLIDATION.—A court may consolidate for trial any number and type of asbestos claims with consent of all the parties. In the absence of such consent, the court may consolidate for trial only asbestos claims relating to the same exposed person and members of the household of the exposed person.

(b) VENUE.—

(1) IN GENERAL.—A civil action asserting an asbestos claim may only be brought in the State of the plaintiff's domicile or a State in which there occurred exposure to asbestos that is a substantial contributing factor to the physical impairment on which the claim is based.

(2) INAPPLICABILITY.—Paragraph (1) shall not apply to a claim that—

(A) is based upon an exposed person's cancer; and

(B) is filed by an exposed person who is diagnosed with fatal mesothelioma or other asbestos-related cancer by a qualified physician, resulting in a short life expectancy of less than 3 years after the date on which the claim is filed.

(c) PRELIMINARY PROCEEDINGS.—The plaintiff in any civil action involving an asbestos claim shall file with the complaint or other initial pleading a written report and supporting test results constituting prima facie evidence of the exposed person's asbestos-related impairment meeting the requirements of section 4(b). The defendant shall be afforded a reasonable opportunity to challenge the adequacy of the proffered prima facie evidence of asbestos-related impairment. The plaintiff's claim shall be dismissed without prejudice upon a finding of failure to make the required prima facie showing.

(d) REMOVAL.—

(1) IN GENERAL.—If a State court refuses or fails to apply this section, any party in a civil action for an asbestos claim may remove such action to a district court of the United States in accordance with chapter 89 of title 28, United States Code.

(2) JURISDICTION OVER REMOVED ACTIONS.—The district courts of the United States shall have jurisdiction of all civil actions removed under this subsection, without regard to the amount in controversy and without regard to the citizenship or residence of the parties.

(3) REMOVAL BY ANY DEFENDANT.—A civil action may be removed to the district court of the United States under this subsection by any defendant without the consent of all defendants.

(4) REMAND.—The district court shall remand any civil action removed solely under this subsection, unless the court finds that—

(A) the State court failed to comply with procedures prescribed by law; or

(B) the failure to dismiss by the State court lacked substantial support in the record before the State court.

SEC. 6. STATUTE OF LIMITATIONS; TWO-DISEASE RULE.

(a) STATUTE OF LIMITATIONS.—Notwithstanding any other provision of law, with respect to any nonmalignant asbestos claim not barred on the effective date of this Act, the limitations period shall not begin to run until the exposed person discovers, or through the exercise of reasonable diligence should have discovered, that the exposed person is physically impaired by an asbestos-related nonmalignant condition.

(b) TWO-DISEASE RULE.—An asbestos claim arising out of a nonmalignant condition shall be a distinct cause of action from an asbestos claim relating to the same exposed person arising out of asbestos-related cancer. No damages shall be awarded for fear or risk of cancer in any civil action asserting only a nonmalignant asbestos claim.

(c) GENERAL RELEASES FROM LIABILITY PROHIBITED.—No settlement of a nonmalignant asbestos claim concluded after the date of enactment of this Act shall require, as a condition of settlement, release of any future claim for asbestos-related cancer.

SEC. 7. MISCELLANEOUS PROVISIONS.

(a) CONSTRUCTION WITH OTHER LAWS.—This Act shall not be construed to—

(1) affect the scope or operation of any workers' compensation law or veterans' benefit program;

(2) affect the exclusive remedy or subrogation provisions of any such law; or

(3) authorize any lawsuit which is barred by any such provision of law.

(b) CONSTITUTIONAL AUTHORITY.—The Constitutional authority for this Act is contained in Article I, section 8, clause 3 and Article III, section 1 of the Constitution of the United States.

SEC. 8. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act and apply to any civil action asserting an asbestos claim in which trial has not commenced as of that date.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 57—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. WARNER submitted the following resolution; from the Committee on Armed Services; which was referred to the Committee on Rules and Administration:

S. RES. 57

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004, through February 28, 2005, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 2003, through September 30, 2003, under this resolution shall not exceed \$3,594,172.

(b) For the period October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed \$6,328,829.

(c) For the period October 1, 2004, through February 28, 2005, expenses of the committee under this resolution shall not exceed \$2,698,836.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005.

SEC. 4. The Committee on Armed Services is authorized from March 1, 2003, until otherwise provided by law, to expend not to exceed \$10,000 each fiscal year to assist the Senate properly to discharge and coordinate its activities and responsibilities in connection with participation in various interparliamentary institutions and to facilitate the interchange and reception in the United States of members of foreign legislative bodies and prominent officials of foreign governments, foreign armed forces, and intergovernmental organizations.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges or copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 6. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004 through February 28, 2005, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 58—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD DESIGNATE THE WEEK BEGINNING JUNE 1, 2003, AS "NATIONAL CITIZEN SOLDIER WEEK"

Mr. ALLEN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 58

Whereas members of the National Guard and the other reserve components of the Armed Forces perform a vital role in the defense of the United States;

Whereas members of the National Guard and the other reserve components of the Armed Forces make significant personal sacrifices in performing military service when called to active duty; and

Whereas there are over 100,000 members of the National Guard and the other reserve components of the Armed Forces serving on active duty: Now, therefore, be it