XLII of the Standing Rules of the Senate to prohibit employment discrimination in the Senate based on sexual orientation.

AMENDMENT NO. 281

At the request of Ms. STABENOW, her name was added as a cosponsor of amendment No. 281 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 281

At the request of Mr. KOHL, his name was added as a cosponsor of amendment No. 281 proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 281

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of amendment No. 281 proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 281

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 281 proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 281

At the request of Mr. DASCHLE, his name was added as a cosponsor of amendment No. 281 proposed to S. Con. Res. 23, supra.

AMENDMENT NO. 401

At the request of Mr. SPECTER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 401 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 407

At the request of Ms. STABENOW, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 407 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

AMENDMENT NO. 409

At the request of Mr. HARKIN, his name was added as a cosponsor of amendment No. 409 proposed to S. Con. Res. 23, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2004 and including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 708. A bill to redesignate the facility of the United States Postal Service located at 7401 West 100th Place in Bridgeview, Illinois, as the ''Michael J. Healy Post Office Building''; to the Committee on Governmental Affairs.

Mr. DURBIN. Mr. President, today I am introducing legislation to name the U.S. Post Office at 7401 W. 100th Place in Bridgeview, IL after Postal Police Officer Michael Healy.

On June 21, 1981, while guarding the Chicago Main Post Office at Harrison Avenue and Canal Street, Officer Healy's life was senselessly cut short by a random act of violence. Officer Healy was murdered by three assailants in a foiled robbery attempt. Sadly, Michael Healy became the first officer of the Postal Inspection Service to be killed while on duty.

Shortly after his murder, the Postal Inspection Service retired Michael's badge, number 3972. Subsequently, Michael's name was added to the Federal Law Enforcement Memorial in Washington, DC as well as the Law Enforcement Memorial in Springfield, IL.

In 2001, the Northern Illinois Division of the United States Inspection Service honored the 20th anniversary of Michael's death. The Fraternal Order of Police, FOP, has tried for two years to rename the local post office after Officer Healy.

In protecting others, Officer Healy made the ultimate sacrifice. I believe it is fitting to pay tribute to him by designating the postal facility in honor of Michael J. Healy. I think that it is the most appropriate way to recognize and remember a man who gave so much to his family, his friends, the Postal Inspection Service, and his community of Hometown, IL.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. LIEBERMAN, and Mr. LEVIN):

S. 710. A bill to amend the Immigration and Nationality Act to provide that aliens who commit acts of torture, extrajudicial killings, or other specified atrocities abroad are inadmissible and removable and to establish within the Criminal Division of the Department of Justice an Office of Special Investigations having responsibilities under that Act with respect to all alien participants in war crimes, genocide, and the commission of acts of torture and extrajudicial killings abroad; to the Committee on the Judiciary.

Mr. LEAHY. I am pleased today to introduce the Anti-Atrocity Alien Deportation Act of 2003, a bill intended to close loopholes in our immigration laws that have allowed war criminals and human rights abusers to enter and remain in this country. Senator HATCH has joined me in offering this bill, along with Senators LIEBERMAN and LEVIN. In the other body, Representatives MARK FOLEY and GARY ACKERMAN today introduce identical legislation.

Our bill would update the charter of the Justice Department's Office of Special Investigations, OSI, which for years has investigated and has sought justice in the cases of Nazi war criminals who have sought refuge on our shores. It is time to renew the OSI charter to take into account the new generations of war criminals who try to escape justice by living among us.

This bill closely mirrors legislation I had offered that was reported unanimously by the Senate Judiciary Committee last year, and which passed the Senate during the 106th Congress. I hope and expect that, with the help of Senator HATCH and others, this bill will become law during this Congress.

As we introduce this bill, our armed forces are fighting to replace an Iraqi regime that has been marked by its utter disregard for the human rights of its people. We must not fight this war on the one hand, and let human rights abusers from around the world enter our Nation with impunity on the other.

When they learn it is so, the American people are appalled to learn that our country has become a safe haven for those who exercised power in foreign countries to terrorize, rape, murder and torture innocent civilians. A report issued last year by Amnesty International claims that nearly 150 alleged human rights abusers have been identified living here and warns that this number may be as high as 1,000. Meanwhile, an article in the New York Review of Books stated that ''hundreds, if not thousands, of foreign nationals who have been plausibly accused of the most heinous human rights crimes, including torture and assassination, either have lived or still live freely in the U.S.'' [William Schulz, ''The Torturers Among Us,'' New York Review, p. 22, April 25, 2002.]

I introduced a similar version of this bill on May 10, 2001, and the Judiciary Committee reported the bill with a Leahy-Hatch managers' amendment on April 18, 2002. Unfortunately, the bill was subject to an anonymous hold on the Senate floor.

I introduced similar legislation in the 106th Congress and was pleased when the proposal garnered bipartisan support in both the House and the Senate. The legislation passed the Senate on November 5, 1999, as part of S. 1754, the Hatch-Leahy ''Denying Safe Havens to International and War Criminals Act,'' but unfortunately it was not acted on by the House before the end of the 106th Congress. Nevertheless, Representatives FOLEY and ACKERMAN have provided consistent leadership in moving this legislation in the House, by introducing the measure in the 106th Congress as H.R. 2642 and H.R. 3058, in the 107th Congress, as H.R. 1449, and again today.

The problem of human rights abusers seeking and obtaining refuge in this country is real, and requires an effective response with the legal and enforcement changes proposed in this legislation.

For example, three Ethiopian refugees proved in an American court that

Kelbessa Negewo, a former senior government official in the military dictatorship that ruled Ethiopia in the 1970s, engaged in numerous acts of torture and human rights abuses against them when they lived in that country. Negewo oversaw and participated in the torture of opposition political figures in Ethiopia, and then moved to the United States only to work at the same Atlanta hotel as one of his own victims. The court's descriptions of the abuse are chilling, and included whipping a naked woman with a wire for hours and threatening her with death in the presence of several men. The court's award of compensatory and punitive damages in the amount of $1.5 million to the plaintiffs was subsequently affirmed by an appellate court. [See Abebe-Jira v. Negewo, 72 F.3d 844 (11th Cir. 1996).] Yet during the pendency of his appeal of the civil verdict, the Immigration and Naturalization Service granted Negewo citizenship.

This situation is an affront both to the foreign victims of torture who fled here to escape their persecutors, and to the American victims of such torture and their families. As Professor William Aceves of California Western School of Law has noted, this case reveals ''a glaring and troubling limitation in current immigration law and practice. This case is not unique. Other aliens who have committed gross human rights violations have also gained entry into the United States and been granted immigration relief.'' [20 Mich. J. Int'l.L. at 657.]

Indeed, another case actually involves American victims. In 1980, four American churchwomen were raped and murdered by the Salvadoran National Guard. Two former Salvadoran government officials who allegedly covered up the murders currently reside in Florida.

Unfortunately, criminals who wielded machetes and guns against innocent civilians in countries like Haiti, Chile, Yugoslavia and Rwanda have been able to gain entry to the United States through the same doors that we have opened to deserving refugees. We need to lock that door to human rights abusers who seek a safe haven in the United States. To those human rights abusers who are already here, we should promptly show them the door out.

We have unwittingly sheltered the oppressors along with the oppressed for too long. We should not let this situation continue. We waited too long after World War II to focus prosecutorial resources and attention on Nazi war criminals who entered this country on false pretenses, or worse, with the collusion of American intelligence agencies. Thousands of declassified CIA documents were made public last year, as a result of the Nazi War Crimes Disclosure Act that I was proud to help enact in 1998. These documents made clear the extent to which the United States relied upon and helped Nazi war criminals. As Eli M. Rosenbaum, the head of the Justice Department's Office of Special Investigations, noted at the time, ''These files demonstrate that the real winners of the Cold War were Nazi criminals.'' We should not repeat that mistake for other aliens who engaged in human rights abuses before coming to the United States. We need to focus the attention of our law enforcement investigators to prosecute and deport those who have committed atrocities abroad and who now enjoy safe harbor in the United States.

When I first introduced this bill, the Rutland Daily Herald in Vermont editorialized that:

> For the U.S. commitment to human rights to mean anything, U.S. policies must be strong and consistent. It is not enough to denounce war crimes in Bosnia and Kosovo or elsewhere and then wink as the perpetrators of torture and mass murder slip across the border to find a home in America. (October 31, 1999)

The Clinton Administration recognized the deficiencies in our laws. One Clinton Administration witness testified in February 2000 that:

> The Department of Justice supports efforts to enhance our ability to remove individuals who have committed acts of torture abroad. The department also recognizes, however, that our current immigration laws do not provide strong enough bars for human rights abusers. . . . Right now, only three types of human rights abuse could prevent someone from entering or remaining in the United States. The types of prohibited conduct include: (1) genocide; (2) particularly severe violations of religious freedom; and (3) Nazi persecutions. Even these types of conduct are narrowly defined. [Hearing on H.R. 3058, ''Anti-Atrocity Alien Deportation Act,'' before the Subcomm. on Immigration and Claims of the House Comm. On the Judiciary, 106th Cong., 2d Sess., Feb. 17, 2000 (Statement of James E. Costello, Associate Deputy Attorney General).]

The Anti-Atrocity Alien Deportation Act would provide a stronger bar to human rights abusers and close loopholes in our current laws. The Immigration and Nationality Act (INA) currently provides that (i) participants in Nazi persecutions during the time period from March 23, 1933 to May 8, 1945, (ii) aliens who engaged in genocide, and (iii) aliens who committed particularly severe violations of religious freedom, are both inadmissable to the United States and removable. [See 8 U.S.C. §1182(a)(2)(G) & (3)(E) and §1227(a)(4)(D).] This bill would expand the grounds for inadmissibility and deportation to: (1) add new bars for aliens who have engaged in acts, outside the United States, of ''torture'' and ''extrajudicial killing,'' and (2) remove limitations on the current bases for ''genocide'' and ''particularly severe violations of religious freedom.''

The definitions for the new bases of ''torture'' and ''extrajudicial killing'' are derived from the Torture Victim Protection Act, which implemented the United Nations' ''Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.'' These definitions are therefore already sanctioned by the Congress. The bill incorporates the definition of ''torture'' codified in the federal criminal code, 18 U.S.C. §2340, which prohibits:

> an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control.'' [18 U.S.C. §2340(1).]

''Severe mental pain or suffering'' is further defined to mean:

> prolonged mental harm caused by or resulting from (A) the intentional infliction or threatened infliction of severe physical pain or suffering; (B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality; and (C) the threat of imminent death; or (D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality. [18 U.S.C. §2340(2).]

The Torture Victim Protection Act also included a definition for ''extrajudicial killing.'' Specifically, this law establishes civil liability for wrongful death against any person ''who, under actual or apparent authority, or color of law, of any foreign nation . . . subjects an individual to extrajudicial killing,'' which is defined to mean ''a deliberated killing not authorized by a previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples. This term, however, does not include any such killing that, under international law, is lawfully carried out under the authority of a foreign nation.''

The bill would not only add the new grounds for inadmissibility and deportation, it would expand two of the current grounds. First, the current bar to aliens who have ''engaged in genocide'' defines that term by reference to the ''genocide'' definition in the Convention on the Prevention and Punishment of the Crime of Genocide. [8 U.S.C. 1182(a)(3)(E)(ii).] For clarity and consistency, the bill would substitute instead the definition in the federal criminal code, 18 U.S.C. §1091(a), which was adopted pursuant to the U.S. obligations under the Genocide Convention. The bill would also broaden the reach of the provision to apply not only to those who ''engaged in genocide,'' as in current law, but also to cover any alien who has ordered, incited, assisted or otherwise participated in genocide. This broader scope will ensure that the genocide provision addresses a more appropriate range of levels of complicity.

Second, the current bar to aliens who have committed ''particularly severe violations of religious freedom,'' as defined in the International Religious Freedom Act of 1998 (IRFA), limits its application to foreign government officials who engaged in such conduct within the last 24 months, and also bars from admission the individual's

spouse and children, if any. This bill would delete the reference to prohibited conduct occurring within a 24-month period since this limitation is not consistent with the strong stance of the United States to promote religious freedom throughout the world. As Professor Aceves has written:

This provision is unduly restrictive . . . The 24-month time limitation for this prohibition is also unnecessary. A perpetrator of human rights atrocities should not be able to seek absolution by merely waiting two years after the commission of these acts. [William J. Aceves, supra, 20 Mich. J. Int'l L., at 683.]

In addition, the bill would remove the current bar to admission for the spouse or children of a violator of religious freedom. This is a serious sanction that should not apply to individuals because of familial relationships that are beyond their control. The purpose of these amendments is to make those who have participated in atrocities accountable for their actions. That purpose is not served by holding the family members of such individuals accountable for the offensive conduct over which they had no control.

Under current law, most aliens who are inadmissible may receive a waiver under section 212(d)(3) of the INA to enter the nation as a nonimmigrant, where the Secretary of State recommends it and the Attorney General approves. Participants in Nazi persecutions or genocide, however, are not eligible for such a waiver. Our bill retains that provision. It does not, however, ban waivers for those who commit acts of torture or extrajudicial killings. I would hope that such waivers are used sparingly and only under the most compelling of circumstances.

Of course, changing the law to address the problem of human rights abusers seeking entry and remaining in the United States is only part of the solution. We also need effective enforcement. As one expert noted:

[s]trong institutional mechanisms must be established to implement this proposed legislation. At present, there does not appear to be any agency within the Department of Justice with the specific mandate of identifying, investigating and prosecuting modern day perpetrators of human rights atrocities. The importance of establishing a separate agency for this function can be seen in the experiences of the Office of Special Investigations. 20 Mich. J. Int'l L., at 689.

Our country has long provided the template and moral leadership for dealing with Nazi war criminals. The Justice Department's specialized unit, OSI, which was created to hunt down, prosecute and remove Nazi war criminals who had slipped into the United States among their victims under the Displaced Persons Act, is an example of effective enforcement. Since OSI was created in 1979, more than 60 Nazi persecutors have been stripped of U.S. citizenship, almost 50 such individuals have been removed from the United States, and more than 150 have been denied entry.

OSI was created almost 35 years after the end of World War II and it remains authorized only to track Nazi war criminals. Specifically, when Attorney General Civiletti, by a 1979 Attorney General order, established OSI within the Criminal Division of the Department of Justice, that office was directed to conduct all ''investigative and litigation activities involving individuals, who prior to and during World War II, under the supervision of or in association with the Nazi government of Germany, its allies, and other affiliated governments, are alleged to have ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion.'' (Attorney Gen. Order No. 851–79). The OSI's mission continues to be limited by that Attorney General Order.

I believe it is time to reward the tremendous work that OSI has done by expanding its mission to ensure effective enforcement against war criminals of all stripes.

Little is being done about the new generation of international human rights abusers and war criminals living among us, and these delays are costly. As any prosecutor knows instinctively, such delays make documentary and testimonial evidence more difficult to obtain. Stale cases are the hardest to make. We should not repeat the mistake of waiting decades before tracking down war criminals and human rights abusers who have settled in this country. War criminals should find no sanctuary in loopholes in our current immigration policies and enforcement, and should never come to believe that they will find safe harbor in the United States.

The Anti-Atrocity Alien Deportation Act would amend the INA, 8 U.S.C. § 1103, by directing the Attorney General to establish an Office of Special Investigations (OSI) within the Department of Justice with authorization to denaturalize any alien who has participated in Nazi persecution, torture, extrajudicial killing or genocide abroad. Not only would the bill provide statutory authorization for OSI, it would also expand its jurisdiction to deal with any alien who participated in torture, extrajudicial killing and genocide abroad not just Nazis.

The success of OSI in hunting Nazi war criminals demonstrates the effectiveness of centralized resources and expertise in these cases. The knowledge of the people, politics and pathologies of particular regimes engaged in genocide and human rights abuses is often necessary for effective prosecutions of these cases and would best be accomplished by the concentrated efforts of a single office, rather than in piecemeal litigation around the country or in offices that have more diverse missions.

These are the sound policy and practical reasons that experts in this area recommend that the United States ''establish an office in the Justice Department similar to the one that has tracked Nazi war criminals, with an exclusive mandate to carry out the task of investigation [of suspected human rights abusers].'' [William Schulz, supra, at p. 24.]

I appreciate that this part of the legislation has in the past proven controversial within the Department of Justice, but others have concurred in my judgment that the OSI is an appropriate component of the Department to address the new responsibilities proposed in this bill. Professor Aceves, who has studied these matters extensively, has concluded that the OSI's ''methodology for pursuing Nazi war criminals can be applied with equal rigor to other perpetrators of human rights violations. As the number of Nazi war criminals inevitably declines, the OSI can begin to enforce U.S. immigration laws against perpetrators of genocide and other gross violations of human rights.'' 20 Mich. J. Int'l. 657.

Unquestionably, the need to bring Nazi war criminals to justice remains a matter of great importance. Funds would not be diverted from the OSI's current mission instead, additional resources are authorized in the bill to cover the costs of the Office's expanded duties.

Significantly, the bill further directs the Attorney General, in determining what action to take against a human rights abuser seeking entry into or found within the United States, to consider whether a prosecution should be brought under U.S. law or whether the alien should be deported to a country willing to undertake such a prosecution. Despite ratifying the Convention Against Torture in 1994 and adopting a new law making torture anywhere in the world a crime, federal law enforcement has not used this authority. In fact, one recent observer noted that ''the U.S. has never prosecuted a suspected torturer; nor has it ever extradited one under the Convention Against Torture, although it has surrendered one person to the International Criminal Tribunal for Rwanda.'' [William Schulz, supra, at p. 23 - 24.]

As one human rights expert has noted:

''The justifiable outrage felt by many when it is discovered that serious human rights abusers have found their way into the United States may lead well-meaning people to call for their immediate expulsion. Such individuals certainly should not be enjoying the good life America has to offer. But when we ask the question 'where should they be?' the answer is clear: they should be in the dock. That is the essence of accountability, and it should be the central goal of any scheme to penalize human rights abusers.'' [Hearing on H.R. 5238, ''Serious Human Rights Abusers Accountability Act,'' before the Subcomm. on Immigration and Claims of the House Comm. On the Judiciary, 106th Cong., 2d Sess., Sept. 28, 2000 (Statement of Elisa Massimino, Director, Washington Office, Lawyers Committee For Human Rights).]

Finally, the bill directs the Attorney General to report to the Judiciary Committees of the Senate and House on implementation of the new requirements in the bill, including procedures for referral of matters to the OSI, any

revisions made to immigration forms to reflect amendments made by the bill, and the procedures developed, with adequate due process protection, to obtain sufficient evidence and determine whether an alien is deemed inadmissible under the bill.

I urge my colleagues in the Senate again to give their approval to this bill, and for the House to help us finally make it law. I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 710

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 ''Anti-Atrocity Alien Deportation Act of 2003''.

SEC. 2. INADMISSIBILITY AND DEPORTABILITY OF ALIENS WHO HAVE COMMITTED ACTS OF TORTURE OR EXTRAJUDICIAL KILLINGS ABROAD.

(a) INADMISSIBILITY.—Section 212(a)(3)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)) is amended—

(1) in clause (ii), by striking ''has engaged in conduct that is defined as genocide for purposes of the International Convention on the Prevention and Punishment of Genocide is inadmissible'' and inserting ''ordered, incited, assisted, or otherwise participated in conduct outside the United States that would, if committed in the United States or by a United States national, be genocide, as defined in section 1091(a) of title 18, United States Code, is inadmissible'';

(2) by adding at the end the following:

''(iii) COMMISSION OF ACTS OF TORTURE OR EXTRAJUDICIAL KILLINGS.—Any alien who, outside the United States, has committed, ordered, incited, assisted, or otherwise participated in the commission of—

''(I) any act of torture, as defined in section 2340 of title 18, United States Code; or

''(II) under color of law of any foreign nation, any extrajudicial killing, as defined in section 3(a) of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note);

is inadmissible.''; and

(3) in the subparagraph heading, by striking ''PARTICIPANTS IN NAZI PERSECUTION OR GENOCIDE'' and inserting ''PARTICIPANTS IN NAZI PERSECUTION, GENOCIDE, OR THE COMMISSION OF ANY ACT OF TORTURE OR EXTRAJUDICIAL KILLING''.

(b) DEPORTABILITY.—Section 237(a)(4)(D) of such Act (8 U.S.C. 1227(a)(4)(D)) is amended—

(1) by striking ''clause (i) or (ii)'' and inserting ''clause (i), (ii), or (iii)''; and

(2) in the subparagraph heading, by striking ''ASSISTED IN NAZI PERSECUTION OR ENGAGED IN GENOCIDE'' and inserting ''PARTICIPATED IN NAZI PERSECUTION, GENOCIDE, OR THE COMMISSION OF ANY ACT OF TORTURE OR EXTRAJUDICIAL KILLING''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to offenses committed before, on, or after the date of the enactment of this Act.

SEC. 3. INADMISSIBILITY AND DEPORTABILITY OF FOREIGN GOVERNMENT OFFICIALS WHO HAVE COMMITTED PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

(a) GROUND OF INADMISSIBILITY.—Section 212(a)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(G)) is amended to read as follows:

''(G) FOREIGN GOVERNMENT OFFICIALS WHO HAVE COMMITTED PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—Any alien who, while serving as a foreign government official, was responsible for or directly carried out, at any time, particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402), is inadmissible.''.

(b) GROUND OF DEPORTABILITY.—Section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)) is amended by adding at the end the following:

''(E) PARTICIPATED IN THE COMMISSION OF SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—Any alien described in section 212(a)(2)(G) is deportable.''.

SEC. 4. WAIVER OF INADMISSIBILITY.

Section 212(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)) is amended—

(1) in subparagraph (A), by striking ''and 3(E)'' and inserting ''and clauses (i) and (ii) of paragraph (3)(E)''; and

(2) in subparagraph (B), by striking ''and 3(E)'' and inserting ''and clauses (i) and (ii) of paragraph (3)(E)''.

SEC. 5. BAR TO GOOD MORAL CHARACTER FOR ALIENS WHO HAVE COMMITTED ACTS OF TORTURE, EXTRAJUDICIAL KILLINGS, OR SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) by striking the period at the end of paragraph (8) and inserting ''; and''; and

(2) by adding at the end the following:

''(9) one who at any time has engaged in conduct described in section 212(a)(3)(E) (relating to assistance in Nazi persecution, participation in genocide, or commission of acts of torture or extrajudicial killings) or 212(a)(2)(G) (relating to severe violations of religious freedom).''.

SEC. 6. ESTABLISHMENT OF THE OFFICE OF SPECIAL INVESTIGATIONS.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

''(h)(1) The Attorney General shall establish within the Criminal Division of the Department of Justice an Office of Special Investigations with the authority to detect and investigate, and, where appropriate, to take legal action to denaturalize any alien described in section 212(a)(3)(E).

''(2) The Attorney General shall consult with the Secretary of the Department of Homeland Security in making determinations concerning the criminal prosecution or extradition of aliens described in section 212(a)(3)(E).

''(3) In determining the appropriate legal action to take against an alien described in section 212(a)(3)(E), consideration shall be given to—

''(A) the availability of criminal prosecution under the laws of the United States for any conduct that may form the basis for removal and denaturalization; or

''(B) the availability of extradition of the alien to a foreign jurisdiction that is prepared to undertake a prosecution for such conduct.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out the additional duties established under section 103(h) of the Immigration and Nationality Act (as added by this Act) in order to ensure that the Office of Special Investigations fulfills its continuing obligations regarding Nazi war criminals.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 7. REPORT ON IMPLEMENTATION OF THE ACT.

Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Homeland Security, shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on implementation of this Act that includes a description of—

(1) the procedures used to refer matters to the Office of Special Investigations and other components within the Department of Justice and the Department of Homeland Security in a manner consistent with the amendments made by this Act;

(2) the revisions, if any, made to immigration forms to reflect changes in the Immigration and Nationality Act made by the amendments contained in this Act; and

(3) the procedures developed, with adequate due process protection, to obtain sufficient evidence to determine whether an alien may be inadmissible under the terms of the amendments made by this Act.

Mrs. DOLE. Mr. President, I rise today to introduce legislation to award the Congressional Gold Medal to The Right Honorable Tony Charles Lynton Blair, Prime Minister of Great Britain, First Lord of the Treasury and Minister for the Civil Service.

For more than two centuries, Congress has expressed public gratitude on behalf of the Nation for the notable contributions of individuals and of groups through the Congressional Gold Medal. Congress created this honor as its highest expression of national appreciation for distinguished achievement and contributions.

Originally bestowed upon military leaders, the first Congressional Gold Medal was awarded to George Washington by the Continental Congress on March 25, 1776, for his heroic service in the Revolutionary War. In the two centuries since the medal was first awarded, Congressional Gold Medal recipients have transcended nationality, country and politics. In addition to modern military leaders including General Douglas MacArthur and General Colin Powell, this award has recognized the extraordinary character and efforts of such world leaders as Mother Teresa, Pope John Paul II, and Prime Minister Winston Churchill, another British wartime leader.

In the year and a half since September 11, 2001, and particularly over the course of recent weeks, Prime Minister Blair has exhibited extraordinary courage in the war against terror. With steadfast and unwavering resolve, he has held firm to his principles without regard to, indeed in spite of, the shifting political winds. Again and again, he has been called on to demonstrate his recognition that tyrannical dictators cannot be allowed to terrorize their citizens and neighbors, or the world community.

In the process, Prime Minister Blair has proven to be one of the strongest and most distinguished allies of the United States in our efforts to rid the world of terrorists, and to bring to justice the corrupt regimes that support them. Great Britain has long been a trusted ally of our Nation; however,

Prime Minister Blair has gone beyond friendship to demonstrate true leadership for his nation and for Europe.

In the 18th century, English philosopher Edmund Burke once said, ''The only thing necessary for the triumph of evil is for good men to do nothing.'' How poignant and how true that remains today.

It is clear that Prime Minister Blair understands the truth in these words, and that true leaders often hold lonely positions when they forgo the political expedient to stand for what is right.

Last week, a British newspaper editorialized about Prime Minister Blair's lonely struggle. ''Mr. Blair has not shrunk from debate,'' said The Independent, a newspaper that has frequently and loudly criticized the Prime Minister in the past. ''He has taken the argument to all quarters of his restive party. He has allowed the Commons its say. And despite all the doubts about this war, Mr. Blair has shown himself in the past few days to be at once the most formidable politician in the country and the right national leader for these deeply uncertain times.''

These are uncertain, but defining, times. America suffers with Great Britain during the struggles in Iraq. And we mourn together the loss of the brave individuals who dedicate their lives to defending freedom. The courage of the coalition forces in the theater, their skill and bravery on the front lines, the dedication and patriotism of their families at home, all extends back to their leaders.

Prime Minister Blair has had the vision to see that Saddam Hussein is a dangerous man who continues to pose a threat to the region's stability, to his own people, and to the world through his sponsorship of terror.

The liberation of Iraq will be the beginning, not the end, of our commitment to the people of Iraq. We will work together to supply humanitarian relief and strive for the long-term recovery of Iraq's economy.

In this effort to bring freedom to a nation of people who have thirsted for relief from terror, Prime Minister Blair has taken a courageous and principled stand before the world. The simple lesson learned, the lesson Prime Minister Blair personifies, is that evil must be checked.

History will be a kind judge of Tony Blair, for great leaders are remembered well when they stand by their convictions, especially when those stands are tested in the face of adversity, during times of conflict and strife. In such times of testing, we take the measure of our leaders, our institutions, and ourselves.

Prime Minister Blair's character has proven strong and he deserves nothing less than our highest accolades.

That is why I am proud and honored today to introduce legislation to award the Congressional Gold Medal to Prime Minister Blair, and to thank him, on the floor on this Chamber, for his steadfast stand against evil.

I encourage my colleagues to recognize Prime Minister Blair for the courage of his convictions by joining in support of this legislation.

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. 709

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

SECTION 1. FINDING.

Congress finds that Prime Minister Tony Blair of the United Kingdom has clearly demonstrated, during a very trying and historic time for our 2 countries, that he is a staunch and steadfast ally of the United States of America.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design, to Prime Minister Tony Blair, in recognition of his outstanding and enduring contributions to maintaining the security of all freedom-loving nations.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 3 shall be deposited into the United States Mint Public Enterprise Fund.

By Mr. MCCAIN (for himself, Mr. GRAHAM of South Carolina, Mr. CHAMBLISS, and Mr. ALLEN):

S. 711. A bill to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized; read the first time.

By Mr. MCCAIN (for himself, Mr. GRAHAM of South Carolina, Mr. CHAMBLISS, and Mr. ALLEN):

S. 712. A bill to amend title 10, United States Code, to provide Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training; read the first time.

By Mr. MCCAIN (for himself, Mr. ALLEN, Mr. GRAHAM of South Carolina, and Mr. CHAMBLISS):

S. 718. A bill to provide a monthly allotment of free telephone calling time to members of the United States armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan; read the first time.

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

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

S. 711

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

SECTION 1. PAYMENT OF SELECTED RESERVE REENLISTMENT BONUS TO MEMBERS OF SELECTED RESERVE WHO ARE MOBILIZED.

Section 308b of title 37, United States Code, is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) PAYMENT TO MOBILIZED MEMBERS.—In the case of a member entitled to a bonus under this section who is called or ordered to active duty, any amount of such bonus that is payable to the member during the period of active duty of the member shall be paid the member during that period of active duty, notwithstanding the service of the member on active duty pursuant to such call or order to active duty.''.

S. 712

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

SECTION 1. SURVIVOR BENEFIT PLAN ANNUITIES FOR SURVIVING SPOUSES OF RESERVES NOT ELIGIBLE FOR RETIREMENT WHO DIE FROM A CAUSE INCURRED OR AGGRAVATED WHILE ON INACTIVE-DUTY TRAINING.

(a) SURVIVING SPOUSE ANNUITY.—Paragraph (1) of section 1448(f) of title 10, United States Code, is amended to read as follows:

''(1) SURVIVING SPOUSE ANNUITY.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of—

''(A) a person who is eligible to provide a reserve-component annuity and who dies—

''(i) before being notified under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay; or

''(ii) during the 90-day period beginning on the date he receives notification under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay if he had not made an election under subsection (a)(2)(B) to participate in the Plan; or

''(B) a member of a reserve component not described in subparagraph (A) who dies from an injury or illness incurred or aggravated in line of duty during inactive-duty training.''.

(b) CONFORMING AMENDMENT.—The heading for subsection (f) of section 1448 of such title

is amended by inserting ''OR BEFORE'' after ''DYING WHEN''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of September 10, 2001, and shall apply with respect to performance of inactive-duty training (as defined in section 101(d) of title 10, United States Code) on or after that date.

S. 718

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 ''Troops Phone Home Free Act of 2003''.

SEC. 2. PURPOSE.

It is the purpose of this Act to support the morale of the brave men and women of the United States armed services stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan (as determined by the Secretary of Defense) by giving them the ability to place calls to their loved ones without expense to them.

SEC. 3. FINDINGS.

The Congress finds the following:

(1) The armed services of the United States are the finest in the world.

(2) The members of the armed services are bravely placing their lives in danger to protect the security of the people of the United States and to advance the cause of freedom in Iraq.

(3) Their families and loved ones are making sacrifices at home in support of the members of the armed services abroad.

(4) Telephone contact with family and friends provides significant emotional and psychological support to them and helps to sustain and improve morale.

SEC. 4. DEPARTMENT OF DEFENSE TELECOMMUNICATIONS BENEFIT.

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Secretary of Defense shall provide prepaid phone cards, or an equivalent telecommunications benefit which includes access to telephone service, to members of the armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan (as determined by the Secretary) to enable them to make telephone calls to family and friends in the United States without cost to the members.

(b) MONTHLY AMOUNT.—The value of the benefit provided by subsection (a) shall not exceed $40 per month per person.

(c) END OF PROGRAM.—The program established by subsection (a) shall terminate on the date that is 60 days after the date on which the Secretary determines that Operation Iraqi Freedom has ended.

(d) FUNDING.

(1) USE OF EXISTING RESOURCES.—In carrying out this section, the Secretary shall maximize the use of existing Department of Defense telecommunications programs and capabilities, private support organizations, and programs to enhance morale and welfare.

(2) USE OF APPROPRIATED FUNDS.—In addition to resources described in paragraph (1) and notwithstanding any limitation on the expenditure or obligation of appropriated amounts, the Secretary may use available funds appropriated to or for the use of the Department of Defense that are not otherwise obligated or expended to carry out this section.

SEC. 5. DEPLOYMENT OF ADDITIONAL TELEPHONE EQUIPMENT.

The Secretary of Defense shall work with telecommunications providers to facilitate the deployment of additional telephones for use in calling the United States under this Act as quickly as practicable, consistent with the availability of resources and without compromising the Department's military objectives and mission.

By Mr. WYDEN (for himself and Mr. SMITH):

S. 714. A bill to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, I rise today, with my friend and colleague Senator SMITH of Oregon, to introduce legislation to improve the management of and recreational access to the Oregon Dunes National Recreation Area in Douglas County, OR.

For the small, rural, coastal community of Winchester Bay in Douglas County, OR, this piece of legislation is critical. Hit first in the early 90's with a steep downturn in the timber economy, closely followed by a near shutdown of the fishing industry, this community found itself on the brink of economic ruin. The final blow came in March of 2000 when the major employer, International Paper, closed its paper mill, putting 300 residents out of work and sending an economic shockwave through the community that impacted the city, the school district, the hospital district, and literally every resident in the area.

Yet, since that time, Winchester Bay, OR has adopted a ''never give up'' attitude, changed its long term outlook, and focused its efforts on developing a thriving tourist industry. The bill I introduce today directs the Secretary of the Interior to convey approximately 68.5 acres from the Bureau of Land Management, BLM, in Douglas County, OR, to Douglas County to be managed for open space and for recreational purposes. The acreage is located just west of tourist and recreational area developments already owned and run by Douglas County. The County will use the land to provide a staging area for off-highway vehicles, thereby improving management of the Oregon Dunes National Recreation Area. The land transfer also facilitates the policing of unlawful camping and parking along Salmon Harbor Drive and adjacent areas. This land transfer will improve tourism on Oregon's economically challenged South Coast, as well as improve public safety and reduce traffic congestion along Salmon Harbor Drive.

This legislation is supported by the entire Oregon delegation. It is also supported by the BLM, Douglas County Commissioners, and the community of Winchester Bay. An identical bill was introduced in the last Congress by Representative DEFAZIO, though the 107th Congress ended before both houses could pass it. Representative DEFAZIO reintroduced this land transfer legislation in the 108th Congress, H.R. 514, in the House of Representatives.

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.

S. 714

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

SECTION 1. CONVEYANCE OF BUREAU OF LAND MANAGEMENT LAND IN DOUGLAS COUNTY, OREGON.

(a) IN GENERAL.—

(1) CONVEYANCE.—The Secretary of the Interior shall convey, without consideration, to Douglas County, Oregon (referred to in this section as the ''County''), all right, title, and interest of the United States in and to the parcel described in paragraph (2) for use by the County for recreational purposes.

(2) PARCEL.—The parcel referred to in paragraph (1) is the parcel of real property consisting of approximately 68.8 acres under the administrative jurisdiction of the Bureau of Land Management in the County, as depicted on the map entitled ''Umpqua River Lighthouse and Coast Guard Museum Master Plan Study'', dated April 17, 2002.

(b) PURPOSES OF CONVEYANCE.—The purposes of the conveyance under subsection (a) are to improve management of and recreational access to the Oregon Dunes National Recreation Area by—

(1) improving public safety and reducing traffic congestion along Salmon Harbor Drive (County Road No. 251) in the County;

(2) providing a staging area for off-highway vehicles; and

(3) facilitating policing of unlawful camping and parking along Salmon Harbor Drive and adjacent areas.

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines that the parcel conveyed under subsection (a) is not being used by the County for a recreational purpose—

(A) all right, title, and interest in and to the parcel, including any improvements on the parcel, shall revert to the United States; and

(B) the United States shall have the right of immediate entry onto the parcel.

(2) DETERMINATION ON THE RECORD.—Any determination of the Secretary under this subsection shall be made on the record after an opportunity for an agency hearing.

(d) SURVEY.—The exact acreage and legal description of the parcel to be conveyed under subsection (a) shall be determined by a survey—

(1) that is satisfactory to the Secretary; and

(2) the cost of which shall be paid by the County.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

By Mr. GRAHAM of South Carolina (for himself, Mr. MCCAIN, and Mr. CHAMBLISS):

S. 715. A bill to amend title 10, United States Code, to repeal the calendar year limitations on the use of commissary stores by certain reserves and others; to the Committee on Armed Services.

Mr. GRAHAM of South Carolina. 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. 715

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

SECTION 1. REPEAL OF CALENDAR YEAR LIMITATIONS ON USE OF COMMISSARY STORES BY CERTAIN RESERVES AND OTHERS.

(a) MEMBERS OF THE READY RESERVE.—Section 1063(a) of title 10, United States Code, is amended by striking the period at the end of the first sentence and all that follows and inserting ''in that calendar year.''.

(b) CERTAIN OTHER PERSONS.—Section 1064 of such title is amended by striking ''for 24 days each calendar year''.

By Ms. LANDRIEU:

S. 716. A bill to amend the Federal Power Act to improve the electricity transmission system of the United States; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, today I introduce the ''Federal Power Act Amendment of 2003.'' This bill is intended to ensure for the future the two things that matter most to all electricity customers: affordable electricity and reliable electricity.

Electricity users, my constituents and your constituents, wake up in the morning, flip a switch and expect their lights to turn on. They also expect that each month when their electricity bill arrives in the mail that they'll pay a reasonable price for that service. Customers don't care where the electrons come from or what new scheme the Federal Energy Regulatory Commission has in mind for the electricity industry or really much of anything else. And frankly, as a representative of nearly four and a half million people in my home State of Louisiana, affordable and reliable electricity are my primary concerns when it comes to electricity policy, and that is the purpose for which I offer legislation today.

Electricity prices in Louisiana, and throughout the Southeast for that matter, are some of the lowest in the nation. According to the North American Electric Reliability Council's most recent reliability assessment report, the Southeast region is expected to enjoy, at least for the near term, ''adequate delivery capacity to support forecast demand and energy requirements under normal and contingency conditions.'' In other words, electricity customers in the Southeast should expect to continue to enjoy reliable electric service over the short run. My concern, however, is about the future of retail electricity service in my State.

There are several specific areas of concern that I have and that I attempt to address in the legislation being offered today.

First, the current balance between State and Federal jurisdiction, which has worked exceedingly well in my home State to provide low-cost and reliable electric service, is in jeopardy. Retail transactions, regulated by State public utility commissions, have historically comprised 90 percent of most utilities' transactions and continue to do so in a majority of States that have not restructured their electricity markets. In fact, there is not a single State in the Southeast with the exception of Virginia that has authorized retail competition. Yet, customers in our region of the country enjoy some of the lowest priced electricity service.

The Federal Energy Regulatory Commission or FERC, however, has issued a proposed rule that would strip States of much of their current jurisdiction over retail electric service, including the transmission component of bundled retail sales. In so doing, FERC would dramatically impair the ability of States to use retail ratemaking to attain local policy goals and to continue to ensure low costs for retail customers. It would also prohibit States from ensuring that retail customers are given a priority for electricity service. As a result, in the event that supplies are tight, retail customers could lose the right to priority service.

FERC's proposed plan is a one-size-fits-all scheme on the entire country based on a model that closely resembles the one in place in New Jersey, much of Pennsylvania and Maryland. This model may work well in the Northeast, but it has never been tested or proven viable in any other part of the country. In fact, in a study performed by the consulting firm, Charles River Associates, it was concluded that there is ''considerable uncertainty as to whether [the FERC's proposed plan] would provide greater benefits to the southeast than the implementation costs.'' In Louisiana, and I'm sure in many other States throughout the Southeast and across the country, customers are happy with their electric service. So I ask, what's wrong with the current jurisdictional division between the State and Federal government? If a State or region wants to adopt a new approach, they should be free to do so. But we should not allow a Federal agency to make fundamental policy decisions that are best left to State officials who are accountable to local interests. We know what happened out West when California regulators attempted to institute a sweeping, new plan for its electricity markets. I hope to avoid importing those problems into Louisiana.

To address this jurisdictional concern, Section 2 of my bill would clarify the Federal-State arrangement under the Federal Power Act by explicitly stating that States shall have jurisdiction over the retail sale of electric energy, including all component parts of a bundled retail sale. In addition, Section 7 would enable States to continue to allow utilities to reserve transmission capacity for retail customers. This is current law and the current practice in a large number of States, including States with some of the lowest average retail rates and the best history of reliability. As contemplated by Congress when the Federal Power Act was enacted, FERC will retain jurisdiction over the wholesale sales of electric energy and States will retain jurisdiction over retail.

My second concern for retail customers is the potential for increased rates caused by the costs of accommodating the ''merchant generation'' that, over the past several years, have been seeking to connect to the electric grid in the Southeast. Though new generation is important to wholesale competition, it is a strain on the transmission system. To accommodate the new generation, new transmission facilities and upgrades to existing facilities are needed. However, customers in Louisiana would be forced to pay for the facilities needed to accommodate the merchant generators, even though most of their customers are out-of-region customers. State regulatory commissioners, understandably, are reluctant to pass transmission construction and upgrade costs off to local customers who are not benefitting from the electricity. Meanwhile energy dependent regions of the country are denied cheap and reliable electricity.

A reason they choose to site in Louisiana is because we are blessed with abundant reserves of natural gas—the currently favored fuel source for electric generation. Merchant generators are siting their facilities to gain access to these resources as cheaply as possible, and then are delivering electricity to regions where they can sell electricity at a higher cost. If enough transmission is built to export just a portion of the new generation that is planned to come on-line in Louisiana—10,000 megawatts—the estimated cost would impose a retail rate increase of 5 to 11 percent.

Surely, there must be a more equitable way to allocate cost while simultaneously enhancing our transmission capacity. It is not fair to expect customers in energy generating States to keep paying for transmission expansion when this increased transmission is primarily being developed for out-of-region use. In Sections 3 and 4 of this bill, I have attempted to provide a more equitable system. Section 3 would allow for ''voluntary participant-funding'' in which a regional transmission organization may choose to establish a system in which market participants pay for expansions to the transmission network in return for the transmission rights created by the expansion investment. This approach gives proper economic incentives for new generator location and transmission expansion decisions.

Similarly, Section 4 of my bill would require the FERC to initiate a proceeding to establish rules for interconnecting new generation to transmission facilities. As in Section 3, any costs made necessary by the interconnecting generator would be funded by the generator, or cost-causer, in return for a right to use such facilities funded by the investment.

The third problem that I see is the lack of new investment in transmission facilities. FERC noted in its Electric Transmission Constraint study that transmission congestion costs retail

customers across the country millions of dollars every year. Over the past 10 years, demand for electricity has increased by 17 percent while transmission investment during the same period has continuously declined about 45 percent.

What is even more troubling is that current demand for electricity is projected to increase by 25 percent over the next 10 years with only a modest increase in transmission capacity. In the short term, this lack of transmission investment and the corresponding lack of transmission capacity, adversely affects the ability of retail customers to realize the benefits of wholesale competition. Over the long term, and if this trend continues, the reliability of the bulk power system could be compromised. In the summer of 2000, transmission constraints limited the ability to sell low-cost power from the Midwest to the South during a period of peak demand, causing higher costs for customers. In the summer of 2001 during the California electricity crisis, transmission constraints along the Path 15 transmission route were a significant cause of the blackouts experienced by customers in the northern parts of that State.

To help spur this needed investment in the transmission sector, Section 5 of the legislation would provide further guidance to FERC in establishing transmission rates in two ways. First, Section 5 would amend Section 205 of the Federal Power Act to clarify that the cost causer is responsible for paying the costs of new transmission investment and that all users of the transmission facilities are required to pay an equitable share of the costs such facilities. These provisions will help ensure that users of the transmission system have proper economic price signals and encourage investment where it is needed most. Second, Section 5 would add a new section to the Federal Power Act, Section 215, that would require the FERC to initiate a rulemaking to establish transmission pricing policies and standards to promote investment in transmission facilities. Although the Commission may have sufficient authority under current law to initiate such policies, our Nation's transmission system has been neglected too long and I believe that the FERC could benefit from more specific guidance from Congress.

Finally, customers are not realizing all of the potential benefits of wholesale electricity markets because of its balkanization. The likely result is higher electricity prices. In different parts of the country, electric utilities are in various stages of joining together to form large regional markets, or in the terms used by FERC—regional transmission organizations. In addition, public power entities, including municipal utilities, cooperatives, and federal and State power marketing associations have been willing or resisting, to varying degrees, to contribute to the efforts to establish regional markets. Exacerbating this problem is the underlying fact that FERC does not have the same jurisdiction over public power utilities as it does over electric utilities.

Properly functioning regional markets for electricity can bring about significant benefits to customers in all parts of the country. More competitive wholesale generation, for example, will allow retail sellers greater opportunities to purchase generation from independent power producers. Improperly functioning markets, or one-size-fits all proposals that do not take into consideration regional differences, can be devastating. Current law and policy at FERC has been insufficient in achieving the proper balance between the need for robust regional markets, the reality of regional differences and the legitimate efforts of utilities.

Therefore, in Section 6 of the bill, the FERC would be required to convene regional discussions with State regulatory commissions to consider the development and progress of regional transmission organizations. It would further provide for specific topics of discussion between FERC and the States including the need for regional organizations, the planning process for facilities, the protection of retail customers, and the establishment of proper price signals to ensure the efficient expansion of the transmission grid. Section 6 would also help reduce the balkanization of the electric grid by authorizing the federal utilities such as the Tennessee Valley Authority and the Bonneville Power Administration to join regional transmission organizations. Also, in an attempt to help expand wholesale markets, Section 8 would provide for FERC to require that public power entities provide a limited form of access to their transmission facilities. This provision would give wholesale generators increased access to markets and ensure that competitors pay only the fair and reasonable price to use the transmission grid owned by public power.

In conclusion, I ask my colleagues to support this legislation and consider its affect on retail electricity customers in their States. Affordable and reliable electricity should be our objective for all customers, in all parts of the country.

By Ms. SNOWE:

S. 717. A bill to require increased safety testing of 15-passenger vans, ensure the compliance of 15-passenger vans used as schoolbuses with motor vehicle safety standards applicable to schoolbuses, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce legislation designed to enhance the safety of large passenger vans, which are highly susceptible to rollovers and have been associated with more than 500 fatalities since 1990.

It was under the most tragic circumstances that this issue came to my State's attention last year. On September 12th, 2002, 14 migrant forestry workers were killed when their 15-passenger van rolled off a bridge over the Allagash Wilderness Waterway in northern Maine. The sole survivor of this catastrophe escaped when he kicked out the rear window of the sinking van in what was the single worst motor vehicle accident in Maine's history.

I quickly learned that this was the latest in a long line of deadly crashes involving the popular vans, which were initially designed to carry cargo rather than passengers and are highly prone to rollovers, especially when fully loaded. There are more than 500,000 of these vans on the road today, and they are frequently used for a wide variety of purposes, from van pools and church outings, to transportation to and from airports, to transporting college athletics teams or workers.

In response to the spate of fatal accidents involving the vans in the past few years, the National Highway Traffic Safety Administration, NHTSA, conducted a study in 2001 to analyze the vans' propensity to rollover. In May 2001, after concluding the study, NHTSA issued a national warning to users of such vehicles that they have an increased risk of rollovers under certain conditions. They issued a similar warning in April 2002. The results of the NHTSA study are dramatic, finding that rollover risks rise sharply as the number of van occupants increases. With 10 or more occupants, the rollover rate is nearly three times the rate of vans that are lightly loaded. And with more than 15 occupants, the risk of a rollover is almost six times greater than if the van only has five occupants.

Following up on NHTSA's work, and as the deadly march of van accidents continued, last year both the National Transportation Safety Board, NTSB, and the consumer advocacy group Public Citizen issued a number of safety recommendations on the issue. Given the increasing use of 15-passenger vans in transporting larger groups, I believe it is time to move beyond warnings and for Congress to take action to address the safety of these vans.

The bill I am introducing today would require NHTSA to include 15-passenger vans in their dynamic rollover testing program. While NHTSA is currently developing this program, as mandated by The Transportation Recall Enhancement, Accountability, and Documentation, TREAD, Act of 2000, it does not include 15-passenger vans. Given the demonstrated propensity of these vans to roll, and the deadly effects of a rollover in fully loaded passenger vans, it is vital that we subject them to the same safety standards that NHTSA plans to apply to passenger cars and sport utility vehicles, SUVs.

My bill would also require NHTSA to include 15-passenger vans in their New Car Assessment Program, NCAP, rollover resistance ratings, and to test them at various load conditions. The

NCAP, which provides consumers with a measure of the relative safety potential of vehicles in frontal crashes, was expanded recently to include the rollover risk of passenger cars and light trucks. However, the expansion does not extend to vehicles that carry more than 10 passengers. I believe that before churches or colleges or employers purchase one of these vans, they should have access to NCAP information about their rollover propensity relative to other vehicles.

In addition, the bill requires NHTSA to work with van manufacturers to evaluate and test the potential of technological systems to help drivers in maintaining control of the vans. Specifically, NHTSA would look at electronic stability control, ESC, systems that some high-end SUVs are already equipped with and rear-view mirror-based rollover warning systems. ESC systems are computer-controlled systems that attempt to stabilize the vehicle by monitoring a vehicle's movement and the direction the driver is steering. I am also aware of rollover warning systems under development, attachable to the rear-view mirror, that will warn a driver if his speed or driving maneuvers risk a rollover. In short, technology can help us to greatly reduce the tendency of these vans to roll, and in the process save lives.

These vans are also in widespread use for commercial purposes like airport shuttles and vanpools. Therefore, my legislation would require the Federal Motor Carrier Safety Administration, FMCSA, to finish their rulemaking on the application of federal motor carrier safety regulations to 15 passenger vans used for commercial purposes. Both the Transportation Equity Act for the 21st Century, TEA–21, and the Motor Carrier Safety Improvement Act of 1999 directed FMCSA to promulgate regulations on the commercial use of the vans. While they initiated rulemaking in 1999, to date, FMCSA applies no operating regulations whatsoever to these vans.

Finally, this bill addresses the use of 15-passenger vans to transport schoolchildren. Under current law, schools are prohibited from purchasing these vans new to transport schoolchildren because they do not meet the same safety standards as schoolbuses do. However, counter-intuitively, Federal law is silent about the purchase of used vans, or the use of rental vans.

My bill addresses this loophole by incorporating language introduced during the 107th Congress by Representative MARK UDALL of Colorado to extend the ban from the sale of vans to leasing, renting and buying of vans. This is intended to make the buyers accountable as well as the seller. At a recent Senate Commerce Committee hearing, I asked NHTSA Administrator Jeffrey Runge about this disparity in current law, and he agreed that when we're talking about transporting schoolchildren, what's good for new vans should be good for used and rented vans.

Also, to make it worth NHTSA's while to pursue violators, my bill would raise the maximum penalty for violations of the prohibition on the sale or rental of these vans to schools from $5,000 to $25,000.

I truly believe that this legislation will cut down on the number of fatal accidents involving 15-passenger vans by subjecting them to federal rollover standards, providing consumers with adequate safety information and making sure that our schoolchildren are driven to school in safe vehicles. I urge my colleagues to join me in a strong show of support for this effort.

By Mr. ALLEN (for himself, Mr. MCCAIN, Mr. CHAMBLISS, and Mr. GRAHAM of South Carolina):

S. 721. 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, and for other purposes; read the first time.

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. 721

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 direct 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.

SEC. 2. 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 Mrs. BOXER:

S. 723. A bill to amend the Federal Power Act to provide refunds for unjust and unreasonable charges on electric energy in the State of California; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, today, the Federal Energy Regulatory Commission, FERC, released documents substantiating evidence of market manipulation during the California electricity crisis.

At the same time, I am stunned that FERC took no action today on ordering the companies that cheated California to pay refunds. Nor did FERC order renegotiation of the long-term electricity contracts that were entered into when prices were artificially inflated. The documents released provide absolute and irrefutable evidence of market manipulation by power generators and wholesale traders during California's electricity crisis. I believe it is long past due to end the discussions and deliberations and time to start sending the refund checks.

FERC should use its authority to order full refunds and order them immediately. To make sure that happens, I am introducing legislation to guarantee that the people of California get back the money they are owed.

When the crisis first began in 2000, I introduced my first bill to order refunds. The bill that I am introducing today would require energy companies to pay full refunds in the minimum amount of $8.9 billion. In addition, my bill requires the FERC to order the renegotiation of long-term contracts.

I ask my colleagues to support this legislation. We must not let these companies get away with thievery.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 98—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD DESIGNATE THE WEEK OF OCTOBER 12, 2003, THROUGH OCTOBER 18, 2003, AS ''NATIONAL CYSTIC FIBROSIS AWARENESS WEEK''

Mr. CAMPBELL (for himself, Mr. FITZGERALD, Mr. GRASSLEY, Mr. DEWINE, Mr. BIDEN, Mr. JOHNSON, Ms. LANDRIEU, Mr. BUNNING, Ms. MURKOWSKI, Mr. INHOFE, Mrs. MURRAY, Mr. SPECTER, Mr. WYDEN, and Mr. CRAIG) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 98

Whereas cystic fibrosis, characterized by digestive disorders and chronic lung infections, is a fatal lung disease;

Whereas cystic fibrosis is one of the most common fatal genetic diseases in the United States and one for which there is no known cure;

Whereas more than 10,000,000 Americans are unknowing carriers of the cystic fibrosis gene;

Whereas 1 out of every 3,500 babies born in the United States is born with cystic fibrosis;

Whereas approximately 30,000 people in the United States, many of whom are children, have cystic fibrosis;

Whereas the average life expectancy of an individual with cystic fibrosis is 33 years;

Whereas prompt, aggressive treatment of the symptoms of cystic fibrosis can extend the lives of those who have this disease;

Whereas recent advances in cystic fibrosis research have produced promising leads in gene, protein, and drug therapies beneficial to persons afflicted with the disease;

Whereas this innovative research is progressing faster and is being conducted more aggressively than ever before, due in part to the establishment of a model clinical trials network by the Cystic Fibrosis Foundation; and

Whereas education of the public on cystic fibrosis, including the symptoms of the disease, increases knowledge and understanding of cystic fibrosis and promotes early diagnoses: Now, therefore, be it

Resolved,

SECTION 1. NATIONAL CYSTIC FIBROSIS AWARENESS.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week of October 12, 2003, through October 18, 2003, as ''National Cystic Fibrosis Awareness Week''.

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating the week of October 12, 2003 through October 18, 2003, as ''National Cystic Fibrosis Awareness Week''; and

(2) calling on the people of the United States to observe the week with appropriate ceremonies and activities.

(c) ADDITIONAL ACTION.—The Senate commits to increasing the quality of life for individuals with cystic fibrosis by promoting public knowledge and understanding in a manner that will result in earlier diagnoses, more fund-raising efforts for research, and increased levels of support for those with cystic fibrosis and their families.

Mr. CAMPBELL. Mr. President, today I am submitting a resolution recognizing October 12, 2003, through October 18, 2003, as National Cystic Fibrosis Awareness Week. I am pleased to be joined by thirteen of my colleagues who are original cosponsors of the bill. We are hopeful that greater awareness of cystic fibrosis (CF) will lead to a cure.

The resolution is similar to one which I introduced in the 107th Congress, S. Res. 270, which was agreed to by unanimous consent on October 3, 2002. Since then, I have received input from the National Cystic Fibrosis Foundation (CFF) and the National Cystic Fibrosis Awareness Committee (NCFAC) and have updated the information accordingly. Cystic fibrosis is one of the most common fatal genetic diseases in the United States and there is no known cure. It affects approximately 30,000 children and adults in the United States. As recently as 25 years ago, most children born with cystic fibrosis died in early childhood and few survived to their teenage years. Today, most can expect to live past 30. The difference stems from productive research which has led to an understanding of the way cystic fibrosis causes life-threatening damage and to the development of preventive techniques and treatments.

While there is no cure, early detection and prompt treatment can significantly improve and extend the lives of those with CF. My home state of Colorado was one of the first states to require CF screening for newborns. Happily, more states are now performing this simple test.

And, since the discovery of the defective CF gene in 1989, CF research has greatly accelerated. I am proud that Colorado is home to the University of Colorado Health Sciences Center, including the Children's Hospital, the National Jewish Medical and Research Center and the Anschutz Centers for Advanced Medicine, all of which are actively involved in CF research and care. The Children's Hospital is one of fourteen innovative Therapeutics Development Centers nationwide performing cutting edge clinical research to develop new treatments for CF.

Currently, the CF Foundation oversees more than 27 potential CF products in its drug development pipeline, including dozens in clinical trials. In addition, small pilot trials and large clinical studies are carried out in the 119 CF Foundation-accredited care centers across the United States. Organizations such as the Cystic Fibrosis Research, Inc. also sponsor studies for treatment of the disease. Efforts such as these throughout the nation are providing a greater quality of life for those who have CF. We applaud these efforts.

While I am encouraged by the CF research in Colorado and elsewhere, more needs to be done. I believe we can increase the quality of life for individuals with Cystic Fibrosis by promoting public knowledge and understanding of the disease in a manner that will result in earlier diagnoses, more fund raising efforts for research, and increased levels of support for those who have CF and their families.

Therefore, I urge my colleagues to act on this resolution so we can move another step closer to eradicating this disease.

Thank you, Mr. President. I yield the floor.

SENATE RESOLUTION 99—RELATIVE TO THE DEATH OF DANIEL PATRICK MOYNIHAN, FORMER UNITED STATES SENATOR FOR THE STATE OF NEW YORK

Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. FRIST, Mr. DASCHLE, Mr. LOTT, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. PRYOR, Mr. REED, Mr. REID, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 99

Whereas Daniel Patrick Moynihan served in the United States Navy from 1944 to 1947;

Whereas Daniel Patrick Moynihan held cabinet or sub-cabinet positions under Presidents John Kennedy, Lyndon Johnson, Richard Nixon, and Gerald Ford from 1961 to 1976;

Whereas Daniel Patrick Moynihan served as Ambassador to India from 1973 to 1975;

Whereas Daniel Patrick Moynihan served as the United States Permanent Representative to the United Nations from 1975 to 1976;

Whereas Daniel Patrick Moynihan served the people of New York with distinction for 24 years in the United States Senate; and

Whereas Daniel Patrick Moynihan was the author of countless books and scholarly articles which contributed enormously to the intellectual vigor of the nation: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable