ALLEN) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing and honoring America's Jewish community on the occasion of its 350th anniversary, supporting the designation of an ''American Jewish History Month,'' and for other purposes.

S. CON. RES. 26

At the request of Ms. LANDRIEU, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Con. Res. 26, a concurrent resolution condemning the punishment of execution by stoning as a gross violation of human rights, and for other purposes.

S. CON. RES. 31

At the request of Mr. LIEBERMAN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. Con. Res. 31, a concurrent resolution expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (for himself, Mr. HATCH, Mr. STEVENS, Mr. INOUYE, Mr. DOMENICI, Mr. LEAHY, Mr. SARBANES, Mr. KENNEDY, Mr. BYRD, Mr. HOLLINGS, and Mr. LEVIN):

S. 763. A bill to designate the Federal building and United States courthouse located at 46 Ohio Street in Indianapolis, Indiana, as the ''Birch Bayh Federal Building and United States Courthouse''; to the Committee on Finance.

Mr. LUGAR. Mr. President, today I am introducing legislation to name the Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, IN, as the ''Birch Bayh Federal Building and United States Courthouse.''

I am pleased to introduce this measure today to honor my colleague from Indiana, Senator Bayh. I am joined by my colleagues Mr. BYRD, Mr. DOMENICI, Mr. HATCH, Mr. HOLLINGS, Mr. INOUYE, Mr. KENNEDY, Mr. LEAHY, Mr. LEVIN, Mr. SARBANES, and Mr. STEVENS, who served in the Senate with Senator Bayh during his tenure 1963–1981.

Birch Evan Bayh was born in Terre Haute in 1928. He attended the public schools; served in the United States Army 1946–1948; graduated Purdue University School of Agriculture at Lafayette in 1951; and attended Indiana State University, 1952–1953. Bayh graduated from the Indiana University School of Law in 1960; and was admitted to the Indiana bar in 1961.

He worked as a lawyer and farmer in Terre Haute, and served as a representative to the Indiana General Assembly from 1954 to 1962. In the Assembly, he rose to become minority leader in 1957 and 1961 and Speaker of the House in 1959. Senator Bayh was first elected to the U.S. Senate in 1962; reelected in 1968 and 1974; and served from January 3, 1963, to January 3, 1981.

I am pleased to introduce this companion legislation in the Senate at the request of Representative CARSON who introduced a bill in the House of Representatives. I hope this measure will be approved by the Congress.

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

S. 764. A bill to extend the authorization of the Bulletproof Vest Partnership Grant Program; to the Committee on the Judiciary.

Mr. CAMPBELL. Mr. President, today Senator LEAHY and I are introducing the Bulletproof Vest Partnership Grant Act of 2003, a bill to reauthorize an existing matching grant program to help State, tribal, and local jurisdictions purchase armor vests for use by law enforcement officers. This bill represents another in a series of law enforcement initiatives on which I have had the privilege to work with my friend and colleague from Vermont, Senator LEAHY. The Senator brings to the table invaluable experience in this area, from his distinguished service as a State's attorney in Vermont, a nationally recognized prosecutor, and as the ranking member of the Chairman of the Senate Judiciary Committee. We are pleased to be joined in this effort by the distinguished Chairman of the Senate Judiciary Committee, Senator HATCH.

Two years ago, Congress passed, and the President signed into law, the Bulletproof Vest Partnership Grant Act of 2000 (P.L. 106–517), and before that in 1998, P.L. 105–181, which we were privileged to introduce. Since its inception in 1999, this highly successful Department of Justice grant program has provided law enforcement officers in 16,000 jurisdictions with nearly 500,000 vests.

There are far too many law enforcement officers who patrol our streets and neighborhoods without the proper protective gear against violent criminals. Each year, on average, more than 60 law enforcement officers are killed by gunfire in the line of duty. The felonious use of guns and the increased use of larger caliber handguns and assault rifles has created an even greater risk for law enforcement officers and an increasing need for higher threat level, better quality, and more comfortable vests that can be worn in a variety of circumstances. The use of body armor to provide protection against the use of deadly force and assaults as well as its demonstrated value in protecting officers involved in vehicle accidents, provides compelling reasons for officers to be equipped with and to wear body armor.

In 2002, 149 Federal, State and local law enforcement officers gave their lives in the line of duty, well below the decade-long average of 165 deaths annually, and a major drop from 2001 when a total of 230 officers were killed. A number of factors contributed to this reduction including the availability of better equipment and the increased use of bullet-resistant vests.

As a former deputy sheriff, I know first-hand the risks which law enforcement officers face every day on the front lines, protecting our communities. Currently, more than 850,000 men and women who serve this nation as our guardians of law and order do so at a great personal risk. Every year, about 1 in 15 officers is assaulted, 1 in 46 officers is injured, and 1 in 5,255 officers is killed in the line of duty somewhere in America every other day. There are few communities in this country that have not been impacted by the words ''officer down.''

The evidence is clear that a bulletproof vest is one of the most important pieces of equipment that any law enforcement officer can have. Since the introduction of modern bulletproof material, the lives of more than 2,700 officers have been saved by bulletproof vests. In fact, the Federal Bureau of Investigation has concluded that officers who do not wear bulletproof vests are 14 times more likely to be killed by a firearm than those officers who do wear vests. Simply put, bulletproof vests save lives.

Unfortunately, many police departments do not have the resources to purchase vests on their own, especially in America's smaller communities. The Bulletproof Vest Partnership Grant Act of 2003 would continue the partnership with State and local law enforcement agencies to make sure that every police officer who needs a bulletproof vest gets one. It would do so by continuing to authorize up to $50 million per year for the grant program within the U.S. Department of Justice. In addition, the program provides 50–50 matching grants to State and local law enforcement agencies and Indian tribes with under 100,000 residents to assist in purchasing bulletproof vests and body armor.

While we know that there is no way to end the risks inherent to a career in law enforcement, we must do everything possible to ensure that officers who put their lives on the line every day also put on a vest. Body armor is one of the most important pieces of equipment an officer can have and often means the difference between life and death. The United States Senate can help, and I urge our colleagues to support prompt passage of this legislation.

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

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

S. 764

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 ''Bulletproof Vest Partnership Grant Act of 2003''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968

(42 U.S.C. 3793(a)(23)) is amended by striking ''2004'' and inserting ''2007''.

By Mr. NELSON of Florida (for himself and Mr. MILLER):

S. 766. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Jacksonville, Florida, metropolitan area; to the Committee on Veterans Affairs.

Mr. NELSON of Florida. Mr. President, it is a central element of our national character to pay solemn tribute to the service of those who have worn the uniform of our Armed Forces and placed themselves in harm's way to defend our freedom and way of life. We raise monuments to the deeds of our great wartime leaders as well as the countless, often nameless heroes of those battles fought throughout our history. We also set aside special days to remember the sacrifice of generations of Americans who have stepped forward in America's defense.

This Nation also sets aside special places, hallowed ground, where we lay to rest those who have served us in our hour of greatest need. Our National Cemetery system is not only hallowed ground, National Cemeteries are monuments to military service, the places where we go on those special days to pay tribute to the sacrifice of so many in our history. National Cemeteries remind us of where we have been as a Nation, and inspires future generations to uphold the legacy of our veterans' devotion and sacrifice.

Today I offer legislation to establish a National Cemetery near Jacksonville, Florida to meet the needs of thousands of veterans who have chosen to live out their lives in Northeast Florida and Southeast Georgia. Florida's veteran population is the second largest in the Nation. Right now in Northern Florida and Southern Georgia, there are nearly half-a-million veterans. Florida has the Nation's oldest veteran population and one of the largest remaining populations of World War II veterans. We are all aware that this greatest of generations is passing away at higher and higher rates.

Unfortunately for these hundreds of thousands of veterans in Florida and Georgia, the nearest National Cemetery is located in Bushnell, FL, which is a three-hour drive from Jacksonville. The National Cemetery in St. Augustine is full and closed. The nearest National Cemetery in Georgia is in Marietta just north of Atlanta.

Our veterans have defended our country in her days of peril, and certainly deserve to rest in honored respect in a National Cemetery. To meet our obligations to the veterans of Northeast Florida and Southeast Georgia, we must act now, in order to have this facility established by 2006 when our World War II veterans' deaths are expected to reach their peak.

I am proud to sponsor this important bill, and look forward to the support of my colleagues as we provide for our veterans who have given so much for our country.

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

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

S. 766

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

SECTION 1. ESTABLISHMENT.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in the Jacksonville, Florida, metropolitan area to serve the needs of veterans and their families.

(b) CONSULTATION IN SELECTION OF SITE.—Before selecting the site for the national cemetery established under subsection (a), the Secretary shall consult with—

(1) appropriate officials of the State of Florida and local officials of the Jacksonville metropolitan area; and

(2) appropriate officials of the United States, including the Administrator of General Services, with respect to land belonging to the United States in that area that would be suitable to establish the national cemetery under subsection (a).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemetery under subsection (a). The report shall set forth a schedule for such establishment of the national cemetery and an estimate of the costs associated with such establishment of the national cemetery.

By Mr. SMITH (for himself, Mr. BAYH, Mr. CHAMBLISS, Mr. MILLER, and Mr. WARNER):

S. 767. A bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on social security benefits; to the Committee on Finance.

Mr. SMITH. Mr. President, on behalf of myself and my friend and colleague Senator BAYH of Indian, I rise today to introduce legislation that will repeal a ten year old tax increase on our senior citizens. We are joined by Sens. CHAMBLISS, MILLER, and WARNER. This tax increase was passed in 1993 and has been an onerous and unjust tax on the Social Security benefits of America's seniors.

I am pleased to have the support of the following organizations for this important legislation: United Seniors Association, National Taxpayers Union, The Seniors Coalition, Americans for Tax Reform, The 60 Plus Association.

Mr. President, I ask unanimous consent that their letters be printed in the RECORD.

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

UNITED SENIORS ASSOCIATION,
Fairfax, VA, March 13, 2003.

Hon. EVAN BAYH,
Senate Russell Building,
Washington, DC.
Hon. GORDON SMITH,
Senate Russell Building,
Washington, DC.

DEAR SENATORS: On behalf of United Seniors Association's 1.5 million-plus nationwide grassroots network, we enthusiastically support your legislation, the Social Security Tax Equity Act of 2003.

For over a decade, United Seniors Association has led the charge to eliminate all taxes on Social Security benefits. Your legislation will substantially lift financial burdens from millions of Seniors and I commend you for your leadership.

Before 1984, no one paid federal income taxes on their Social Security benefits. President Clinton signed the Omnibus Budget Reconciliation Act of 1993, which raised to 85 percent the amount of Social Security benefits subject to income taxes. Each year since 1993, more and more Seniors have been hit by this Seniors-only tax. Proponents of the tax hike maintained that it would only affect ''rich Seniors.'' However, that was not true. The tax has hit Seniors with moderate incomes most heavily.

The taxation of benefits is confusing, unfair, and makes middle class Seniors pay higher marginal tax rates than many millionaires. Every year, more Seniors feel the tax pinch because the income thresholds are not indexed for inflation. Over 9 million Seniors now pay this unfair tax. This tax is not only bad policy, but it is a disincentive for continuing a productive work-life after age 65.

Again, we applaud both of you for your efforts. United Seniors Association stands ready to help you pass this important piece of legislation not only for Seniors, but for their children, and their grandchildren.

Sincerely,

CHARLES W. JARVIS,
Chairman and Chief Executive.

NATIONAL TAXPAYERS UNION,
Alexandria, VA, March 12, 2003.

Hon. GORDON SMITH,
U.S. Senate, Russell Senate Office Building, Washington, DC.
Hon. EVAN BAYH,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATORS SMITH AND BAYH: On behalf of our 335,000 members, the National Taxpayers Union (NTU) strongly supports, in addition to the urgently needed tax relief contained in the President's plan (S. 2 by Senators Nickles and Miller), your proposed legislation to repeal the 1993 imposed upon Social Security recipients. While NTU would prefer the repeal of all taxes on Social Security benefits, we are pleased to endorse your proposal as a good first step.

As you know, prior to 1993, seniors paid taxes on half of their Social Security benefits if their combined income exceeded certain levels. In 1993 the taxable portion of Social Security benefits was increased to 85% for individuals with income exceeding $34,000 and couples with incomes exceeding $44,000. This punishing level of taxation applies to almost a fourth of all Social Security recipients. It penalizes seniors who choose to save their money or keep working. For many seniors, just as in the case of dividend income, this taxation is clearly double taxation.

Again, in addition to the critical need for the Senate to pass the ''Jobs and Growth Act of 2003,'' we would urge your Senate colleagues to pass your repeal of the 1993 tax on Social Security benefits as an important first step on the road to total repeal of all such taxes on Social Security income for retirees.

Sincerely,

AL CORS, Jr.,
Vice President, Government Affairs.

THE SENIORS COALITION,
Springfield, VA, March 18, 2002.

Hon. GORDON H. SMITH,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Hon. EVAN BAYH
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATORS SMITH & BAYH: On behalf of our four million senior members and supporters nationwide, I commend you for introducing the Social Security benefits that unfairly targets seniors and results in a disincentive for them to work, invest and save. We likewise applaud you for your commitment to a more equitable and nondiscriminatory tax system for older Americans.

As you know, Congress passed a law in 1983 that required Social security beneficiaries to pay taxes on 50 percent of their benefits when they exceeded certain income levels. In 1993, Congress increased the threshold to 85 percent of Social Security benefits for single retirees with income above $34,000 and for couples with income over $44,000. Since Social Security taxes are only 50 percent deductible (the employer's share), and seniors have already paid taxes on their payroll tax contribution, they are currently taxed twice when they pay taxes on more than 50 percent of benefits.

Seniors have spent a lifetime saving and investing in America in order to enjoy financial independence and security in retirement and to accrue assets for their children. Sadly, however, the double tax on Social Security punishes years spent exercising financial discipline. Worse yet, this tax ultimately forces seniors to limit their non-Social Security income or face the financial burdens it imposes at certain levels of earned and investment income.

While this double tax on Social Security clearly targets seniors, our entire society bears an incalculable economic penalty as an experienced and knowledgeable senior workforce opts to sit on the sidelines rather than work and invest for substandard returns. In the midst of this current economic downturn, America would greatly benefit from the faithful investment practices and the productive work habits of its senior citizens.

Your bill would put an end to the unfair and discriminatory practice of double taxation of seniors' Social Security benefits and encourage senior Americans to continue contributing to the nation's growth. We therefore strongly support the ''Social Security Tax Equity Act of 2003'' and are ready to assist you in securing its passage.

Sincerely,

MARY M. MARTIN,
Executive Director.

AMERICANS FOR TAX REFORM,
Washington, DC, March 12, 2003.

Hon. GORDON SMITH,
Russell Senate Building,
Washington, DC.

DEAR CONGRESSMAN SMITH: On behalf of Americans for Tax Reform (ATR), I want to thank you for introducing the Social Security Tax Equity Act of 2003. ATR pledges full support for this critically important legislation.

As you know, the 1993 Clinton tax increase levied on Social Security was on attack on senior citizens and workers. Worker payroll contributions finance Social Security benefits. Yet the benefits that senior citizens receive are again taxed—a second time—if these citizens have incomes above a threshold amount. This is an unjust form of double taxation and it must be eliminated.

Before the 1993 tax increase, single retirees with incomes above $25,000 and $32,000 for couples paid taxes on half of Social Security benefits. The 1993 increase, however, raised the threshold income for single retirees to $34,000 and $44,000 for couples. The increase also imposed levies on 85 percent of Social Security benefits—a 35 percent increase on benefits. Roughly a quarter of Social Security recipients now pay higher taxes.

ATR is encouraged by your bold leadership to roll back this unfair form of double taxation. Repealing the 1993 tax increase will yield economic benefits that will grow our economy and reward productive behavior. We applaud your effort to fight for working men and women and especially for our elderly citizens.

Sincerely,

GROVER NORQUIST.

THE 60 PLUS ASSOCIATION,
Arlington, VA, March 25, 2003.

Hon. GORDON H. SMITH,
Hon. EVAN BAYH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH AND BAYH: On behalf of the 60 Plus Association, I want you both to know you have our complete support for legislation you soon plan to introduce, the Social Security Tax Equity Act of 2003.

Increased taxes for Social Security benefits are a crystal clear example of government greed at the expense of America's seniors. Social Security benefits are already financed by worker payroll tax contributions—but to tax senior citizens a second time on their Social Security benefits should they elect to continue working only burdens retired Americans unfairly.

The 60 Plus Association stands foursquare with any group or individual dedicated to maintaining and strengthening Social Security. This vital program ought not be the catalyst for exacting tax revenues on hard-earned retirement benefits.

Working allows seniors to earn income that in turn boosts economic growth. Tax penalties on these additional retirement incomes discourage seniors from continuing to lead active, productive lives according to their ability and choosing. That's wrong and needs to be remedied.

Senior, the 60 Plus Association is with you in eliminating this double taxation of Social Security benefits.

Kind regards,

JAMES L. MARTIN,
President.

Senior citizens pay Federal taxes on a portion of their Social Security benefits if they receive additional income from savings or from work. As ludicrous as it seems, our seniors who have worked hard their lives, and planned and saved for their retirement are being taxed a second time, when they need their income the most.

One of the most unfair tax increases occurred in the 1993 tax bill. Before 1993, seniors paid taxes on half their Social Security benefits if their combined income—which includes adjusted gross income and one-half of their Social Security benefits—exceeded $25,000 for individuals or $32,000 for couples. In 1993 this tax was increased—individuals with incomes above $34,000 and couples with income above $44,000 now had a portion of their Social Security benefits taxes at 85 percent.

I strongly believe that this increase in the taxable portion of Social Security benefits violated the contract seniors had with the United States government. This tax increase was unfair and it provided a disincentive to our seniors who chose to save or chose to work. This single provision increased taxes for almost one-quarter of Social Security recipients.

Seniors have spent a lifetime saving and investing in America in order to enjoy financial independence and security in retirement and to accrue assets for their children. Sadly, the double tax on Social Security punishes years spent exercising financial discipline. Worse yet, this tax ultimately forces seniors to limit their non-Social Security income or face the financial burden it imposes at certain levels of earned income.

This tax hits middle income seniors, kicking in as soon as that senior crosses the $34,000 mark.

While this double tax clearly targets seniors, our entire society carries the economic burden as an experienced and knowledgeable senior workforce chooses to sit on the sidelines rather than work and invest for substandard returns. In the middle of the current economic downturn, America would greatly benefit from the faithful investment practices and the productive work habits of its senior citizens.

I have been a cosponsor of various bills in the past few Congresses to repeal this unfair tax. As a member of the Senate Finance Committee, I am pleased to announce the introduction of the Social Security Tax Equity Act of 2003.

I believe that we must do everything possible to turn back this 10 year old tax increase and return some small measure of equity and fair play to those senior citizens affected by that tax. I urge you all to join me and my fellow senators by becoming cosponsors of this legislation, and roll back this unfair form of double taxation on our senior citizens and encourage them to continue contributing to the Nation's growth. Those who have helped build this great country through their lifetimes deserve our support now.

I ask unanimous consent that the text of the Social Security Tax Equity Act of 2003 be printed in the RECORD.

S. 767

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

SECTION 1. REPEAL OF INCREASE IN TAX ON SOCIAL SECURITY BENEFITS.

(a) REPEAL OF INCREASE IN TAX ON SOCIAL SECURITY BENEFITS.—

(1) IN GENERAL.—Paragraph (2) of section 86(a) of the Internal Revenue Code of 1986 (relating to social security and tier 1 railroad retirement benefits) is amended by adding at the end the following new flush sentence:

''This paragraph shall not apply to any taxable year beginning after December 31, 2002.''

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

(b) REVENUE OFFSET.—The Secretary of the Treasury shall transfer, for each fiscal year, from the general fund in the Treasury to the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) an amount equal to the decrease in revenues to the Treasury for such fiscal year by reason of the amendment made by this section.

By Mr. LEVIN (for himself, Mr. ALEXANDER, Mr. LIEBERMAN, Mr. MCCONNELL, and Mr. SCHUMER):

S. 769. A bill to permit reviews of criminal records of applicants for private security officer employment; to the Committee on the Judiciary.

Mr. LEVIN. Mr. President, today I am joined by Senators ALEXANDER, LIEBERMAN, MCCONNELL and SCHUMER in introducing the Private Security Officer Employment Authorization Act of 2003, a bill that would provide private security firms an opportunity to have national criminal history information searches undertaken to determine whether or not employees or applicants for employment pose a threat to the facilities and persons they are supposed to protect. There would be no expense to the government and the searches would require the consent of the employee or applicant for employment.

Large numbers of critical non-governmental facilities from power plants to schools to hospitals are protected by private security firms and their civilian security officers. Keeping these facilities secure from terrorism or other forms of violent attack is critical to our national security. Yet currently most private security employers cannot request timely national criminal background check information on the very people they need to hire to protect these key facilities. This legislation seeks to correct that. This bill would authorize private security firms to request Federal background checks on current or prospective employees through the appropriate state agencies, thereby permitting relevant criminal history information to be considered in the licensing and employment of private security officers.

The Criminal Justice Information Services Division of the FBI maintains complete criminal history records for both Federal and State crimes on individuals with criminal records in the United States. Searches are most effectively conducted using fingerprints to ensure efficiency and accuracy. We have already passed legislation specifically permitting other industries—for instance, the banking, nursing home, and child care industries—to check their prospective employees against the FBI's comprehensive records. Many of the reasons that supported passage of those laws, particularly the desire to ensure that those who provide certain important services have a background commensurate with their responsibilities, support passage of this bill as well.

This legislation will enhance our Nation's security. As an adjunct to our Nation's law enforcement officers, private security guards are responsible for the protection of numerous critical components of our Nation's infrastructure, including power generation facilities, hazardous materials manufacturing facilities, water supply and delivery facilities, oil and gas refineries, and food processing plants. The approximately 13,000 private security companies in the United States employ about 1.5 million persons nationwide. Given the critical nature of the facilities private security officers are hired to protect, it is imperative that we provide sufficient access to information that might disclose who is unsuitable for protecting these resources.

Currently we do not. Relying upon a Federal bill passed in the early 1970's, 37 states and the District of Columbia have passed legislation authorizing State agencies to request both State and Federal criminal history record searches. Despite this authorization, security firms report that searches of both State and Federal databases for private security officers are the exception rather than the rule. That is because only 20 States plus the District of Columbia regularly access the Federal database for private security officers, and only two—California and Illinois—do so in a way that ensures a timely response. In many jurisdictions with authorizing statutes, reviews of the Federal database are conducted sporadically, if at all. Indeed, in approximately 17 of the 37 States with authorizing statutes, typically only State databases are searched for private security officers. An additional 13 States have not even passed legislation authorizing any form of Federal criminal background check. What that means is that in approximately 30 States neither the State agencies nor the private security employers typically have any access to any Federal criminal database information. In these 30 States, an employment applicant in one State could have a serious criminal conviction in another State and still be permitted to perform sensitive security work. The state reviewing the applicant would have no idea a conviction in another State existed without access to the Federal database.

Further, even in those few States that actually conduct Federal records searches, the Federal searches conducted on new employees often take 90 to 120 days, if not longer. While checks are pending, security guards frequently are provided temporary licenses. This 90 to 120 day period is more than enough time for a guard with a temporary license to perpetrate dangerous acts. In light of our urgent need to strengthen the security of our homeland, this lack of timely access to criminal history information is unacceptable. An article that appeared earlier this year in USA Today entitled ''Private Security Guards Are Homeland's Weak Link'' got it right when it said, ''more often than not, private security guards who protect millions of lives and billions of dollars in real estate offer a false sense of security.'' We need to act in order to make it easier for States and employers to gain timely access to this crucial criminal history information.

This bill strikes the appropriate balance between the interests of all parties involved.

First, the bill permits private security employers to request a prompt search of the FBI criminal history database for prospective or existing employees. Requests must be made by the employers through their state's identification bureau or similar state agency designated by the Attorney General. Employers will not be granted direct access to the FBI records. Instead, states will serve as intermediaries between employers and the FBI to: 1. ensure that employment suitability determinations are made pursuant to applicable State law; 2. prevent disclosure of the raw FBI criminal history information to the employers and the public; and 3. minimize the FBI's administrative burden of having to respond to background check requests from countless different sources. The program will not cost the Federal Government anything. The legislation allows the FBI, and states if they so choose, to charge reasonable fees to security firms to recover their costs of carrying out this act.

Second, the bill protects employee and prospective employee privacy. Before an FBI background check can be conducted, the employee or applicant for employment must grant an employer written consent to request the FBI database search. In addition, the criminal history reports received by the States will not be disseminated to employers. Instead, in States that have standards regulating private security guard employment, designated State agencies will simply be required to use the information provided by the FBI in applying their State standards. For those States that have no standards, the States will be instructed to inform requesting employers whether or not employees or applicants have been convicted of either: 1. a felony; 2. a violent misdemeanor within the past ten years; or 3. a crime of dishonesty within the past ten years. Thus, in these situations, only the fact that a particular conviction exists or not will be provided by States to employers, and the privacy of the records themselves will be maintained. All information provided to employers pursuant to this act must be provided to the employees or prospective employees. Furthermore, the bill establishes strong criminal penalties for those who might falsely certify they are authorized security firms or otherwise use information obtained pursuant to this act beyond the act's intended purposes.

Third, the bill protects States' interests. The bill does not impose an unfunded mandate on the states. It reserves the right of States to charge reasonable fees to employers for their costs in administering this act. Moreover, if a State wishes to opt out of this statutory regime, it may do so at any time.

This legislation is long overdue. It strikes the right balance between the need for States and employers to gain access to this critical information and the privacy rights of current and prospective security guards. We have

worked with the FBI to expedite the administrative process, and it will cost the Federal Government nothing. There is no undue burden being placed on our States. Most importantly, passage of this act will plug a hole in our homeland defense. I urge my colleagues to support this legislation.

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

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

S. 769

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 ''Private Security Officer Employment Authorization Act of 2003''.

SEC. 2. FINDINGS.

Congress finds that—

(1) employment of private security officers in the United States is growing rapidly;

(2) private security officers function as an adjunct to, but not a replacement for, public law enforcement by helping to reduce and prevent crime;

(3) such private security officers protect individuals, property, and proprietary information, and provide protection to such diverse operations as banks, hospitals, research and development centers, manufacturing facilities, defense and aerospace contractors, high technology businesses, nuclear power plants, chemical companies, oil and gas refineries, airports, communication facilities and operations, office complexes, schools, residential properties, apartment complexes, gated communities, and others;

(4) sworn law enforcement officers provide significant services to the citizens of the United States in its public areas, and are supplemented by private security officers;

(5) the threat of additional terrorist attacks requires cooperation between public and private sectors and demands professional, reliable, and responsible security officers for the protection of people, facilities, and institutions;

(6) the trend in the Nation toward growth in such security services has accelerated rapidly;

(7) such growth makes available more public sector law enforcement officers to combat serious and violent crimes, including terrorism;

(8) the American public deserves the employment of qualified, well-trained private security personnel as an adjunct to sworn law enforcement officers; and

(9) private security officers and applicants for private security officer positions should be thoroughly screened and trained.

SEC. 3. DEFINITIONS.

In this Act:

(1) EMPLOYEE.—The term ''employee'' includes both a current employee and an applicant for employment as a private security officer.

(2) AUTHORIZED EMPLOYER.—The term ''authorized employer'' means any person that—

(A) employs private security officers; and

(B) is authorized by regulations promulgated by the Attorney General to request a criminal history record information search of an employee through a State identification bureau pursuant to this section.

(3) PRIVATE SECURITY OFFICER.— The term ''private security officer''—

(A) means an individual other than an employee of a Federal, State, or local government, whose primary duty is to perform security services, full- or part-time, for consideration, whether armed or unarmed and in uniform or plain clothes; but

(B) does not include—

(i) employees whose duties are primarily internal audit or credit functions;

(ii) employees of electronic security system companies acting as technicians or monitors; or

(iii) employees whose duties primarily involve the secure movement of prisoners.

(4) SECURITY SERVICES.—The term ''security services'' means acts to protect people or property as defined by regulations promulgated by the Attorney General.

(5) STATE IDENTIFICATION BUREAU.—The term ''State identification bureau'' means the State entity designated by the Attorney General for the submission and receipt of criminal history record information.

SEC. 4. CRIMINAL HISTORY RECORD INFORMATION SEARCH.

(a) IN GENERAL.—

(1) SUBMISSION OF FINGERPRINTS.—An authorized employer may submit to the State identification bureau of a participating State, fingerprints or other means of positive identification, as determined by the Attorney General, of an employee of such employer for purposes of a criminal history record information search pursuant to this Act.

(2) EMPLOYEE RIGHTS.—

(A) PERMISSION.—An authorized employer shall obtain written consent from an employee to submit to the State identification bureau of a participating State the request to search the criminal history record information of the employee under this Act.

(B) ACCESS.—An authorized employer shall provide to the employee confidential access to any information relating to the employee received by the authorized employer pursuant to this Act.

(3) PROVIDING INFORMATION TO THE STATE IDENTIFICATION BUREAU.—Upon receipt of a request for a criminal history record information search from an authorized employer pursuant to this Act, submitted through the State identification bureau of a participating State, the Attorney General shall—

(A) search the appropriate records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation; and

(B) promptly provide any resulting identification and criminal history record information to the submitting State identification bureau requesting the information.

(4) USE OF INFORMATION.—

(A) IN GENERAL.—Upon receipt of the criminal history record information from the Attorney General by the State identification bureau, the information shall be used only as provided in subparagraph (B).

(B) TERMS.—In the case of—

(i) a participating State that has no State standards for qualification to be a private security officer, the State shall notify an authorized employer as to the fact of whether an employee has been convicted of a felony, an offense involving dishonesty or a false statement if the conviction occurred during the previous 10 years, or an offense involving the use or attempted use of physical force against the person of another if the conviction occurred during the previous 10 years; or

(ii) a participating State that has State standards for qualification to be a private security officer, the State shall use the information received pursuant to this Act in applying the State standards and shall only notify the employer of the results of the application of the State standards.

(5) FREQUENCY OF REQUESTS.—An authorized employer may request a criminal history record information search for an employee only once every 12 months of continuous employment by that employee unless the authorized employer has good cause to submit additional requests.

(b) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall issue such final or interim final regulations as may be necessary to carry out this Act, including—

(1) measures relating to the security, confidentiality, accuracy, use, submission, dissemination, destruction of information and audits, and recordkeeping;

(2) standards for qualification as an authorized employer; and

(3) the imposition of reasonable fees necessary for conducting the background checks.

(c) CRIMINAL PENALTY.—Whoever falsely certifies that he meets the applicable standards for an authorized employer or who knowingly and intentionally uses any information obtained pursuant to this Act other than for the purpose of determining the suitability of an individual for employment as a private security officer shall be fined under title 18, United States Code, or imprisoned for not more than 2 years, or both.

(d) USER FEES.—

(1) IN GENERAL.—The Director of the Federal Bureau of Investigation may—

(A) collect fees pursuant to regulations promulgated under subsection (b) to process background checks provided for by this Act; and

(B) establish such fees at a level to include an additional amount to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs.

(2) LIMITATIONS.—Any fee collected under this subsection—

(A) shall be credited as offsetting collections to finance the activities and services for which the fee is imposed;

(B) shall be available for expenditure only to pay the costs of such activities and services; and

(C) shall remain available until expended.

(3) STATE COSTS.—Nothing in this Act shall be construed as restricting the right of a State to assess a reasonable fee on an authorized employer for the costs to the State of administering this Act.

(e) STATE OPT OUT.—A State may decline to participate in the background check system authorized by this Act by enacting a law or issuing an order by the Governor (if consistent with State law) providing that the State is declining to participate pursuant to this subsection.

By Mr. FEINGOLD (for himself, Mr. KENNEDY, and Ms. LANDRIEU):

S. 770. A bill to amend part A of title IV of the Social Security Act to ensure fair treatment and due process protections under the temporary assistance to needy families program, to facilitate enhanced data collection and reporting requirements under that program, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, later this year, the Senate will consider the first reauthorization of the 1996 Personal Opportunity and Work Responsibility Reconciliation Act. This law ended the Aid to Families with Dependent Children program and created our current federal welfare program, the Temporary Assistance for Needy Families, TANF, program.

I supported the legislation that created TANF because I believed that the

welfare system was failing recipients and their families and that we needed to do better. Now, seven years later, the welfare rolls are again on the rise and it is clear that improvements need to be made to the TANF program in order to achieve the goal of breaking the cycle of poverty and moving recipients into well-paying, sustainable jobs.

As we all know, each State's welfare program is different, and the implementation of these programs often varies from provider to provider and from county to county. While we encouraged state-level innovation with the 1996 law and should continue to encourage it with our reauthorization legislation, we should also ensure that all State plans conform to uniform Federal fair treatment and due process protections for all applicants and clients.

I am deeply concerned that a client who applies for or receives benefits in one part of Wisconsin may not be getting the same treatment as another applicant or client in a different part of my State.

The bill that I introduce today, the Fair Treatment and Due Process Protection Act, would improve Federal fair treatment and due process protections for applicants to and clients of State TANF programs by addressing gaps in current law in three areas: access to translation services and English as a Second Language education programs, sanction notification and due process protections, and data collection and analysis.

I am pleased to be joined in this effort by the Senator from Massachusetts, Mr. KENNEDY, and the Senator from Louisiana, Ms. LANDRIEU.

In order for low-income parents whose primary language is not English to understand their rights with respect to availability of benefits, to comply with Federal and State TANF program rules, and to move from welfare to work, we should ensure that translation services and English as a Second Language classes are available.

My bill would require states to provide interpretation and translation services to low-income parents who do not speak English, and provides that the standards currently used in the food stamp program would be used to determine when the requirement to provide such services would be triggered for TANF-funded programs.

States would also be required to advise adults who lack English proficiency of available programs in the community to help them learn English, and to allow individuals who elect to enroll in such programs to participate in them. Individuals who participate in such activities on a satisfactory basis would be considered to be engaged in work activities and these activities would be counted towards the work participation rates.

If we are not only to reduce the welfare rolls but to reduce poverty and to ensure that low-income parents find sustainable jobs, we must ensure that these parents have access to education and training, including ESL classes, and that this training counts toward the work requirement. I support efforts to expand the number of activities that TANF clients are permitted to count as work, and my bill would add ESL classes to that list.

In addition, I am concerned about reports of unfair sanctioning and case closures across the country. We should make every effort to minimize discrimination in the application of sanctions and the termination of benefits. My bill would require that, prior to imposing a sanction, States inform individuals of the reasons for the sanction and what individuals may do to come into compliance with program rules to avoid the sanction. It also would stipulate that sanctions may not continue after individuals have come into compliance with program rules, and that individuals be informed of all other services and benefits for which they may be eligible during the period of the sanction, and of their rights under applicable State and Federal laws.

Finally, this bill would require States to perform enhanced data collection and analysis so that we can get a better picture of the people who apply for and receive TANF benefits and those who leave the welfare rolls.

I share the concern that has been expressed by a number of my constituents regarding the lack of comprehensive, uniform data about State welfare programs, including information on those who apply for benefits and those who have left the welfare rolls. My bill would require States to collect and manage data in a uniform way; to disaggregate the data based on a larger number of subgroups, including race, ethnicity/national origin, gender, primary language, and educational level of recipient; to include information on work participation and about applicants who are diverted to other programs; and to track clients whose cases are closed.

In addition, the federal Department of Health and Human Services would be required to include a comprehensive analysis broken down by these same data groups in its annual report on the TANF program. The Department would also be required to perform a longitudinal study of program outcomes that includes data on applicants for assistance, families that receive assistance, and families that leave assistance during the period of the study. The Secretary of Health and Human Services would be required to protect the privacy of individuals and families applying for or receiving assistance under state TANF programs when data on such individuals and families is publicly disclosed by the Secretary.

These enhanced requirements are not meant to impose an additional burden on the states. Rather, they are intended to measure the success of the program in a more comprehensive and transparent manner.

This legislation is supported by a broad array of more than 40 organizations, including the Leadership Conference on Civil Rights, the NAACP, the AFL-CIO, the American Association of University Women, the American Bar Association, the American Civil Liberties Union, the Center for Community Change, Hmong National Development, Inc., the National Association of Social Workers, the National Campaign for Jobs and Income Support, the National Council of Churches, the National Council of La Raza, the National Organization for Women, the National Partnership for Women and Families, the National Urban League, Nine to Five, and the Welfare Law Center.

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. 770

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; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Fair Treatment and Due Process Protection Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

(c) REFERENCES.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

TITLE I—ACCESS TO TRANSLATION SERVICES AND LANGUAGE EDUCATION PROGRAMS

SEC. 101. PROVISION OF INTERPRETATION AND TRANSLATION SERVICES.

(a) IN GENERAL.—Section 408(a) (42 U.S.C. 608(a) is amended by adding at the end the following:

''(12) PROVISION OF INTERPRETATION AND TRANSLATION SERVICES.—A State to which a grant is made under section 403(a) for a fiscal year shall, with respect to the State program funded under this part and all programs funded with qualified State expenditures (as

defined in section 409(a)(7)(B)(i)), provide appropriate interpretation and translation services to individuals who lack English proficiency if the number or percentage of persons lacking English proficiency meets the standards established under section 272.4(b) of title 7 of the Code of Federal Regulations (as in effect on the date of enactment of this paragraph).''.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)) is amended by adding at the end the following:

''(15) PENALTY FOR FAILURE TO PROVIDE INTERPRETATION AND TRANSLATION SERVICES.—

''(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(12) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

''(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.''.

SEC. 102. ASSISTING FAMILIES WITH LIMITED ENGLISH PROFICIENCY.

(a) IN GENERAL.—Section 407(c)(2) (42 U.S.C. 607(c)(2)) is amended by adding at the end the following:

''(E) INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.—In the case of an adult recipient who lacks English language proficiency, as defined by the State, the State shall—

''(i) advise the adult recipient of available programs or activities in the community to address the recipient's education needs;

''(ii) if the adult recipient elects to participate in such a program or activity, allow the recipient to participate in such a program or activity; and

''(iii) consider an adult recipient who participates in such a program or activity on a satisfactory basis as being engaged in work for purposes of determining monthly participation rates under this section, except that the State—

''(I) may elect to require additional hours of participation or activity if necessary to ensure that the recipient is participating in work-related activities for a sufficient number of hours to count as being engaged in work under this section; and

''(II) shall attempt to ensure that any additional hours of participation or activity do not unreasonably interfere with the education activity of the recipient.''.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by section 101(b), is amended by adding at the end the following:

''(16) PENALTY FOR FAILURE TO PROVIDE INTERPRETATION AND TRANSLATION SERVICES.—

''(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 407(c)(2)(E) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

''(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.''.

TITLE II—SANCTIONS AND DUE PROCESS PROTECTIONS

SEC. 201. SANCTIONS AND DUE PROCESS PROTECTIONS.

(a) IN GENERAL.—Section 408(a) (42 U.S.C. 608(a)), as amended by section 101(a), is amended by adding at the end the following:

''(13) SANCTION PROCEDURES.—

''(A) PRE-SANCTION REVIEW PROCESS.—Prior to the imposition of a sanction against an individual or family receiving assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for failure to comply with program requirements, the State shall take the following steps:

''(i) Provide or send notice to the individual or family, and, if the recipient's native language is not English, through a culturally competent translation, of the following information:

''(I) The specific reason for the proposed sanction.

''(II) The amount of the proposed sanction.

''(III) The length of time during which the proposed sanction would be in effect.

''(IV) The steps required to come into compliance or to show good cause for noncompliance.

''(V) That the agency will provide assistance to the individual in determining if good cause for noncompliance exists, or in coming into compliance with program requirements.

''(VI) That the individual may appeal the determination to impose a sanction, and the steps that the individual must take to pursue an appeal.

''(ii)(I) Ensure that, subject to clause (iii)—

''(aa) an individual other than the individual who determined that a sanction be imposed shall review the determination and have the authority to take the actions described in subclause (II); and

''(bb) the individual or family against whom the sanction is to be imposed shall be afforded the opportunity to meet with the individual who, as provided for in item (aa), is reviewing the determination with respect to the sanction.

''(II) An individual to which this subclause applies may—

''(aa) modify the determination to impose a sanction;

''(bb) determine that there was good cause for the individual or family's failure to comply;

''(cc) recommend modifications to the individual's individual responsibility or employment plan; and

''(dd) make such other determinations and take such other actions as may be appropriate under the circumstances.

''(iii) The review required under clause (ii) shall include consideration of the following:

''(I) To the extent applicable, whether barriers to compliance exist, such as a physical or mental impairment, including mental illness, substance abuse, mental retardation, a learning disability, domestic or sexual violence, limited proficiency in English, limited literacy, homelessness, or the need to care for a child with a disability or health condition, that contributed to the noncompliance of the person.

''(II) Whether the individual or family's failure to comply resulted from failure to receive or have access to services previously identified as necessary in an individual responsibility or employment plan.

''(III) Whether changes to the individual responsibility or employment plan should be made in order for the individual to comply with program requirements.

''(IV) Whether the individual or family has good cause for any noncompliance.

''(V) Whether the State's sanction policies have been applied properly.

''(B) SANCTION FOLLOW-UP REQUIREMENTS.—If a State imposes a sanction on a family or individual for failing to comply with program requirements, the State shall—

''(i) provide or send notice to the individual or family, in language calculated to be understood by the individual or family, and, if the individual's or family's native language is not English, through a culturally competent translation, of the reason for the sanction and the steps the individual or family must take to end the sanction;

''(ii) resume the individual's or family's full assistance, services, or benefits provided under this program (provided that the individual or family is otherwise eligible for such assistance, services, or benefits) once the individual who failed to meet program requirements that led to the sanction complies with program requirements for a reasonable period of time, as determined by the State and subject to State discretion to reduce such period;

''(iii) if assistance, services, or benefits have not resumed, as of the period that begins on the date that is 60 days after the date on which the sanction was imposed, and end on the date that is 120 days after such date, provide notice to the individual or family, in language calculated to be understood by the individual or family, of the steps the individual or family must take to end the sanction, and of the availability of assistance to come into compliance or demonstrate good cause for noncompliance with program requirements.''.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by section 102(b), is amended by adding at the end the following:

''(17) PENALTY FOR FAILURE TO FOLLOW SANCTION PROCEDURES.—

''(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(13) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

''(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.''.

(c) STATE PLAN REQUIREMENT TO DESCRIBE HOW STATES WILL NOTIFY APPLICANTS AND RECIPIENTS OF THEIR RIGHTS UNDER THE PROGRAM AND OF POTENTIAL BENEFITS AND SERVICES AVAILABLE UNDER THE PROGRAM.—Section 402(a)(1)(B)(iii) (42 U.S.C. 602(a)(1)(B)(iii)) is amended by inserting '', and will notify applicants and recipients of assistance under the program of the rights of individuals under all laws applicable to program activities and of all potential benefits and services available under the program'' before the period.

(d) REQUIREMENT TO PROVIDE NOTICE TO APPLICANTS AND RECIPIENTS OF RIGHTS AND OF POTENTIAL PROGRAM BENEFITS AND SERVICES, AND TO TRAIN PROGRAM PERSONNEL TO RESPECT SUCH RIGHTS.—

(1) IN GENERAL.—Section 408(a) (42 U.S.C. 608(a)), as amended by subsection (a), is amended by adding at the end the following:

''(14) REQUIREMENT TO PROVIDE NOTICE TO APPLICANTS AND RECIPIENTS OF RIGHTS AND OF POTENTIAL PROGRAM BENEFITS AND SERVICES, AND TO TRAIN PROGRAM PERSONNEL TO RESPECT SUCH RIGHTS.—A State to which a grant is made under section 403 shall—

''(A) notify each applicant for, and each recipient of, assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) of the rights of applicants and recipients under all laws applicable to the activities of such program (including the right to claim good cause exceptions to program requirements), and shall provide the notice—

''(i) to a recipient when the recipient first receives assistance, benefits, or services under the program;

''(ii) to all such recipients on a semiannual basis; and

''(iii) orally and in writing, in the native language of the recipient and at not higher than a 6th grade level, and, if the recipient's native language is not English, through a culturally competent translation; and

''(B) train all program personnel on a regular basis regarding how to carry out the program consistent with such rights.''.

(2) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by subsection (b), is amended by adding at the end the following:

''(18) PENALTY FOR FAILURE TO PROVIDE NOTICE TO APPLICANTS AND RECIPIENTS OF RIGHTS AND OF POTENTIAL PROGRAM BENEFITS AND SERVICES, AND TO TRAIN PROGRAM PERSONNEL TO RESPECT SUCH RIGHTS.—

''(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(14) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

''(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.''.

TITLE III—DATA COLLECTION AND REPORTING REQUIREMENTS

SEC. 301. DATA COLLECTION AND REPORTING REQUIREMENTS.

Section 411(a)(1) (42 U.S.C. 611(a)(1)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''(except for information relating to activities carried out under section 403(a)(5))'' and inserting '', and, in complying with this requirement, shall ensure that such information is reported in a manner that permits analysis of the information by race, ethnicity or national origin, primary language, gender, and educational level, including analysis using a combination of these factors, and that all data, including Federal, State, and local data (whether collected by public or private local agencies or entities that administer or operate the State program funded under this part) is made public and easily accessible'';

(B) by striking clause (v) and inserting the following:

''(v) The employment status, occupation (as defined by the most current Federal Standard Occupational Classification system, as of the date of the collection of the data), and earnings of each employed adult in the family.'';

(C) in clause (vii), by striking ''and educational level'' and inserting '', educational level, and primary language'';

(D) in clause (viii), by striking ''and educational level'' and inserting '', educational level, and primary language''; and

(E) in clause (xi), in the matter preceding subclause (I), by inserting '', including, to the extent such information is available, information on the specific type of job, or education or training program'' before the semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A), the following:

''(B) INFORMATION REGARDING APPLICANTS.—

''(i) IN GENERAL.—Each eligible State shall collect on a monthly basis, and report to the Secretary on a quarterly basis, disaggregated case record information on the number of individuals who apply for but do not receive assistance under the State program funded under this part, the reason such assistance were not provided, and the overall percentage of applications for assistance that are approved compared to those that are disapproved with respect to such month.

''(ii) REQUIREMENT.—In complying with clause (i), each eligible State shall ensure that the information required under that clause is reported in a manner that permits analysis of such information by race, ethnicity or national origin, primary language, gender, and educational level, including analysis using a combination of these factors.''.

SEC. 302. ENHANCEMENT OF UNDERSTANDING OF THE REASONS INDIVIDUALS LEAVE STATE TANF PROGRAMS.

(a) CASE CLOSURE REASONS.—Section 411(a)(1) (42 U.S.C. 611(a)(1)), as amended by section 301, is amended—

(1) by redesignating subparagraph (C) (as redesignated by such section 301) as subparagraph (D); and

(2) by inserting after subparagraph (B) (as added by such section 301) the following:

''(C) DEVELOPMENT OF COMPREHENSIVE LIST OF CASE CLOSURE REASONS.—

''(i) IN GENERAL.—The Secretary shall develop, in consultation with States and individuals or organizations with expertise related to the provision of assistance under the State program funded under this part, a comprehensive list of reasons why individuals leave State programs funded under this part. In developing such list, the Secretary shall consider the full range of reasons for case closures, including the following:

''(I) Lack of access to specific programs or services, such as child care, transportation, or English as a second language classes for individuals with limited English proficiency.

''(II) The medical or health problems of a recipient.

''(III) The family responsibilities of a recipient, such as caring for a family member with a disability.

''(IV) Changes in eligibility status.

''(V) Other administrative reasons.

''(ii) OTHER REQUIREMENTS.—The list required under clause (i) shall be developed with the goal of substantially reducing the number of case closures under the State programs funded under this part for which a reason is not known.

''(iii) PUBLIC COMMENT.—The Secretary shall promulgate for public comment regulations that—

''(I) list the case closure reasons developed under clause (i);

''(II) require States, not later than October 1, 2004, to use such reasons in accordance with subparagraph (A)(xvi); and

''(III) require States to report on efforts to improve State tracking of reasons for case closures, including the identification of additional reasons for case closures not included on the list developed under clause (i).

''(iv) REVIEW AND MODIFICATION.—The Secretary, through consultation and analysis of quarterly State reports submitted under this paragraph, shall review on an annual basis whether the list of case closure reasons developed under clause (i) requires modification and, to the extent the Secretary determines that modification of the list is necessary, shall publish proposed modifications for notice and comment, prior to the modifications taking effect.''.

(b) INCLUSION IN QUARTERLY STATE REPORTS.—Section 411 (a)(1)(A) (42 U.S.C. 611(a)(1)(A)) is amended—

(1) in clause (xvi)—

(A) in subclause (IV), by striking ''or'' at the end;

(B) in subclause (V), by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(VI) a reason specified in the list developed under subparagraph (C), including any modifications of such list.'';

(2) by redesignating clause (xvii) as clause (xviii); and

(3) by inserting after clause (xvi), the following:

''(xvii) The efforts the State is undertaking, and the progress with respect to such efforts, to improve the tracking of reasons for case closures.''.

SEC. 303. LONGITUDINAL STUDIES OF TANF APPLICANTS AND RECIPIENTS.

(a) IN GENERAL.—Section 413 (42 U.S.C. 613) is amended by striking subsection (d) and inserting the following:

''(d) LONGITUDINAL STUDIES OF APPLICANTS AND RECIPIENTS TO DETERMINE THE FACTORS THAT CONTRIBUTE TO POSITIVE EMPLOYMENT AND FAMILY OUTCOMES.—

''(1) IN GENERAL.—The Secretary, directly or through grants, contracts, or interagency agreements, shall conduct longitudinal studies in at least 5, and not more than 10, States (or sub-State areas, except that no such area shall be located in a State in which a Statewide study is being conducted under this paragraph) of a representative sample of families that receive, and applicants for, assistance under a State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)).

''(2) REQUIREMENTS.—The studies conducted under this subsection shall—

''(A) follow families that cease to receive assistance, families that receive assistance throughout the study period, and families diverted from assistance programs; and

''(B) collect information on—

''(i) family and adult demographics (including race, ethnicity or national origin, primary language, gender, barriers to employment, educational status of adults, prior work history, prior history of welfare receipt);

''(ii) family income (including earnings, unemployment compensation, and child support);

''(iii) receipt of assistance, benefits, or services under other needs-based assistance programs (including the food stamp program, the medicaid program under title XIX, earned income tax credits, housing assistance, and the type and amount of any child care);

''(iv) the reasons for leaving or returning to needs-based assistance programs;

''(v) work participation status and activities (including the scope and duration of work activities and the types of industries and occupations for which training is provided);

''(vi) sanction status (including reasons for sanction);

''(vii) time limit for receipt of assistance status (including months remaining with respect to such time limit);

''(viii) recipient views regarding program participation; and

''(ix) measures of income change, poverty, extreme poverty, food security and use of food pantries and soup kitchens, homelessness and the use of shelters, and other measures of family well-being and hardship over a 5-year period.

''(3) COMPARABILITY OF RESULTS.—The Secretary shall, to the extent possible, ensure that the studies conducted under this subsection produce comparable results and information.

''(4) REPORTS.—

''(A) INTERIM REPORTS.—Not later than October 1, 2006, the Secretary shall publish interim findings from at least 12 months of longitudinal data collected under the studies conducted under this subsection.

''(B) SUBSEQUENT REPORTS.—Not later than October 1, 2008, the Secretary shall publish findings from at least 36 months of longitudinal data collected under the studies conducted under this subsection.''.

(b) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Section 411(b) (42 U.S.C. 611(b)) is amended—

(A) in paragraph (2)—

(i) by inserting ''(including types of sanctions or other grant reductions)'' after ''financial characteristics''; and

(ii) by inserting '', disaggregated by race, ethnicity or national origin, primary language, gender, education level, and, with respect to closed cases, the reason the case was closed'' before the semicolon;

(B) in paragraph (3), by striking ''and'' at the end;

(C) in paragraph (4), by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(5) the economic well-being of children and families receiving assistance under the State programs funded under this part and of children and families that have ceased to receive such assistance, using longitudinal matched data gathered from federally supported programs, and including State-by-State data that details the distribution of earnings and stability of employment of such families and (to the extent feasible) describes, with respect to such families, the distribution of income from known sources (including employer-reported wages, assistance under the State program funded under this part, and benefits under the food stamp program), the ratio of such families' income to the poverty line, and the extent to which such families receive or received noncash benefits and child care assistance, disaggregated by race, ethnicity or national origin, primary language, gender, education level, whether the case remains open, and, with respect to closed cases, the reason the case was closed.''.

(2) CONFORMING AMENDMENTS.—Section 411(a) (42 U.S.C. 611(a)) is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6), the following:

''(7) REPORT ON ECONOMIC WELL-BEING OF CURRENT AND FORMER RECIPIENTS.—The report required by paragraph (1) for a fiscal quarter shall include for that quarter such information as the Secretary may specify in order for the Secretary to include in the annual reports to Congress required under subsection (b) the information described in paragraph (5) of that subsection.''.

SEC. 304. PROTECTION OF INDIVIDUAL PRIVACY.

Section 411 of the Social Security Act (42 U.S.C. 611) is amended by adding at the end the following:

''(c) PROTECTION OF INDIVIDUAL PRIVACY.—With respect to any information concerning individuals or families receiving assistance, or applying for assistance, under the State programs funded under this part that is publicly disclosed by the Secretary, the Secretary shall ensure that such disclosure is made in a manner that protects the privacy of such individuals and families.''.

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

The amendments made by this Act take effect on October 1, 2003.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator FEINGOLD and Senator LANDRIEU in introducing the Fair Treatment and Due Process Protection Act of 2003, which will benefit low-income families across the Nation by providing inportant civil rights protections to welfare recipients.

Many families who apply for welfare benefits do not speak English or have limited English proficiency. Yet when they arrive at the welfare office, there is no interpreter or translator to assist them. Too often, eligible families leave the welfare office not enrolled in the program and without access to needed benefits and services. Even those who succeed in enrolling often leave the welfare office without understanding the rules for participation, and are later penalized and lose benefits.

In virtually all of these cases, families want to play by the rules, but barriers such as limited English language skills prevent them from doing so. By helping to eliminate the language barriers, we can help them to play by the rules.

Under the Food Stamp program, States are already required to evaluate applicants' English language skills and provide translation and interpreter services when necessary. Our bill will extend this same requirement to the welfare program to ensure that families who need benefits actually get them and can understand how to comply with the program.

States would also be required to advise adults on the programs available in their community to help them learn English. For individuals who elect to participate in an English language program, states would be able to count these activities toward the federal work requirements.

Clearly, families must be able to play by the rules, but the rules must be fair, especially when children are at risk. Today, however, when States impose penalties, they often penalize the entire family. Even money to support the childern in these families is suspended. Our bill provides important protections against unnecessary penalties.

States would be required to inform families of the specific reasons for imposing a penalty and what the families can do to avoid it. States would also be prohibited from continuing a penalty after the family has come into compliance. It is unfair to penalize families for noncompliance because they did not understand the rules. The children in these families deserve to be cared for.

An additional provision in this bill encourages States to collect data on welfare outcomes, including why families leave welfare and how they fare over the long term. It also encourages States to collect data by race, ethnic background, and primary language, so that disparities in access, use, or well-being become known and can be addressed by changes in policy and programs. The knowledge obtained from these data will help to ensure that welfare policies help more people in better ways.

Protecting families from discrimination because of their native language, safeguarding them from unnecessary and harmful penalties, and understanding how policies affect families are important parts of genuine and fair welfare reform. The Fair Treatment and Due Process Protection Act of 2003 will help many more families to obtain the support they so desperately need, and I urge my colleagues to approve these important protections.

By Mr. BIDEN.

S. 771. A bill to improve the investigation and prosecution of child abuse cases through Children Advocacy Centers; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce a bill that I believe will bring renewed focus to the battle against child abuse and the services we provide child victims of crimes. Today, I am introducing the Victims of Child Abuse Act of 2003, which reauthorizes the Children's Advocacy Centers. These centers bring together law enforcement, prosecutors, child protective services and medical and mental health professionals to provide comprehensive, child-focused services to child victims of crimes. Operating in all 50 States, Children's Advocacy Centers served over 116,000 child victims last year. Of these victims, 26,934 received onsite medical exams, 27,684 received counseling and 69,443 went through a forensic interview process specially designed for children. Seventy-six percent of the children they serviced were under the age of 12.

In 1994, this body passed a piece of legislation that I authored and had been advocating for a number of years, the Violence Against Women Act. When we passed this landmark legislation, what we said as a Congress, and were saying as a Nation as a whole, was that domestic violence is not a family problem to be dealt with quietly behind the scenes, but a national crisis in need of a coordinated response from law enforcement, courts and the medical community. Backed by a nearly $1½ billion commitment of Federal funds, the Violence Against Women Act spurred a sea change on the Federal, State and local levels in how police, prosecutors, judges, medical personnel and others, process and handle cases of domestic abuse. The Violence Against Women Act made it clear that victims of domestic violence were, in fact, victims: Victims in need of the full extent of this nation's medical and legal resources. The bill I am introducing today is designed to bring this same type of concentrated focus, general awareness, and coordinated response to victims of child abuse, the most heinous and incomprehensible form of violence against the most vulnerable and innocent people in our lives.

In 1987 Congressman BUD CRAMER, then District Attorney of Madison, County, AL, founded the Nation's first Children's Advocacy Center. As stated earlier, these centers bring together law enforcement, prosecutors, child protective services and medical and mental health professionals to provide comprehensive, coordinated services to child victims of crimes. Congress responded several years later. As Chairman of the Judiciary Committee, I

sponsored, along with Senator THURMOND, the Crime Control Act of 1990, P.L. 101–647, which created the Court Appointed Special Advocates, (CASA), program, to provide for the appointment of advocates on behalf of abused and neglected children. Two years later, Congress created the Children's Advocacy Centers as part of the 1992 reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974, P.L. 102–586. The 1992 legislation amended the Victims of Child Abuse Act to include Child Advocacy Centers with a fiscal year 1993 total authorization level of $20 million and such sums as necessary for fiscal years 1994 through 1996. In particular, Senator NICKLES and Representative CRAMER were instrumental in championing the Children's Advocacy Centers. The Child Abuse Prevention and Treatment Act of 1996, P.L. 104–235, reauthorized the Children's Advocacy Centers through fiscal year 2000 but made no substantive changes to the program, nor did it provide specific authorization levels.

The Children's Advocacy Centers were a logical complement to the CASA program I authored in 1990, by bringing together law enforcement, prosecutors, child protective services and medical and mental health professionals to provide comprehensive, child-focused services to child victims of crimes. The centers provide immediate attention to the young victims of sexual and physical abuse, so that they are not ''twice abused,'' first by the perpetrator and second by a system which used to shuttle them from a medical clinic to a counseling center to the police station to the D.A.'s office.

Communities with Children's Advocacy Centers report increased successful prosecution of perpetrators, more consistent follow-up to child abuse reports, increased medical and mental health referrals for victims, and more compassionate support for child victims and their families. Widely cited as an efficient, cost-effective mechanism of handling child abuse cases, these centers are widely supported by police, prosecutors and the courts. In a May 1998 publication titled, New Directions from the Field, the Department of Justice included Children's Advocacy Centers as their number one recommendation for improving services to children who directly experience or witness violence in their homes, neighborhoods and schools—number one.

Today in my state of Delaware, there are two operational Children's Advocacy Centers. One is located in Wilmington and one is located in Milford. A third center is scheduled to open in Dover. These centers provide a safe, comfortable setting in which cross-trained professionals interview alleged victims and begin initial investigation and evidence collection. Like other centers they offer on-site physical exams by specially trained pediatricians, prosecutors on hand to make immediate contact with victims and families, referrals to mental health services and most importantly, one-time minimally intrusive taped interviews of child victims. This last service, one-time minimally intrusive taped interviews, is particularly important. Let me read to you from a letter I received from John Humphrey, a retired police officer who now acts as executive director of the Delaware Children's Advocacy Centers, to demonstrate why:

I am a retired New Castle County Police Lieutenant that for 12 of my 21 years investigated child abuse and child death cases. One of the most important pieces of the entire case is the interview of the child victim. . . . Often times I saw children subjected to at least 3–4 interviews by 3 or 4 different interviewers, all with varying levels of interviewing expertise. The end result is three or four versions of events . . . answers vary because of the manner in which questions are asked and the skills of the interviewer. . . . Defense attorneys use that alone to poke holes in a child's story. . . . Children's Advocacy Centers bring all of the involved parties to the table at the same time to work as a team. . . . We use forensic interviewers specially trained in interviewing children. . . . This results in video taped interviews of such quality that most defense attorneys are asking for pleas to escape trial. We are getting good pleas with good sentences. Most importantly, this process minimizes the trauma a child victim and witness must endure by doing one interview of such quality that the child may be spared from walking into a courtroom full of strangers to tell what happened. I would have given anything as a police detective to have a children's advocacy center. It expedites the process, minimizes the problems associated with duplicative and unnecessary interviews, opens the lines of combination between agencies, and provides the best professional assessment of a case.

Last year Children's Advocacy Centers in Delaware handled 1,000 cases where child victims as young as 3 alleged physical or sexual abuse. Mr. Humphrey estimates that the centers eliminated 2,500 unnecessary interviews by using the multidisciplinary approach.

The child abuse and crime statistics in this country are outrageous. Nationally, 3.9 million of the nation's 22.3 million children between the ages of 12 and 17 have been seriously physically assaulted and one in three girls and one in five boys are sexually abused before the age of 18. We have to do more to protect our children, by reauthorizing Children's Advocacy Centers we can.

I want to believe that we are doing everything we can to prevent crimes against children and, if God forbid they do occur, that we are doing everything we can to treat the victims. This piece of legislation would do just that.

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. 771

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 ''Victims of Child Abuse Act of 2003''.

SEC. 2. AMENDMENTS TO THE VICTIMS OF CHILD ABUSE ACT OF 1990.

The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(1) in section 211 (42 U.S.C. 13001) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (9) and (10), respectively; and

(B) inserting after paragraph (5) the following:

''(6)(A) the National Children's Alliance (NCA) is a nationwide not-for-profit membership organization whose members are local Children's Advocacy Centers;

''(B) the NCA's mission is to assist communities seeking to improve their response to child abuse by supporting the development, growth, and continuation of Children's Advocacy Centers (CACs); and

''(C) the NCA provides training, technical assistance, and networking opportunities to CACs nationally;

''(7)(A) CACs are community partnerships committed to a multidisciplinary team approach by professionals pursuing the truth in child abuse investigations; and

''(B) CACs are based in child-friendly facilities that enable law enforcement, prosecutors, child protective services, and the medical and mental health communities to work as a team to investigate, prosecute, and treat child abuse;

''(8)(A) working in partnership with the National Children's Alliance, Regional Children's Advocacy Centers were established by the Office of Juvenile Justice and Delinquency Prevention to provide outreach and assistance to communities seeking to develop a Children's Advocacy Center; and

''(B) Regional Children's Advocacy Centers provide information, consultation, training, and technical assistance helping to establish child-focused programs that facilitate and support coordination among agencies responding to child abuse. Regional Children's Advocacy Centers also provide regional services to help Children's Advocacy Centers already in existence;'';

(2) in section 212 (42 U.S.C. 13001a)—

(A) by striking paragraphs (3) and (6);

(B) redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(C) redesignating paragraphs (7), (8), and (9) as paragraphs (5), (6), and (7), respectively;

(3) in section 213 (42 U.S.C. 13001b)—

(A) by striking the caption for the section and inserting ''CHILDREN'S ADVOCACY CENTERS''; and

(B) in subsection (a), by striking beginning with ''the Administrator'' through paragraph (1) and inserting the following: ''The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall establish Regional Children's Advocacy Centers to—

''(1) focus attention on child victims by assisting communities to develop and maintain local Children's Advocacy Centers which are child-focused community-oriented facility based programs designed to improve the resources available to children and families affected by child abuse and neglect;'';

(C) in subsection (b)(1), by striking '', in coordination with the Director,'';

(D) in subsection (c)—

(i) in paragraph (1), by striking the text and inserting ''The Administrator, in consultation with the National Children's Alliance, shall solicit proposals for assistance under this section when existing contracts with Regional Children's Advocacy Centers are close to expiration.''; and

(ii) in paragraph (4)(B), by striking the matter before clause (i) and inserting the following: ''The Administrator shall select proposals for funding that—'';

(E) in subsection (d)—

(i) in paragraph (1), by striking '', in coordination with the Director,''; and

(ii) in paragraph (2), by striking ''and the Director''; and

(F) by striking subsection (e);

(4) in section 214 (42 U.S.C. 13002)—

(A) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—The Administrator, in consultation with the officials from the Office of Victims of Crime, shall make grants to develop and implement local multidisciplinary child abuse investigations and prosecution programs. The National Children's Alliance shall serve as the subgrantor of these funds.''; and

(B) in subsection (b)(1), by striking '', in coordination with the Director,''; and

(5) in section 214B (42 U.S.C. 13004), by amending the text to read as follows:

''(a) SECTIONS 213 AND 214.—There are authorized to be appropriated to carry out sections 213 and 214, $15,000,000 for each of fiscal years 2004 through 2008.

''(b) SECTION 214A.—There are authorized to be appropriated to carry out section 214A, $5,000,000 for each of fiscal years 2004 through 2008.''.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. KENNEDY, Mr. DEWINE, Mr. BIDEN, Mr. SHELBY, and Mrs. LINCOLN):

S. 773. A bill to reauthorize funding for the National Center for Missing and Exploited Children, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I rise today to introduce the ''Protecting Our Children Comes First Act of 2003,'' which will double funding for the National Center for Missing and Exploited Children, NCMEC, reauthorize the Center through fiscal year 2007, and increase Federal support to help NCMEC programs to find missing children across the Nation.

I am pleased that Senators HATCH, KENNEDY, DEWINE, BIDEN, SHELBY and LINCOLN join me as the original cosponsors of this bipartisan legislation. Today, Senators DEWINE, LINCOLN and SHELBY launched the new Senate Caucus on Missing, Exploited and Runaway Children. I am honored to join the Caucus co-chairs as a founding member of the Caucus, and thank them for their leadership in this area.

It pains us all to see on TV, in the newspapers or milk cartons photo after photo of missing children from every corner of the Nation. As a father and grandfather, I know that an abducted child is the worst nightmare. Unfortunately, it is a nightmare that happens all too often. Indeed, the Justice Department estimates that 2,200 children are reported missing each day. There are approximately 114,600 attempted stranger abductions every year, with 3,000 to 5,000 of those attempts succeeding. Experts estimate that children and youth comprise between 85 and 90 percent of missing person reports. These families deserve the assistance of the American people and helping hand of the Congress.

As the Nation's top resource center for child protection, the National Center for Missing and Exploited Children spearheads national efforts to locate and recover missing children and raises public awareness about ways to prevent child abduction, molestation, and sexual exploitation.

NCMEC works to make our children safer by being a national voice and advocate for those too young to vote or speak up for their own rights. The Center operates under a Congressional mandate and works in cooperation with the U.S. Department of Justice's (DOJ) Office of Juvenile Justice and Delinquency Prevention to coordinate the efforts of law enforcement officers, social service agencies, elected officials, judges, prosecutors, educators, and the public and private sectors to break the cycle of violence that historically has perpetuated these needless crimes against children.

The Center's professionals have disturbingly busy jobs—they have worked on more than 90,000 cases of missing and exploited children since its 1984 founding, helping to recover more than 70,000 children, and raised its recovery rate from 60 percent in the 1980s to 94 percent today. The Center has set up a nationwide, toll free, 24-hour telephone hotline to take reports about missing children and clues that might lead to their recovery, a National Child Pornography Tipline to handle calls from individuals reporting the sexual exploitation of children through the production and distribution of pornography, and a CyberTipline to process online leads from individuals reporting the sexual exploitation of children. It has taken the lead in circulating millions of photographs of missing children, and serves as a vital resource for the 17,000 law enforcement agencies located throughout the U.S. in the search for missing children and the quest for child protection.

NCMEC is headquartered in Alexandria, Virginia and operates branch offices in five other locations throughout the country to provide hands-on assistance to families of missing children, advocating legislative changes to better protect children, conducting an array of prevention and awareness programs, and motivating individuals to become personally involved in child-protection issues. It has also grown into an international organization, establishing the International Division of the National Center for Missing and Exploited Children, which has been working to fulfill the Hague Convention on the Civil Aspects of International child Abduction. The International Division provides assistance to parents, law enforcement, attorneys, nonprofit organizations, and other concerned individuals who are seeking assistance in preventing or resolving international child abductions.

NCMEC manages to do all of this good work with a $10 million annual DOJ grant, which expires after fiscal year 2003. We must act now both to extend its authorization and increase the Center's funding to $20 million each year through fiscal year 2007 so that it can continue to help keep children safe and families intact around the Nation. There is so much more to be done to ensure the safety of our children, and the bipartisan legislation we introduce today will help the Center in its efforts to prevent crimes that are committed against them.

The Protecting Our children Comes First Act also increases Federal support for NCMEC programs to find missing children by allowing the U.S. Secret Service to provide forensic and investigating assistance to the NCMEC, as well as any State or local law enforcement agency, in any investigation involving missing or exploited children.

The bill also amends of the Missing Children's assistance Act to coordinate the operation of the Center's CyberTipline to provide all online users an effective means of reporting Internet-related child sexual exploitation, including the distribution of child pornography, online enticement of children for sexual acts, and child prostitution. Since its creation in 1998, the CyberTipline has fielded almost 100,000 reports, which has allowed Internet users to quickly and easily report suspicious activities linked to the Internet.

We have before us the type of bipartisan legislation that should be moved easily through the Senate and House. Efforts to protect our children do not deserve to be used as pawns by groups who play politics by attaching it to more controversial measures. I applaud the ongoing work of the Center and hope both the Senate and the House will promptly pass this bill to provide more Federal supply for the NCMEC to continue to find missing children and protect exploited children across the country.

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

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

S. 773

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 ''Protecting Our Children Comes First Act of 2003''.

SEC. 2. FORENSIC AND INVESTIGATIVE SUPPORT OF MISSING AND EXPLOITED CHILDREN.

Section 3056 of title 18, United States Code, is amended by adding at the end the following:

''(f) Under the direction of the Secretary of Homeland Security, officers and agents of the Secret Service are authorized, at the request of any State or local law enforcement agency or the National Center for Missing and Exploited Children, to provide forensic and investigative assistance in support of any investigation involving missing or exploited children.''.

SEC. 3. CREATION OF CYBER TIPLINE.

Section 404(b)(1) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)(1)) is amended—

(1) in subparagraph (F), by striking ''and'' at the end;

(2) in subparagraph (G), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(H) coordinate the operation of a cyber tipline to provide online users an effective means of reporting Internet-related child sexual exploitation in the areas of—

''(i) distribution of child pornography;

''(ii) online enticement of children for sexual acts; and

''(iii) child prostitution.''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 408(a) of the Missing Children's Assistance Act (42 U.S.C. 5777(a)) is amended by striking ''fiscal years 2000 through 2003'' and inserting ''fiscal years 2004 through 2007.''.

(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 404(b)(2) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)(2)) is amended by striking ''$10,000,000 for each of fiscal years 2000, 2001, 2002, and 2003'' and inserting ''$20,000,000 for each of the fiscal years 2004 through 2007''.

Mr. HATCH. Mr. President, the National Center for Missing and Exploited Children is a critical component of our Nation's battle against child pornography and child exploitation. It is absolutely dedicated to eradicating these evils, and its members work tirelessly towards this end. The Center deserves more than just kind words for these heroic efforts; Federal funding is necessary for it to continue this good work. Indeed, Congress has tasked the Center with many missions, including maintaining the cyber-tipline that receives reports of on-line child pornography, which the Center forwards to appropriate law enforcement officials. In this, as well as many other areas, the Center forms a valuable partnership with both Federal and State law enforcement officials and prosecutors in redressing a host of crimes against children.

The Center's cause is just and its history of performance is excellent. I am pleased to be the lead cosponsor of legislation that will continue to authorize funding for the National Center for Missing and Exploited Children for the next four years. Senator LEAHY and I introduced this legislation in the 107th Congress, and our bipartisan effort continues in this new Congress. Our bill again authorizes funding at $20 million per year—twice the previous authorization—in recognition of the severity of the problem and the increased duties the Center has taken on.

As the Chairman of the Judiciary Committee, I am confident that this bill will become law very soon. I hope all of my colleagues will join Senator LEAHY and me in supporting this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 103—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF JOHN JENKEL V. DANIEL K. AKAKA, ET AL.

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 103

Whereas, in the case of John Jenkel v. Daniel K. Akaka, et al., No. C 03–0381 (JCS), pending in the United States District Court for the Northern District of California, the plaintiff has named as defendants ninety-four Members of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent the Members of the Senate who are defendants in the case of John Jenkel v. Daniel K. Akaka, et al.

SENATE CONCURRENT RESOLUTION 32—EXPRESSING THE SENSE OF CONGRESS REGARDING THE PROTECTION OF RELIGIOUS SITES AND THE FREEDOM OF ACCESS AND WORSHIP

Mr. GRAHAM of South Carolina (for himself, Mr. SANTORUM, Mr. BUNNING, Mr. NICKLES, Mr. CRAIG, and Mr. CRAPO) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 32

Whereas throughout time various groups have felt special attachment to places that they considered sacred and holy, and the sacred texts of the great historical religions include accounts of specific places where individuals or groups experienced significant encounters with God;

Whereas holy places create a memory of these encounters with the divine and are a part of the character of every religious tradition;

Whereas holy places are as much a common feature of the religious traditions of humanity as are sacred time, ceremonies, and prayer;

Whereas one of the results of the identification of locations as sacred is that these places can become the focus for the tensions between the members of different religious communities;

Whereas a place that is considered holy by one group can come to be claimed by adherents of another tradition, and as a result holy places can become the source of conflict as much as of spiritual expression;

Whereas when religious communities tragically fall into estrangement or antagonism, the holy places of each community often become the target of violence or vengeance instead of veneration and reverence, and people act out their contempt and anger through occupation, desecration, and destruction;

Whereas the location of many holy sites of the three main monotheistic religions are located in the State of Israel and in the Palestinian territory;

Whereas this region is especially important to the followers of Judaism, Islam, and Christianity, and many visitors from around the world travel to these sites for personal and religious inspiration;

Whereas under British control the Palestine Mandate of 1922 contained a number of provisions ensuring freedom of religion and conscience and protection of holy places, as well as prohibiting discrimination on religious grounds;

Whereas the Palestine Order in Council of that same year provided that ''all persons . . . shall enjoy full liberty of conscience and free exercise of their forms of worship, subject only to the maintenance of public order and morals'' and ''no ordinance shall be promulgated which shall restrict complete freedom of conscience and the free exercise of all forms of worship.'';

Whereas these provisions of the Mandate and the Palestine Orders in Councils have been recognized in the Israeli legal system and are instructive of Israeli policy in safeguarding freedom of conscience and religion;

Whereas the Israeli Declaration of Independence of 1948 is another legal source that guarantees freedom of religion and conscience, and equality of social and political rights irrespective of religion;

Whereas this document states ''the State of Israel . . . will be based on freedom, justice, and peace as envisaged by the Prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race, or sex; it will guarantee freedom of religion, conscience, language, education, and culture.'';

Whereas this document expresses Israel's vision and its credo, and adherence to these principles is guaranteed by law;

Whereas each religious community within Israel is free to exercise its faith, observe its own holy days and weekly day of rest, and administer its own internal affairs;

Whereas the Israeli Protection of Holy Places Law of 1967 states that freedom of access and worship is ensured at all places of worship and religious significance;

Whereas this law states ''the Holy Places shall be protected from desecration and any other violation and from anything likely to violate the freedom of access of members of the various religions to the places sacred to them, or their feelings with regard to those places.'';

Whereas Israel has worked to abolish discriminatory laws and adopt standards of safeguarding access to holy sites;

Whereas in the past fifty-five years Israel has striven to assure the safety of all religions;

Whereas the holy sites in Israel and Palestinian regions should be protected from desecration and any other violation;

Whereas two years ago, in Nablus, the Tomb of Joseph was ransacked and set on fire on live television, and in retaliation a group twice attempted to burn a mosque in the center of Tiberias;

Whereas these actions were followed by attempts to destroy an ancient Jewish synagogue in Jericho;

Whereas last spring, during the Easter season, heavy unrest in the West Bank resulted in a stalemate between Israeli soldiers and over 100 Palestinian fighters in the Church of the Nativity in Bethlehem; and

Whereas this deadlock lasted over a month and prevented anyone from visiting this church of great historical and religious importance: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) holy sites around the world, particularly in the Israeli and Palestinian region, should be protected from desecration and any other violation;

(2) the freedom of access of members of the various religions to the holy sites sacred to them should not be hindered;

(3) to assure the safety of American citizens, the holy sites currently under the sovereignty of the State of Israel should remain under Israeli protection, and that all holy sites in the region remain open to visitors of all faiths;