

S. 845

At the request of Mr. GRAHAM of Florida, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 845, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs.

S. 852

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 852, a bill to amend title 10, United States Code, to provide limited TRICARE program eligibility for members of the Ready Reserve of the Armed Forces, to provide financial support for continuation of health insurance for mobilized members of reserve components of the Armed Forces, and for other purposes.

S. 874

At the request of Mr. TALENT, the names of the Senator from Georgia (Mr. MILLER), the Senator from Mississippi (Mr. COCHRAN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickie Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 875

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 877

At the request of Mr. BURNS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 877, a bill to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

S. 878

At the request of Mr. HATCH, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 878, a bill to authorize an additional permanent judgeship in the District of Idaho, and for other purposes.

S. 884

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. BREAU) was added as a cosponsor of S. 884, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 959

At the request of Mr. INHOFE, the names of the Senator from Utah (Mr.

HATCH) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 959, a bill to limit the age restrictions imposed by the Administrator of the Federal Aviation Administration for the issuance or renewal of certain airman certificates, and for other purposes.

S. 982

At the request of Mr. SANTORUM, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 985

At the request of Mrs. BOXER, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Missouri (Mr. BOND) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 982, *supra*.

S. 985

At the request of Mr. DODD, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 1037

At the request of Ms. SNOWE, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1037, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 1079

At the request of Ms. MURKOWSKI, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1079, a bill to extend the Temporary Extended Unemployment Compensation Act of 2002.

S. CON. RES. 44

At the request of Mr. AKAKA, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. Con. Res. 44, a concurrent resolution recognizing the contributions of Asian Pacific Americans to our Nation.

S. RES. 133

At the request of Mr. DURBIN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. Res. 133, a resolution condemning bigotry and violence against Arab Americans, Muslim Americans, South-Asian Americans, and Sikh Americans.

AMENDMENT NO. 689

At the request of Mr. DASCHLE, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Vermont (Mr. LEAHY) were added

as cosponsors of amendment No. 689 proposed to S. 1050, an original bill to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 696

At the request of Mr. DASCHLE, his name was added as a cosponsor of amendment No. 696 proposed to S. 1050, an original bill to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 696

At the request of Mr. GRAHAM of South Carolina, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from New York (Mrs. CLINTON), the Senator from Ohio (Mr. DEWINE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. MILLER), the Senator from Virginia (Mr. ALLEN), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Ms. STABENOW), the Senator from Maryland (Ms. MIKULSKI), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Colorado (Mr. CAMPBELL), the Senator from Maine (Ms. COLLINS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of amendment No. 696 proposed to S. 1050, *supra*.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (for himself and Mr. BINGAMAN):

S. 1083. A bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the medicaid and State children's health insurance programs through better linkages with programs providing nutrition and related assistance to low-income families; to the Committee on Finance.

Mr. LUGAR. Mr. President, I rise today to introduce the Children's Express Lane to Health Coverage Act of 2003. This bill will give States greater flexibility in the ways they can enroll uninsured children into Medicaid and SCHIP while at the same time increasing government efficiency. Furthermore, it will help States reduce bureaucracy and red-tape.

In 1999, 4.4 million low-income uninsured children were in families that received benefits through Food Stamps, the National School Lunch Program, or the Special Supplemental Nutrition Program for Women, Infants and Children, WIC. Recognizing this, I worked to include a provision in the Agricultural Risk Protection Act of 2000,

which allowed schools and school districts to share school lunch information with State health insurance agencies for outreach and enrollment activities.

The good news is that this provision has inspired numerous States to share information with Medicaid and SCHIP for the purposes of enrollment and outreach. Some States and communities have gone even further and simplified the health insurance application process by utilizing information provided in another program application to make the eligibility or renewal determination for Medicaid and or SCHIP.

Some States would like to go further still, and determine that a child is income eligible for Medicaid or SCHIP based on the fact that they have already been found eligible for a nutrition or other comparable program that operates under similar financial guidelines. Unfortunately, they have found Federal law not flexible enough.

The Express Lane Act would give States the option of establishing that their Medicaid or SCHIP financial eligibility rules are satisfied when a family presents proof that their child is already enrolled in another public program with comparable income guidelines. Express lane does not affect other, non-income eligibility requirements and maintains existing quality control measures.

If given the ability to adopt automatic income eligibility, as set out in The Children's Express Lane to Health Coverage Act of 2003, States could reach a tangible population of uninsured children, build upon the initiative already taken by families, eliminate multi-agency duplicative efforts to collect and verify income and resource eligibility, and at the same time maintain program integrity.

By Mr. INOUE:

S. 1084. A bill to establish formally the United States Military Cancer Institute Center of Excellence, to provide for the maintenance of health in the military by enhancing cancer research and treatment, to provide for a study of the epidemiological causes of cancer among various ethnic groups for prevention efforts, and for other purposes; to the Committee on Armed Services.

Mr. INOUE. Mr. President, today I introduce the United States Military Cancer Institute Center of Excellence Research Collaborative Act of 2003. This legislation seeks to formally establish the United States Military Cancer Institute, Center of Excellence and seeks support for the collaborative augmentation of research efforts in cancer epidemiology, prevention, and control. The mission of the Institute is to provide for the maintenance of health in the military by enhancing cancer research and treatment, and to study the epidemiological causes of cancer among various ethnic groups. By formally establishing the USMCI as a Center of Excellence it will better unite military research efforts with other cancer research centers.

Cancer prevention and treatment for the military population is a significant issue, thus the USMCI was organized to coordinate the military cancer assets already established. The USMCI has a comprehensive database on its beneficiary population of 9 million people. The military's nationwide tumor registry, the Automated Central Tumor Registry, has acquired more than 180,000 cases in the last 14 years, and a serum repository of 30 million specimens from military personnel collected sequentially since 1987. This population is predominantly Caucasian, African-American, and Hispanic.

The Director of the USMCI, Dr. John Potter, is also a Professor of Surgery at the Uniformed Services University of the Health Sciences, USUHS. A highly talented cancer epidemiologist, Dr. Kangmin Zhu, has also been recruited to lead the USMCI Prevention and Control Programs.

The USMCI currently functions in the Washington, D.C. area, and its components are located at the National Naval Medical Center, the Malcolm Grow Medical Center, the Armed Forces Institute of Pathology, and the Armed Forces Radiobiology Research Institute. Currently there are more than 70 research workers, both active duty and Department of Defense civilian scientists, in the USMCI.

The USMCI intends to expand its research activities to military medical centers across the Nation. Special emphasis will be placed on the study of genetic and environmental factors in carcinogenesis among the entire population including Asian, Caucasian, African-American and Hispanic populations.

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

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

S. 1084

*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 "United States Military Cancer Institute Center of Excellence Act of 2003".

**SEC. 2. RESEARCH BY UNITED STATES MILITARY CANCER INSTITUTE CENTER OF EXCELLENCE.**

(a) FORMAL ESTABLISHMENT OF UNITED STATES MILITARY CANCER INSTITUTE CENTER OF EXCELLENCE.—(1) There is hereby established the United States Military Cancer Institute Center of Excellence in the Uniformed Services University of the Health Sciences (USUHS).

(2) The Center shall consist of the United States Military Cancer Institute (USMCI) and such other elements of the Uniformed Services University of the Health Sciences as the President of the University considers appropriate.

(b) RESEARCH.—(1) The United States Military Cancer Institute Center of Excellence shall carry out a research study on the epidemiological causes of cancer among populations of various ethnic origins, including an assessment of the carcinogenic effect of

various genetic and environmental factors, and of disparities in health, inherent or common among populations of various ethnic origins.

(2) The research study shall include complementary research on oncologic nursing.

(c) COLLABORATIVE RESEARCH.—The United States Military Cancer Institute Center of Excellence shall carry out the research study required pursuant to subsection (b) in collaboration with other cancer research organizations and entities selected by the Center for purposes of the research study and construction.

(d) REPORTS.—(1) Not later than one year after the date of the enactment of this Act, and annually thereafter, the Director of the United States Military Cancer Institute Center of Excellence shall submit to the President of the Uniformed Services University of the Health Sciences a report on the results of the research study required pursuant to subsection (b).

(2) Not later than 60 days after the receipt of a report under paragraph (1), the President of the University shall transmit such report to Congress, together with such additional information and recommendations as the President of the University considers appropriate.

By Mr. BINGAMAN (for himself,  
Mr. BAUCUS, Mr. DASCHLE, and  
Mr. DORGAN):

S. 1085. A bill to provide for a Bureau of Reclamation program to assist states and local communities in evaluating and developing rural and small community water supply systems, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am pleased to introduce the Reclamation Rural and Small Community Water Enhancement Act, which is being co-sponsored by my colleagues, Senator DASCHLE, Senator DORGAN, and Senator BAUCUS.

In introducing this bill, let me note that the Economic Research Service at the Agriculture Department estimates that 56 million Americans—around 20 percent of the population—live in non-metropolitan areas. In the arid west, this percentage is likely much higher. In my home State of New Mexico, for example, over 50 percent of the population resides outside the four major metropolitan areas—clearly a significant number of people.

This bill is intended to address a critical issue facing many small towns and rural areas—access to adequate water supplies to provide for present and future needs. A stable and reliable water supply is the foundation for the economic activity that sustains our communities. Addressing this most basic need, however, poses a challenge that many of these localities simply cannot meet on their own. The challenge is magnified by the prolonged drought that many are predicting for the arid West.

For a number of reasons, including limited access to water supplies and the requirements of the Federal Clean Water and Safe Drinking Water Acts, many small communities in the western United States are taking a regional approach to water that involves the cooperative development of water

projects serving several communities over a large area. In New Mexico, the State Water Trust Board prioritizes funding assistance to those projects that represent a partnership of communities on a regional basis. Currently, there are three such projects rapidly taking shape in 1. Eastern New Mexico; 2. the Santa Fe Area; and 3. the Espanola Valley.

In other areas of the country, this regional approach has already taken root. Currently, the Bureau of Reclamation is authorized to construct seven rural water supply projects—most of these in the Great Plains region. The authorized cost of these projects is approximately \$1.8 billion. In just two years, however, the administration has cut back the appropriations requests for authorized rural water projects by 80 percent, or almost \$60 million. This includes zeroing out the funding for most of these projects—a policy choice severely impacting those communities relying on this infrastructure.

The bill being introduced today is intended to ensure there exists an active Federal program to address water needs in the rural West. It does so in a manner that respects the role of the States in water resources management and is fiscally responsible by requiring a financial partnership between Federal, State, and local entities. The bill utilizes the experience and expertise of the Bureau of Reclamation to implement a rural water program that complements, not duplicates, existing Federal programs at the Environmental Protection Agency and the Department of Agriculture; ensures that existing projects move towards full and timely implementation; and ensures that Reclamation is fully authorized to provide assistance in evaluating all water supply options if requested by rural communities.

I believe that this is a bill for which there should be strong bipartisan support. Having helped to reclaim the West during the 20th century, the Bureau of Reclamation should help sustain it in the 21st century. Accordingly, I urge my colleagues to support this legislation and, by that, support rural and small communities within our States.

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. 1085

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Reclamation Rural and Small Community Water Enhancement Act.”

#### SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) **FEDERAL RECLAMATION LAWS.**—The term “Federal reclamation laws” means the Reclamation Act and Acts amendatory thereof and supplementary thereto;

(2) **REGIONAL RURAL WATER SUPPLY SYSTEM.**—The term “regional rural water supply system” means a water supply system that serves multiple towns or communities in a rural area (including Indian reservations) where such towns or communities have a population for exceeding 40,000 persons.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

#### SEC. 3. GENERAL AUTHORITY.

(A) **IN GENERAL.**—The Secretary, acting pursuant to the Federal reclamation laws, is directed to undertake a program to investigate and identify opportunities to ensure safe and adequate regional rural water supply systems for municipal and industrial use in small communities and rural areas through the construction of new regional rural water supply systems and the enhancement of existing rural water supply systems.

(b) **EXCEPTION.**—

(1) In conducting the investigations and studies authorized by this Act, the Secretary may include a town or community with a population in excess of 40,000 persons if, in the Secretary’s discretion, such town or community is considered to be a critical partner in the proposed regional rural water supply system.

(2) In conducting a feasibility study of a regional rural water supply system that includes a community with a population in excess of 40,000 persons, the Secretary may consider a non-federal cost share in excess of the percentage set forth in sections 6(a) and 6(b)(5).

(c) **LIMITATION.**—Such program shall be limited to the States and areas referred to in section 1 of the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388), as amended, and Indian reservation lands within the external boundaries of such States and areas.

(d) **AGREEMENTS.**—The Secretary is authorized to enter into such agreements and promulgate such regulations as may be necessary to carry out the purposes and provisions of this Act.

#### SEC. 4. COORDINATION AND PLANNING.

(a) **COORDINATION.**—

(1) **CONSULTATION.**—In undertaking this program, the Secretary shall consult and coordinate with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Director of the Indian Health Service, in order to develop criteria to ensure that the program does not duplicate, but instead complements, activities undertaken pursuant to the authorities administered by such agency heads.

(2) **REPORT ON AUTHORITIES.**—Within one year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives, a report setting forth the results of the consultation required in paragraph (1) and criteria developed pursuant to such consultation.

(b) **REPORT AND ACTION ON AUTHORIZED PROJECTS.**—

(1) Within one year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report setting forth—

(A) the status of all rural water projects within the jurisdiction of the Secretary authorized prior to the date of enactment of this Act; and

(B) the Secretary’s plan, including projected financial and workforce requirements, for the completion of the rural water projects within the time frames set forth in the public laws authorizing the projects of the final engineering reports submitted pursuant thereto.

(2) The Secretary shall take all necessary steps to complete the projects within the time frames identified in subsection (1)(B).

#### SEC. 5. APPRAISAL INVESTIGATIONS.

(a) **APPRAISAL INVESTIGATIONS.**—Based on evidence of local interest and upon the request of a local sponsor, the Secretary may undertake appraisal investigations to identify opportunities for the construction of regional rural water supply systems and the enhancement of existing rural water supply systems for small communities and rural areas. Each such investigation shall include recommendations as to the preparation of a feasibility study of the potential system or system enhancement.

(b) **CONSIDERATIONS.**—Appraisal investigations undertaken pursuant to this Act shall consider, among other things—

(1) whether an established water supply exists for the proposed regional water supply system;

(2) the need for the regional rural water supply system or for enhancements to an existing rural water system, including but not limited to, alternative water supply opportunities and projected demand for water supply;

(3) environmental considerations relating to the regional rural water supply system or rural water system enhancement;

(4) public health and safety considerations relating to the regional rural water supply system or rural water system enhancement;

(5) Indian trust responsibility considerations relating to the regional rural water supply system or rural water system enhancement; and

(6) the availability of other Federal authorities or programs to address the water supply needs identified.

(c) **CONSULTATION AND COOPERATION.**—The Secretary shall consult and cooperate with appropriate Federal, state, tribal, regional, and local authorities during the conduct of each appraisal investigation conducted pursuant to this Act.

(d) **COSTS NONREIMBURSABLE.**—The costs of such appraisal investigations shall be nonreimbursable.

(e) **PUBLIC AVAILABILITY.**—The Secretary shall make available to the public, upon request, the results of each appraisal investigation undertaken pursuant to this Act, and shall promptly publish in the Federal Register a notice of the availability of those results.

#### SEC. 6. FEASIBILITY STUDIES.

(a) **FEASIBILITY STUDIES.**—The Secretary is authorized to participate with appropriate Federal, state, tribal, regional, and local authorities in studies to determine the feasibility of regional rural water supply systems and rural water supply system enhancements where an appraisal investigation so warrants. The Federal share of the costs of such feasibility studies shall not exceed 50 percent of the total, except that the Secretary may increase the Federal share of the costs of such feasibility study if the Secretary determines, based upon a demonstration of financial hardship, that the non-Federal participant is unable to contribute at least 50 percent of the costs of such study. The Secretary may accept as part of the non-Federal cost share the contribution of such in-kind services by the non-Federal participant that the Secretary determines will contribute substantially toward the conduct and completion of the study.

(b) **CONSIDERATIONS.**—In addition to the requirements of other Federal laws, feasibility studies authorized under this Act shall consider, among other things—

(1) whether an established water supply exists for the proposed regional rural water supply system;

(2) near- and long-term water demand and supplies in the study area including any opportunities to treat and utilize impaired water supplies through innovative and economically viable treatment technologies;

(3) public health and safety and environmental quality issues related to the regional rural water supply system or rural water system enhancement;

(4) opportunities for water conservation in the study area to reduce water use and water system costs;

(5) the construction costs and projected operation and maintenance costs of the proposed regional rural water supply system and an assessment of participating communities' ability to pay 20 percent to 50 percent of the construction costs and the full share of the system operation and maintenance costs;

(6) opportunities for mitigation of fish and wildlife losses incurred as a result of the construction of the regional rural water supply system or rural water system enhancement on an acre-for-acre basis, based on ecological equivalency, concurrent with system construction; and

(7) the extent to which assistance for rural water supply is available pursuant to other Federal authorities and the likely effectiveness of efforts to coordinate assistance provided by the Secretary with other available Federal programs and assistance.

(c) **USE OF OTHER REPORTS.**—In conducting a feasibility study pursuant to this section, or an appraisal investigation under section 5, the Secretary shall, to the maximum extent practicable, utilize, in whole or in part, any engineering or other relevant report submitted by a state, tribal, regional, or local authority associated with the proposed regional rural water supply system.

(d) **PUBLIC AVAILABILITY.**—The Secretary shall make available to the public, upon request, the results of each feasibility study undertaken pursuant to this Act, and shall promptly publish in the Federal Register a notice of the availability of those results.

(e) **DISCLAIMER.**—Nothing contained in this section shall be interpreted as requiring a feasibility study or imposing any other new requirement for rural water projects or programs that are already authorized.

#### **SEC. 7. AUTHORIZATION.**

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. DASCHLE. Mr. President, I am pleased to join my colleague, Senator BINGAMAN, in introducing the Reclamation Rural and Small Community Water Enhancement Act, S. 1085.

The Bureau of Reclamation has accomplished a great deal over the last century, starting with the early irrigation and water development programs that opened the West to settlement and economic growth. Clean, abundant water supplies were integral to our Nation's westward expansion. Without the vision and effort of the Bureau over the last century, the West would be a vastly different, and less hospitable, place.

Though the role of the Bureau has changed over the years, it is still the premier Federal water development agency. Today, one of its primary duties is the building of rural water projects in South Dakota and other Western States. Rural areas often lack the resources and infrastructure necessary to provide stable water supplies to their residents. Most families, farmers, and ranchers rely on inadequate

wells, or live in areas where the water quality is so poor they are required to truck or haul water over long distances. Rural water projects conducted by the Bureau have helped overcome these obstacles, tackling the problem on a regional level and vastly improving the quality of water and the quality of life in much of my State. Rural water systems have become an indispensable lifeline to help deal with the severe drought that has affected much my State.

The bill we are introducing today takes the next, logical step to bring the Bureau's rural water projects into the 21st century. The Reclamation Rural and Small Community Water Enhancement Act will create a new program within the Bureau of Reclamation to help rural and tribal communities develop water supply solutions, like rural water systems, to address regional water needs. The Bureau's experience in administering other rural water systems will ensure this program compliments existing Federal drinking water programs, like those operated by the Environmental Protection Agency and the Department of Agriculture, and provide rural communities with the tools they need to plan for the future.

As we look forward, however, it is equally important that we not ignore those projects that have already received approval by Congress. In South Dakota, the Mni Wiconi, Mid-Dakota, Perkins County, and Lewis and Clark rural water systems will serve thousands of families, farms, and businesses. Their timely completion is integral to the health, welfare, and economic security of my State. Unfortunately, the administration's fiscal year 2004 budget request drastically cuts funding for these and other rural water projects throughout the country by more than 80 percent. This will lead to unnecessary delays in the provision of drinking water to homes and families and will only serve to increase the cost of the projects.

That is why this legislation directs the Secretary of the Interior to take all necessary steps to complete these and all other rural water projects that have already received congressional authorization. The bill recognizes the hard work that has already gone into the development of these projects, and will help ensure that they are completed on schedule. At the same time, this new program will aid in the development of future projects so that other communities can finally realize the benefits that a well-run rural water system can provide.

I urge my colleagues to support this legislation.

By Mr. KENNEDY (for himself,  
Mr. LEAHY, Mr. FEINGOLD, and  
Mr. LAUTENBERG):

S. 1086. A bill to repeal provisions of the PROTECT Act that do not specifically deal with the prevention of the exploitation of children; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues in introducing this legislation on fairness in our Federal sentencing system. The Judicial Use of Discretion to Guarantee Equity in Sentencing Act, or the JUDGES Act, will repeal a number of controversial sentencing provisions that were added at the last moment to the recently enacted "AMBER Alert law" on missing, abducted, and exploited children.

These provisions—called the "Feeney Amendment"—have nothing to do with protecting children, and everything to do with handcuffing judges and eliminating fairness in our Federal sentencing system. As Chief Justice Rehnquist said, they "do serious harm to the basic structure of the sentencing guidelines system and . . . seriously impair the ability of courts to impose just and responsible sentences."

The Judicial Conference of the United States, the American Bar Association, the U.S. Sentencing Commission, and many prosecutors, defense attorneys, law professors, civil rights organizations, and business groups vigorously opposed them. Now that the child-abduction legislation has passed, it is the responsibility of Congress to repeal these extraneous and ill-considered provisions and begin a serious and thorough review of the current sentencing guidelines system.

The Sentencing Reform Act of 1984 was the result of extraordinary bipartisan cooperation. In the Senate Judiciary Committee, over a ten-year period, Senator THURMOND, Senator HATCH, Senator BIDEN, and I worked with the Carter and Reagan administrations to strike the best balance between the goal of consistent sentencing in Federal law and the need to give Federal judges discretion to make the sentence fit the crime in individual cases. There was also strong bipartisan cooperation in the House Judiciary Committee, and we worked together over several years to enact a strong, balanced, and bipartisan bill.

Many judges think the 1984 Act went too far in limiting their discretion. Over the years, I have heard many Senators suggest that we should give judges more authority to consider the circumstances of each offender and the facts of each offense. Enacted without hearings or meaningful debate, the Feeney Amendment was a giant step in the wrong direction.

The Feeney Amendment effectively strips Federal judges of discretion to impose individualized sentences, and transforms the longstanding sentencing guidelines system into a mandatory minimum sentencing system. It limits in several ways the ability of judges to depart downwards from the guidelines. It overturns a unanimous 1996 Supreme Court decision, *Koon v. United States*, which established a deferential standard of review for departures from the guidelines based on the facts of the case—thereby undermining what the Court described as the "traditional sentencing discretion" of trial

courts and the “institutional advantage” of Federal district courts over appellate courts to make fact-based sentencing determinations.

The Feeney Amendment also limits the number of judges who can serve on the Sentencing Commission, and directs the Commission to amend the guidelines and policy statements under them “to ensure that the incidence of downward departures are [sic] substantially reduced.” It also requires the Attorney General to establish a “judicial blacklist” by informing Congress whenever a district judge departs downward from the guidelines. It imposes new, burdensome record-keeping and reporting requirements on Federal judges, and requires the Sentencing Commission to disclose confidential court records to the House and Senate Judiciary Committees upon request. Earlier this month, Chief Justice Rehnquist specifically criticized these record-keeping and reporting requirements as potentially amounting “to an unwarranted and ill-considered effort to intimidate individual judges in the performance of their judicial duties.”

It was an extreme step for Congress to insist that Federal judges—appointed by the President and confirmed by the Senate—should not have discretion to impose lower sentences in unusual cases, subject to appeal. It was even more extreme to pass such a sweeping proposal without the benefit of hearings and full debate in either House of Congress.

Because the Feeney Amendment was introduced at the last possible moment, Congress was deprived of full and balanced information on whether departure decisions are made in inappropriate instances. The Justice Department compounded that problem by submitting a highly misleading letter on April 4th expressing its “strong support” for the Amendment. The Department argued that the Amendment was justified because an epidemic of lenient sentences was undermining the Sentencing Reform Act. It failed, however, to mention that the committee report accompanying the 1984 Act anticipated a departure rate of about 20 percent. Today, the rate at which judges depart from the guidelines over the objection of the government is slightly more than 10 percent—well within acceptable rates.

The Department claimed that there are too many downward departures from the sentencing guidelines, but it failed to mention that, according to the American Bar Association, almost 80 percent of these departures are requested by the Justice Department itself. In arguing for the abrogation of the Supreme Court’s ruling in *Boon v. United States*, the Department also failed to mention that it wins 78 percent of all sentencing appeals, or that 85 percent of all defendants who receive downward departures based on grounds other than cooperation with the government nevertheless receive prison time.

Last week, I asked Michael Chertoff, a nominee to the United States Court of Appeals for the Third Circuit, about his involvement in drafting the Justice Department’s letter of support for the Feeney Amendment. He said that he had “no part in drafting” the letter, and that he did not review the letter before it was sent. In his current position as Assistant Attorney General in charge of the Criminal Division in the Department, Mr. Chertoff is chiefly responsible for formulating criminal law enforcement policy and advising the Attorney General and the White House on matters of criminal law. The fact that the Department’s leading authority on criminal law did not participate in writing its influential letter demonstrates the travesty of the process that led to the Feeney Amendment’s enactment.

It is important for Congress to undo the damage done to the Federal criminal justice system. The JUDGES Act, which we are introducing today and which Congressman CONYERS is introducing in the House, repeals the provisions of the Feeney Amendment that do not specifically involve sex crimes or crimes against children—the purpose of the underlying child-abduction legislation to which it was attached. In the place of these ill-advised changes to Federal sentencing law, the JUDGES Act directs the Sentencing Commission to report to Congress within 180 days on the incidence of downward departures from the Sentencing Guidelines. The Commission’s report will provide Congress with useful information to evaluate the need for reform, including information on rates of departures by district, circuit, offense, and departure ground. It will also provide a review of departure appeals, an assessment of the extent to which departures affect the guideline system, and an assessment of variations in the magnitude of departures and the frequency with which the final sentences result in imprisonment, other conditions of confinement, or release.

When completed, the Commission’s report will provide a solid basis for further action by Congress. We need to hold hearings; collect the relevant data; consult with the judges, the Sentencing Commission, the Justice Department, the defense bar, and other authorities; and decide whether legislation is needed to improve the sentencing guidelines. If judges are abusing their discretion, we should limit it. If more discretion is appropriate, we should provide it. In the words of Chief Justice Rehnquist, “Before such legislation is enacted there should, at least, be a thorough and dispassionate inquiry into the consequences of such action.”

It was a serious mistake for Congress to enact the Feeney Amendment over the strong objections of the Chief Justice, the Judicial Conference, the American Bar Association, the Sentencing Commission, and the over-

whelming majority of prosecutors and defense attorneys who deal with the guidelines on a daily basis. The JUDGES Act will correct this mistake and set us on the right path to achieving any necessary reforms. I urge my colleagues to support it.

I ask unanimous consent that the following letter from the Leadership Conference on Civil Rights, the National Association of Criminal Defense Lawyers, the National Legal Aid and Defender Association, the National Association of Federal Defenders, and Families Against Mandatory Minimums be printed in the RECORD.

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

MAY 20, 2003.

The Hon. EDWARD M. KENNEDY,  
*U.S. Senate, Washington, DC.*

DEAR SENATOR KENNEDY: The undersigned organizations write to express our strong support for the JUDGES Act. Under the guise of addressing crimes against children, the recently enacted PROTECT Act (S. 151) effected broad and ill-considered changes to our federal sentencing system. In repealing those provisions that are not limited to child-related and sexual offenses, the JUDGES Act would help restore judicial discretion to impose just sentences in most federal cases.

Enacted without hearings or meaningful debate, Title IV of the PROTECT Act (the “Feeney Amendment”) represents the most dramatic change to federal sentencing law since passage of the Sentencing Reform Act of 1984. It threatens to deprive judges of discretion to impose individualized sentences and transform the federal sentencing guidelines into a near-mandatory minimum sentencing systems. As with mandatory sentences, Title IV will increase unwarranted sentencing disparities and disproportionate sentences, and erode public confidence in our federal justice system.

No reliable evidence was offered to justify this curtailment of judicial discretion. On the contrary, statistics indicate that the overwhelming majority of sentences, other than those requested by the government to reward defendants for assisting in the prosecution of others, are within the range specified by the sentencing guidelines. Significantly, nearly 80 percent of all downward departures are requested by the government to reward assistance to the government or to manage the high volume of immigration cases in certain border districts.

These statistics solidly discredit title IV’s most disastrous provision—Section 401(m), which orders the Sentencing Commission to amend the guidelines so as to substantially reduce the number of departures. The JUDGES Act repeals that provision in favor of a neutral study of departures by the Sentencing Commission.

In carefully considering and enacting the Sentencing Reform Act of 1984 and eventually approving the Sentencing Guidelines, Congress struck a careful balance between sentencing uniformity and judicial discretion. Title IV of the PROTECT Act upsets this balance without justification and without due consideration for the opposing views of the federal judiciary, the Sentencing Commission, the bar and many diverse groups from the left and right.

We appreciate your leadership in this area, and we look forward to working with you in support of the JUDGES Act.

Leadership Conference on Civil Rights,  
National Association of Criminal Defense Lawyers, National Legal Aid and

Defender Association, National Association of Federal Defenders, Families Against Mandatory Minimums.

Mr. LEAHY. Mr. President, I am very pleased to join the senior Senator from Massachusetts and Senators FEINGOLD and LAUTENBERG in introducing the Judicial Use of Discretion to Guarantee Equity in Sentencing Act of 2003, or the JUDGES Act. This bill will restore judicial discretion in Federal criminal sentencing, a responsibility that was all but stripped away in controversial, extraneous provisions that were added to the AMBER Alert law enacted last month.

I was deeply disappointed when the Republicans took the bipartisan, non-controversial AMBER Alert bill and added numerous unrelated and ill-considered provisions. One set of provisions, collectively called the Feeney Amendment, blithely overturned the basic structure of the carefully crafted sentencing guideline system without any serious process in either the House or the Senate, and over the strong objections of the Nation's most senior jurists. Speaking about the original Feeney Amendment, the Chief Justice of the United States wrote: "This legislation, if enacted, would do serious harm to the basic structure of the sentencing system and would seriously impair the ability of courts to impose just and responsible sentences." I commend Senator KENNEDY for trying to repair the harm done in the Feeney Amendment by introducing the JUDGES Act today.

Rather than directly address important measures to protect our children, the AMBER Alert conference committee effectively rewrote the criminal code on the back of an envelope. First, the final language established one set of sentencing rules for child pornographers and a more flexible set of sentencing rules for other Federal defendants, including terrorists, murderers, mobsters, civil rights violators, and white collar criminals. No one here believes that sex offenders deserve anything less than harsh sentences, but I cannot understand why we would treat the terrorists better.

Second, the conference report overturned a unanimous Supreme Court decision, *Koon v. United States*, by establishing a new standard of appellate review in all departure cases. This provision, like so many others in the Feeney Amendment, is not limited to cases involving children. The Court in *Koon* interpreted the departure standard in a way that limited departures but left some room for judicial discretion. By contrast, the enacted provision appears to require appellate courts to consider the merits of a departure before it can decide what standard of review to apply to the merits. This sloppy drafted, circular provision is likely to tie up the courts in endless litigation, draining already scarce judicial resources, and costing the taxpayers money.

In addition, the Feeney Amendment effectively created a "black list" of

judges that stray from the draconian mandates of the new law. The enacted amendment attempt to intimidate the Federal judiciary by compiling a list of all judges who impose sentences that the Justice Department does not like. Again, this provision is not limited to crimes against children, but applies in any type of criminal case. It takes a sledge hammer to the concept of separation of powers.

In justifying this assault on Federal judges, my colleagues on the other side of the aisle claimed that there was a "crisis" of downward departures in sentencing. In fact, downward departure rates are well below the range contemplated by Congress when it authorized the Sentencing Guidelines, except for departures requested by the government. The overwhelming majority of downward departures are requested by federal prosecutors to reward cooperation by defendants or to manage the high volume of immigration cases in certain border districts. When the government does not like a specific downward departure, it can appeal that decision, and it often wins—approximately 80 percent of such appeals are successful. The Feeney Amendment, forced through Congress with virtually no debate, was a solution in search of a problem.

The legislation that I join Senator KENNEDY in introducing today will repeal those provisions of the Feeney Amendment that veered from the underlying purpose of the AMBER Alert bill. Specifically, it will annul those sections that do not specifically involve crimes against children or sex crimes, effectively reversing the Feeney Amendment's attack on judicial discretion.

The JUDGES Act will provide accurate and complete information on the incidence of downward departures in sentencing—a set of data that we were denied when the Feeney Amendment was adopted in the AMBER conference. This bill directs the Sentencing Commission to conduct a comprehensive study on sentencing departures and report to Congress within 180 days. This is the type of review Chief Justice Rehnquist called for in his letter opposing the original Feeney language. He urged the Congress to engage in a "thorough and dispassionate inquiry" before changes were made to the Federal sentencing structure. That request was dismissed by supporters of the Feeney Amendment, but still deserves full consideration by the Congress.

Finally, the JUDGES Act will reverse a provision that goes beyond the Feeney Amendment, having been added to the AMBER Alert bill during the conference committee's one meeting. This provision limits the number of Federal judges who can serve on the Sentencing Commission. I, for one, believe that judges are extremely valuable members of the Commission. They bring years of highly relevant experience, not to mention reasoned judgment, to the table. The Republicans ap-

parently believe that their expertise is of limited value.

The JUDGES Act is a reasoned correction to the far-reaching provisions enacted in the Feeney Amendment. It will restore the integrity of the Federal sentencing system by allowing judges to impose just and responsible sentences. I urge my colleagues to support this important legislation.

By Ms. MIKULSKI (for herself and Mrs. CLINTON):

S. 1087. A bill to provide for uterine fibroid research and education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MIKULSKI. Mr. President, I rise to introduce the Uterine Fibroid Research and Education Act. This bill expands and coordinates research on uterine fibroids at the National Institutes of Health, NIH, and creates an education campaign to make sure women and their doctors have the facts they need about this painful, chronic condition. I want to thank Representative STEPHANIE TUBBS JONES for introducing this legislation in the House of Representatives and Senator CLINTON for joining me as an original cosponsor.

Uterine fibroids are a major health issue for American women. Three quarters of all reproductive age women, and an even greater number of African American women, have uterine fibroids. Although many women with fibroids have few or no symptoms, it is estimated that a quarter of all women in their thirties and forties seek medical care for the abnormal or heavy bleeding, pain, infertility, or miscarriage that uterine fibroids cause.

Despite their prevalence, little is known about uterine fibroids, and few good treatment options are available to women who suffer from them. Right now, hysterectomy—the surgical removal of the uterus—is the most common treatment for uterine fibroids. More than 200,000 women undergo a hysterectomy each year to treat their uterine fibroids, which requires a six week recovery, has a 20 to 40 percent risk of complications, and means a woman can no longer bear children. Less invasive treatment options, like drug regimes or fibroid embolization, are promising, but many have not undergone the rigorous testing that women expect. In fact, the Agency for Healthcare Research and Quality at the Department of Health and Human Services found "a remarkable lack of high quality evidence supporting the effectiveness of most interventions for symptomatic fibroids."

Women deserve better. That's why I am introducing the uterine Fibroid Research and Education Act—to find new and better ways to treat or even cure uterine fibroids.

This bill does three things. First, it expands research at the National Institutes of Health, NIH, by doubling funding for uterine fibroids every year for the next five years. Despite a budget of

over \$27 billion, NIH spent just \$5 million on uterine fibroids research in 2002. This legislation authorizes \$50 million over five years to provide the investment needed to jumpstart basic research and lay the groundwork to find a cure.

This additional funding will help researchers find out why so many women get uterine fibroids, why African American women are disproportionately affected, what tests women can take to prevent uterine fibroids, and what are the best ways to treat them.

Second, this legislation coordinates research on uterine fibroids through the Office of Research on Women's Health, ORWH. More than a decade ago, I fought to create this Office at NIH to give women a seat at the table when decisions were made about funding priorities. This bill directs this Office to lead the Federal Government's research effort on uterine fibroids. A coordinated research effort is needed to make the best use of limited resources and to give women a one-stop shop to find out what the Federal Government is doing to combat uterine fibroids.

Finally, this bill creates education campaigns for patients and health care providers. According to a 1999 survey conducted by the Society for Women's Health Research, as many as one-third of women who have hysterectomies do so without discussing potential alternatives with their doctors. This bill will make sure women can count on their doctors for information about the best possible treatment for uterine fibroids. It will also give women the facts they need to make good health care decisions and take control of their health.

Since my first days in Congress, I have been fighting to make sure women don't get left out or left behind when it comes to their health. From women's inclusion in clinical trials to quality standards for mammograms, I have led the way to make sure women's health needs are treated fairly and taken seriously. This legislation builds on these past successes to address this silent epidemic among American women.

The Uterine Fibroid Research and Education Act is supported by the National Uterine Fibroid Foundation, the American College of Obstetricians and Gynecologists, the National Medical Association, the American Nurses Association, the Feminist Majority Foundation, the Center for Uterine Fibroids at Brigham and Women's Hospital, the National Urban League, Delta Sigma Theta, and the Society for Women's Health Research. I look forward to working with these advocates and my colleagues to get this bill signed into law.

By Mrs. BOXER.

S. 1088. A bill to enhance penalties for fraud in connection with identification documents that facilitates an act of domestic terrorism; to the Committee on the Judiciary.

Mrs. BOXER. Mr. President, today I am reintroducing a bill to increase penalties for terrorists using false identification.

This legislation passed the Senate in the last Congress. It mandates prison time for anyone who produces, transfers, possesses, or uses a fake ID in connection with terrorism. Currently, in Federal law, there is no mandatory imprisonment for the production, transfer, possession, or use of a fake ID. This is true under any circumstances, even those involving terrorist acts. This, to me, seems wrong. If an individual at any time facilitates an act of terrorism by providing someone with a fake ID, making a fake ID, possessing a fake ID, or using that fake ID, that person should go to jail. Period. My bill make sure that principle is reflected in Federal law.

Second, my bill closes the loophole that provides enhanced penalties for fake IDs used in connection with acts of international terrorism, but not domestic terrorism. My bill makes sure that fake ID offenses related to domestic terrorism get the same enhanced punishment as those relating to international terrorism.

By Mr. ENSIGN:

S. 1089. A bill to encourage multilateral cooperation and authorize a program of assistance to facilitate a peaceful transition in Cuba, and for other purposes; to the Committee on Foreign Relations.

Mr. ENSIGN: Mr. President, I ask unanimous consent that the text of my bill, the "Cuba Transition Act of 2003," be printed in the RECORD.

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

S. 1089

*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 "Cuba Transition Act of 2003".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Cuban people are seeking change in their country, including through the Varela Project, Concilio Cubano, independent journalist activity, and other civil society initiatives.

(2) Civil society groups and independent, self-employed Cuban citizens will be essential to the consolidation of a genuine and effective transition to democracy from an authoritarian, communist government in Cuba, and therefore merit increased international assistance.

(3) The people of the United States support a policy of proactively helping the Cuban people to establish a democratic system of government, including supporting Cuban citizen efforts to prepare for transition to a better and more prosperous future.

(4) Without profound political and economic changes, Cuba will not meet the criteria for participation in the Summit of the Americas process.

(5) The Inter-American Democratic Charter adopted by the General Assembly of the Organization of American States (OAS) provides both guidance and mechanisms for re-

sponse by OAS members to the governmental transition in Cuba and that country's eventual reintegration into the inter-American system.

(6) United States Government support of pro-democracy elements in Cuba and planning for the transition in Cuba is essential for the identification of resources and mechanisms that can be made available immediately in response to profound political and economic changes on the island.

(7) Consultations with democratic development institutions and international development agencies regarding Cuba are a critical element in the preparation of an effective multilateral response to the transition in Cuba.

#### SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To support multilateral efforts by the countries of the Western Hemisphere in planning for a transition of the government in Cuba and the return of that country to the Western Hemisphere community of democracies.

(2) To encourage the development of an international group to coordinate multilateral planning to a transition of the government in Cuba.

(3) To authorize funding for programs to assist the Cuban people and independent nongovernmental organizations in Cuba in preparing the groundwork for a peaceful transition of government in Cuba.

(4) To provide the President with funding to implement assistance programs essential to the development of a democratic government in Cuba.

#### SEC. 4. DEFINITIONS.

In this Act:

(1) DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.—The term "democratically elected government in Cuba" has the meaning given the term in section 4 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023).

(2) TRANSITION GOVERNMENT IN CUBA.—The term "transition government in Cuba" has the meaning given the term in section 4 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023).

#### SEC. 5. DESIGNATION OF COORDINATOR FOR CUBA TRANSITION.

(a) IN GENERAL.—The Secretary of State shall designate, within the Department of State, a coordinator who shall be responsible for—

(1) designing an overall strategy to coordinate preparations for, and a response to, a transition in Cuba;

(2) coordinating assistance provided to the Cuban people in preparation for a transition in Cuba;

(3) coordinating strategic support for the consolidation of a political and economic transition in Cuba;

(4) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in this Act; and

(5) pursuing coordination with other countries and international organizations, including international financial institutions, with respect to assisting a transition in Cuba.

(b) RANK AND STATUS OF THE TRANSITION COORDINATOR.—The coordinator designated in subsection (a) shall have the rank and status of ambassador.

#### SEC. 6. MULTILATERAL INITIATIVES RELATED TO CUBA.

The Secretary of State is authorized to designate up to \$5,000,000 of total amounts made available for contributions to international organizations to be provided to the Organization of American States for—

(1) Inter-American Commission on Human Rights activities relating to the situation of human rights in Cuba;

(2) the funding of an OAS emergency fund for the deployment of human rights observers, election support, and election observation in Cuba as described in section 109(b) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6039(b)(1)); and

(3) scholarships for Cuban students attending colleges, universities, or other educational programs in member states of the OAS.

#### SEC. 7. SENSE OF CONGRESS.

(a) SENSE OF CONGRESS REGARDING CONSULTATION WITH WESTERN HEMISPHERE.—It is the sense of Congress that the President should begin consultation, as appropriate, with governments of other Western Hemisphere countries regarding a transition in Cuba.

(b) SENSE OF CONGRESS REGARDING OTHER CONSULTATIONS.—It is the sense of Congress that the President should begin consultations with appropriate international partners and governments regarding a multilateral diplomatic and financial support program for assistance to a transition in Cuba.

#### SEC. 8. ASSISTANCE PROVIDED TO THE CUBAN PEOPLE IN PREPARATION FOR A TRANSITION IN CUBA.

(a) AUTHORIZATION.—Notwithstanding any other provision of law other than section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) and comparable notification requirements contained in any Act making appropriations for foreign operations, export financing, and related programs, the President is authorized to furnish an amount not to exceed \$15,000,000 in assistance and provide other support for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including—

- (1) political prisoners and members of their families;
- (2) persons persecuted or harassed for dissident activities;
- (3) independent libraries;
- (4) independent workers' rights activists;
- (5) independent agricultural cooperatives;
- (6) independent associations of self-employed Cubans;
- (7) independent journalists;
- (8) independent youth organizations;
- (9) independent environmental groups;
- (10) independent economists, medical doctors, and other professionals;
- (11) in establishing and maintaining an information and resources center to be in the United States interests section in Havana, Cuba;
- (12) prodemocracy programs of the National Endowment for Democracy that are related to Cuba;
- (13) nongovernmental programs to facilitate access to the Internet, subject to section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6032(g));
- (14) nongovernmental charitable programs that provide nutrition and basic medical care to persons most at risk, including children and elderly persons; and
- (15) nongovernmental charitable programs to reintegrate into civilian life persons who have abandoned, resigned, or been expelled from the Cuban armed forces for ideological reasons.

(b) DEFINITIONS.—In this section:

(1) INDEPENDENT NONGOVERNMENTAL ORGANIZATION.—The term "independent nongovernmental organization" means an organization that the Secretary of State determines, not less than 15 days before any obligation of funds to the organization, is a

charitable or nonprofit nongovernmental organization that is not an agency or instrumentality of the Cuban Government.

(2) ELIGIBLE CUBAN RECIPIENTS.—The term "eligible Cuban recipients" is limited to any Cuban national in Cuba, including political prisoners and their families, who are not officials of the Cuban Government or of the ruling political party in Cuba, as defined in section 4(10) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023(10)).

#### SEC. 9. SUPPORT FOR A TRANSITION GOVERNMENT IN CUBA.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds otherwise available for such purposes, there are authorized to be appropriated \$30,000,000 to the President to establish a fund to provide assistance to a transition government in Cuba as defined in section 205 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023).

(b) DESIGNATION OF FUND.—The fund authorized in subsection (a) shall be known as the "Fund for a Free Cuba".

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 146—EX-PRESSING THE SENSE OF THE SENATE REGARDING THE ESTABLISHMENT OF AN INTERNATIONAL TRIBUNAL TO PROSECUTE CRIMES AGAINST HUMANITY COMMITTED BY FIDEL CASTRO RUZ AND OTHER CUBAN POLITICAL AND MILITARY LEADERS

Mr. REID (for himself and Mr. ENSIGN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

Mr. REID. Mr. President, I submit this resolution on my behalf and that of Senator ENSIGN. Senator ENSIGN is not present on the floor today because, as I speak, he is in Florida. He will be the keynote speaker in Florida at the Cuban Independence Day celebration. And it should be a celebration.

Because today, Mr. President, a proud Cuban people should mark the 101st anniversary of their independence. But they have not had that independence for the last 44 years.

I applaud and commend my colleague from Nevada for taking the time and effort to be in Florida to be the spokesperson for those of us who hope for a truly independent Cuba—a Cuba free of the tyrant Fidel Castro.

I realize that another dictator is on the minds of many Americans these days. Our troops continue to investigate the fate of that man—Saddam Hussein—and to search for his top henchmen. We must ensure that all these despicable figures are held accountable for their crimes against humanity. Under the direction of Hussein, the Iraqi leadership embarked upon one of history's most premeditated and brutal campaigns of theft, kidnapping, torture, and murder against the Iraqi, Kuwaiti, Kurdish,

and Iranian people. We are, as I speak, finding graves in Iraq where hundreds, if not thousands, of people are buried who have been murdered by the henchmen of Saddam Hussein and his two sons. Some 200,000 Iraqis are still missing, most taken from their homes under cover of darkness, never to be seen or heard from again.

In the modern era, such crimes cannot go unpunished. The United States must assist the Iraqi people in bringing Hussein—if he is still alive—and all other responsible Iraqi officials to justice. The victims of their crimes, including U.S. soldiers, deserve no less.

But closer to home, 90 miles from the shores of the United States, Fidel Castro continues to wage a vicious assault against fundamental human rights and liberties. For more than 44 years, he has led a tyrannical regime in Cuba that systematically violates basic human rights, including freedoms of expression, association, assembly, and movement.

Since 1959, more than 100,000 Cubans have been persecuted by Castro's regime, over 18,000 of whom have been killed or who have disappeared. Now, these are just ballpark figures. We do not know precisely how many people have been executed by Castro and his henchmen, but we can identify thousands of them by name. And Fidel Castro shows no sign of ending his campaign of terror—none at all. In fact, this past March, just a couple months ago, he launched a massive crackdown on leaders of independent labor unions. All they were doing was trying to organize, that's all. He also continued a crackdown on leaders of opposition parties and the pro-democracy movement that led to the arrest of almost 100 dissidents. Castro denied these detainees due process and subjected them to secret trials, after which 50 of them received prison sentences of up to 28 years.

In April, last month, three Cubans hijacked a ferry in an attempt to flee Castro's repressive regime. The Cuban Government summarily tried these men behind closed doors and then had them shot by firing squads.

Journalists have endured especially severe punishment from Castro. Just last year, his Government killed 25 journalists and threatened, harassed, or detained almost 1,500 more.

While I wish I could say I just told you about all the atrocities of his regime, I have not even come close. The list goes on and on and on.

As I said earlier, today is the 101st observance of Cuban Independence Day. It should be a celebration of freedom for the Cuban people. Instead, their island has been hijacked by a cruel dictator whose false promises of prosperity have given way to cowardly acts of intimidation. The sad truth is the Cuban people are still not free. Castro's regime is an insult to the legacy of the Cuban independence movement. As long as he continues to stifle the will of the Cuban people by denying them basic human liberties, any celebration