

The hearing will be conducted in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space be authorized to meet on April 10, 2003, at 2:30 p.m. on brain mapping.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Kentucky.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 116, 117, 118, 119, 121, 122, 123, 124, 125, 126, 127, and all the nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed en bloc, as follows:

DEPARTMENT OF STATE

Lino Gutierrez, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina.

Roland W. Bullen, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Co-operative Republic of Guyana.

Eric M. Javits, of New York, for the rank of Ambassador during his tenure of service as United States Representative of the Organization for the Prohibition of Chemical Weapons.

John W. Snow, of Virginia, to be United States Governor of the International Monetary Fund for a term of five years; United States Governor of the International Bank for Reconstruction and Development for a term of five years; United States Governor of the Inter-American Development Bank for a term of five years; United States Governor of the African Development Bank for a term of five years; United States Governor of the Asian Development Bank; United States Governor of the African Development Fund; United States Governor of the European Bank for Reconstruction and Development.

MISSISSIPPI RIVER COMMISSION

Ricky Dale James, of Missouri, to be a Member of the Mississippi River Commission for a term of nine years.

Rear Adm. Nicholas Augustus Prael, National Oceanic and Atmospheric Administration, to be a Member of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved 28 June 1879 (21 Stat. 37) (22 USC 642).

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Herbert Guenther, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term of two years.

Bradley Udall, of Colorado, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2006.

Malcolm B. Bowekaty, of New Mexico, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2006.

Richard Narcia, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring August 25, 2006.

Robert Boldrey, of Michigan, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring May 26, 2007.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

FOREIGN SERVICE

PN355 Foreign Service nominations (187) beginning Louise Brandt Bigott, and ending Kathleen Hatch Allegrone, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 25, 2003.

NOMINATIONS DISCHARGED

Mr. MCCONNELL. In executive session, I ask unanimous consent that the HELP Committee be discharged from further consideration of the following nominations: Delores Etter, Daniel Hastings, Jo Anne Vasquez, Barry Barish, Douglas Randall, Karen Johnson.

I further ask unanimous consent that the nomination of Karen Johnson be placed on the calendar. Further, I ask unanimous consent that the Senate proceed immediately to the remaining nominations, the nominations be confirmed en bloc, the motions to reconsider be laid on the table en bloc, further that the President then be notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

NATIONAL SCIENCE FOUNDATION

Barry C. Barish, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Delores N. Etter, of Maryland, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Daniel E. Hastings, of Massachusetts, to be a Member of the National Science Board, National Science Foundation, for term expiring May 10, 2008.

Douglas D. Randall, of Missouri, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

Jo Anne Vasquez, of Arizona, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2008.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

UNANIMOUS CONSENT AGREEMENT—S. 196

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader in consultation with the minority leader, the Senate proceed to the consideration of Calendar No. 60, S. 196, the digital technology bill; further that there be one hour of debate equally divided between Senator ALLEN and the ranking member or their designees; in addition, that of the time under the majority control, Senator MCCAIN be allotted 5 minutes; that the only amendments in order be the committee-reported amendments and one technical amendment offered by Senator ALLEN; that at the expiration or yielding back of time, the amendments be adopted, the bill, as amended, be read a third time, and the Senate proceed to a vote on passage of the bill, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIFESPAN RESPITE CARE ACT OF 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 69, S. 538.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 538) to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The bill (S. 538) was read the third time and passed, as follows:

S. 538

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 "Lifespan Respite Care Act of 2003".

SEC. 2. LIFESPAN RESPITE CARE.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXIX—LIFESPAN RESPITE CARE

"SEC. 2901. FINDINGS AND PURPOSES.

"(a) FINDINGS.—Congress finds that—

"(1) an estimated 26,000,000 individuals in the United States care each year for 1 or more adult family members or friends who are chronically ill, disabled, or terminally ill;

"(2) an estimated 18,000,000 children in the United States have chronic physical, developmental, behavioral, or emotional conditions that demand caregiver monitoring,

management, supervision, or treatment beyond that required of children generally;

"(3) nearly 4,000,000 individuals in the United States of all ages who have mental retardation or another developmental disability live with their families;

"(4) almost 25 percent of the Nation's elders experience multiple chronic disabling conditions that make it necessary to rely on others for help in meeting their daily needs;

"(5) every year, approximately 600,000 Americans die at home and many of these individuals rely on extensive family caregiving before their death;

"(6) of all individuals in the United States needing assistance in daily living, 42 percent are under age 65;

"(7) there are insufficient resources to replace family caregivers with paid workers;

"(8) if services provided by family caregivers had to be replaced with paid services, it would cost approximately \$200,000,000,000 annually;

"(9) the family caregiver role is personally rewarding but can result in substantial emotional, physical, and financial hardship;

"(10) approximately 75 percent of family caregivers are women;

"(11) family caregivers often do not know where to find information about available respite care or how to access it;

"(12) available respite care programs are insufficient to meet the need and are directed at primarily lower income populations and family caregivers of the elderly, leaving large numbers of family caregivers without adequate support; and

"(13) the limited number of available respite care programs find it difficult to recruit appropriately trained respite workers.

"(b) PURPOSES.—The purposes of this title are—

"(1) to encourage States to establish State and local lifespan respite care programs;

"(2) to improve and coordinate the dissemination of respite care information and resources to family caregivers;

"(3) to provide, supplement, or improve respite care services to family caregivers;

"(4) to promote innovative, flexible, and comprehensive approaches to—

"(A) the delivery of respite care;

"(B) respite care worker and volunteer recruitment and training programs; and

"(C) training programs for family caregivers to assist such family caregivers in making informed decisions about respite care services;

"(5) to support evaluative research to identify effective respite care services that alleviate, reduce, or minimize any negative consequences of caregiving; and

"(6) to promote the dissemination of results, findings, and information from programs and research projects relating to respite care delivery, family caregiver strain, respite care worker and volunteer recruitment and training, and training programs for family caregivers that assist such family caregivers in making informed decisions about respite care services.

"SEC. 2902. DEFINITIONS.

"In this title:

"(1) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

"(A) a State agency;

"(B) any other public entity that is capable of operating on a statewide basis;

"(C) a private, nonprofit organization that is capable of operating on a statewide basis;

"(D) a political subdivision of a State that has a population of not less than 3,000,000 individuals; or

"(E) any recognized State respite coordinating agency that has—

"(i) a demonstrated ability to work with other State and community-based agencies;

"(ii) an understanding of respite care and family caregiver issues; and

"(iii) the capacity to ensure meaningful involvement of family members, family caregivers, and care recipients.

"(2) ADULT WITH A SPECIAL NEED.—The term 'adult with a special need' means a person 18 years of age or older who requires care or supervision to—

"(A) meet the person's basic needs; or

"(B) prevent physical self-injury or injury to others.

"(3) CHILD WITH A SPECIAL NEED.—The term 'child with a special need' means a person less than 18 years of age who requires care or supervision beyond that required of children generally to—

"(A) meet the child's basic needs; or

"(B) prevent physical self-injury or injury to others.

"(4) FAMILY CAREGIVER.—The term 'family caregiver' means an unpaid family member, a foster parent, or another unpaid adult, who provides in-home monitoring, management, supervision, or treatment of a child or adult with a special need.

"(5) RESPITE CARE.—The term 'respite care' means planned or emergency care provided to a child or adult with a special need in order to provide temporary relief to the family caregiver of that child or adult.

"(6) LIFESPAN RESPITE CARE.—The term 'lifespan respite care' means a coordinated system of accessible, community-based respite care services for family caregivers of children or adults with special needs.

"SEC. 2903. LIFESPAN RESPITE CARE GRANTS AND COOPERATIVE AGREEMENTS.

"(a) PURPOSES.—The purposes of this section are—

"(1) to expand and enhance respite care services to family caregivers;

"(2) to improve the statewide dissemination and coordination of respite care; and

"(3) to provide, supplement, or improve access and quality of respite care services to family caregivers, thereby reducing family caregiver strain.

"(b) AUTHORIZATION.—Subject to subsection (f), the Secretary is authorized to award grants or cooperative agreements to eligible recipients who submit an application pursuant to subsection (d).

"(c) FEDERAL LIFESPAN APPROACH.—In carrying out this section, the Secretary shall work in cooperation with the National Family Caregiver Support Program Officer of the Administration on Aging, and respite care program officers in the Administration for Children and Families, the Administration on Developmental Disabilities, the Maternal and Child Health Bureau of the Health Resources and Services Administration, and the Substance Abuse and Mental Health Services Administration, to ensure coordination of respite care services for family caregivers of children and adults with special needs.

"(d) APPLICATION.—

"(1) SUBMISSION.—Each eligible recipient desiring to receive a grant or cooperative agreement under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require.

"(2) CONTENTS.—Each application submitted under this section shall include—

"(A) a description of the applicant's—

"(i) understanding of respite care and family caregiver issues;

"(ii) capacity to ensure meaningful involvement of family members, family caregivers, and care recipients; and

"(iii) collaboration with other State and community-based public, nonprofit, or private agencies;

"(B) with respect to the population of family caregivers to whom respite care informa-

tion or services will be provided or for whom respite care workers and volunteers will be recruited and trained, a description of—

"(i) the population of family caregivers;

"(ii) the extent and nature of the respite care needs of that population;

"(iii) existing respite care services for that population, including numbers of family caregivers being served and extent of unmet need;

"(iv) existing methods or systems to coordinate respite care information and services to the population at the State and local level and extent of unmet need;

"(v) how respite care information dissemination and coordination, respite care services, respite care worker and volunteer recruitment and training programs, or training programs for family caregivers that assist such family caregivers in making informed decisions about respite care services will be provided using grant or cooperative agreement funds;

"(vi) a plan for collaboration and coordination of the proposed respite care activities with other related services or programs offered by public or private, nonprofit entities, including area agencies on aging;

"(vii) how the population, including family caregivers, care recipients, and relevant public or private agencies, will participate in the planning and implementation of the proposed respite care activities;

"(viii) how the proposed respite care activities will make use, to the maximum extent feasible, of other Federal, State, and local funds, programs, contributions, other forms of reimbursements, personnel, and facilities;

"(ix) respite care services available to family caregivers in the applicant's State or locality, including unmet needs and how the applicant's plan for use of funds will improve the coordination and distribution of respite care services for family caregivers of children and adults with special needs;

"(x) the criteria used to identify family caregivers eligible for respite care services;

"(xi) how the quality and safety of any respite care services provided will be monitored, including methods to ensure that respite care workers and volunteers are appropriately screened and possess the necessary skills to care for the needs of the care recipient in the absence of the family caregiver; and

"(xii) the results expected from proposed respite care activities and the procedures to be used for evaluating those results; and

"(C) assurances that, where appropriate, the applicant shall have a system for maintaining the confidentiality of care recipient and family caregiver records.

"(e) REVIEW OF APPLICATIONS.—

"(1) ESTABLISHMENT OF REVIEW PANEL.—The Secretary shall establish a panel to review applications submitted under this section.

"(2) MEETINGS.—The panel shall meet as often as may be necessary to facilitate the expeditious review of applications.

"(3) FUNCTION OF PANEL.—The panel shall—

"(A) review and evaluate each application submitted under this section; and

"(B) make recommendations to the Secretary concerning whether the application should be approved.

"(f) AWARDING OF GRANTS OR COOPERATIVE AGREEMENTS.—

"(1) IN GENERAL.—The Secretary shall award grants or cooperative agreements from among the applications approved by the panel under subsection (e)(3).

"(2) PRIORITY.—When awarding grants or cooperative agreements under this subsection, the Secretary shall give priority to applicants that show the greatest likelihood

of implementing or enhancing lifespan respite care statewide.

“(g) USE OF GRANT OR COOPERATIVE AGREEMENT FUNDS.—

“(1) IN GENERAL.—

“(A) MANDATORY USES OF FUNDS.—Each eligible recipient that is awarded a grant or cooperative agreement under this section shall use the funds for, unless such a program is in existence—

“(i) the development of lifespan respite care at the State and local levels; and

“(ii) an evaluation of the effectiveness of such care.

“(B) DISCRETIONARY USES OF FUNDS.—Each eligible recipient that is awarded a grant or cooperative agreement under this section may use the funds for—

“(i) respite care services for family caregivers of children and adults with special needs;

“(ii) respite care worker and volunteer training programs; or

“(iii) training programs for family caregivers to assist such family caregivers in making informed decisions about respite care services.

“(C) EVALUATION.—If an eligible recipient uses funds awarded under this section for an activity described in subparagraph (B), the eligible recipient shall use funds for an evaluation of the effectiveness of the activity.

“(2) SUBCONTRACTS.—Each eligible recipient that is awarded a grant or cooperative agreement under this section may use the funds to subcontract with a public or nonprofit agency to carry out the activities described in paragraph (1).

“(h) TERM OF GRANTS OR COOPERATIVE AGREEMENTS.—

“(1) IN GENERAL.—The Secretary shall award grants or cooperative agreements under this section for terms that do not exceed 5 years.

“(2) RENEWAL.—The Secretary may renew a grant or cooperative agreement under this section at the end of the term of the grant or cooperative agreement determined under paragraph (1).

“(i) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant other Federal, State, and local funds available for respite care services.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) \$90,500,000 for fiscal year 2004; and

“(2) such sums as are necessary for fiscal years 2005 through 2008.

“SEC. 2904. NATIONAL LIFESPAN RESPITE RESOURCE CENTER.

“(a) ESTABLISHMENT.—From funds appropriated under subsection (c), the Secretary shall award a grant or cooperative agreement to a public or private nonprofit entity to establish a National Resource Center on Lifespan Respite Care (referred to in this section as the ‘center’).

“(b) PURPOSES OF THE CENTER.—The center shall—

“(1) maintain a national database on lifespan respite care;

“(2) provide training and technical assistance to State, community, and nonprofit respite care programs; and

“(3) provide information, referral, and educational programs to the public on lifespan respite care.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$500,000 for each of fiscal years 2004 through 2008.”

GRANTING POSTHUMOUS CITIZENSHIP TO MEMBERS OF THE U.S. ARMED FORCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 783 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 783) to expedite the granting of posthumous citizenship to members of the United States Armed Forces.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate agree to the Chambliss amendment that is at the desk, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements regarding this matter be printed in the RECORD.

The amendment (No. 530) was agreed to, as follows:

(Purpose: To permit the Secretary of Defense or the next-of-kin to file for posthumous citizenship to noncitizens who died while in active duty service in the Armed Forces)

On page 2, strike lines 1 through 7, and insert the following:

“(c) REQUESTS FOR POSTHUMOUS CITIZENSHIP.—

“(1) IN GENERAL.—A request for the granting of posthumous citizenship to a person described in subsection (b) may be filed on behalf of that person—

“(A) upon locating the next-of-kin, and if so requested by the next-of-kin, by the Secretary of Defense or the Secretary’s designee with the Bureau of Citizenship and Immigration Services in the Department of Homeland Security immediately upon the death of that person; or

“(B) by the next-of-kin.

“(2) APPROVAL.—The Director of the Bureau of Citizenship and Immigration Services shall approve a request for posthumous citizenship filed by the next-of-kin in accordance with paragraph (1)(B) if—

“(A) the request is filed not later than 2 years after—

“(i) the date of enactment of this section; or

“(ii) the date of the person’s death;

whichever date is later;

“(B) the request is accompanied by a duly authenticated certificate from the executive department under which the person served which states that the person satisfied the requirements of paragraphs (1) and (2) of subsection (b); and

“(C) the Director finds that the person satisfied the requirement of subsection (b)(3).”; and

On page 2, after line 22, insert the following:

(c) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect as if enacted on September 11, 2001.

The bill (S. 783), as amended, was read the third time and passed, as follows:

S. 783

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

SECTION 1. GRANTING OF POSTHUMOUS CITIZENSHIP TO MEMBERS OF THE ARMED FORCES.

(a) REQUESTS AND DOCUMENTATION FOR POSTHUMOUS CITIZENSHIP.—Section 329A of

the Immigration and Nationality Act (8 U.S.C. 1440-1) is amended—

(1) by striking subsection (c) and inserting the following:

“(c) REQUESTS FOR POSTHUMOUS CITIZENSHIP.—

“(1) IN GENERAL.—A request for the granting of posthumous citizenship to a person described in subsection (b) may be filed on behalf of that person—

“(A) upon locating the next-of-kin, and if so requested by the next-of-kin, by the Secretary of Defense or the Secretary’s designee with the Bureau of Citizenship and Immigration Services in the Department of Homeland Security immediately upon the death of that person; or

“(B) by the next-of-kin.

“(2) APPROVAL.—The Director of the Bureau of Citizenship and Immigration Services shall approve a request for posthumous citizenship filed by the next-of-kin in accordance with paragraph (1)(B) if—

“(A) the request is filed not later than 2 years after—

“(i) the date of enactment of this section; or

“(ii) the date of the person’s death;

whichever date is later;

“(B) the request is accompanied by a duly authenticated certificate from the executive department under which the person served which states that the person satisfied the requirements of paragraphs (1) and (2) of subsection (b); and

“(C) the Director finds that the person satisfied the requirement of subsection (b)(3).”; and

(2) by striking subsection (d) and inserting the following:

“(d) DOCUMENTATION OF POSTHUMOUS CITIZENSHIP.—If the Director of the Bureau of Citizenship and Immigration Services approves the request referred to in subsection (c), the Director shall send to the next-of-kin of the person who is granted citizenship, a suitable document which states that the United States considers the person to have been a citizen of the United States at the time of the person’s death.”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 329A(a) of the Immigration and Nationality Act (8 U.S.C. 1440-1(a)) is amended by striking “the Attorney General” each place that term appears and inserting “the Secretary of Homeland Security”.

(c) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect as if enacted on September 11, 2001.

AMENDING THE RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 870, introduced earlier today by Senators HARKIN and COCHRAN.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 870) to amend the Richard B. Russell National School Lunch Act to extend the availability of funds to carry out the fruit and vegetable pilot program.

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, today I join my colleague from Mississippi, the Chairman of the Senate Committee on Agriculture, Nutrition, and Forestry, in support of this bill that would keep fresh fruits and vegetables going to over 100 schools throughout the Nation.