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Senate

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004—Continued

Mr. HATCH. Mr. President, today I have the privilege of rising to support the Defense authorization bill. As we have seen in the recent conflict in Iraq and Afghanistan, the process of transforming our Nation's military has initially met with great success. Many at home will ask what is transformation and what does it mean to the future of our Nation's military? Simply put, transformation is a process of reform that will revolutionize the way the military conducts operations. We saw a glimpse of this emerging reality during the Iraqi conflict where information was gathered from a variety of sensors, whether on the ground or in the air, and that information was transmitted very quickly to commanders who could then exploit the weakness of our enemy. It was a remarkable operation and it reflects the high level of competence and expertise of our Nation's service men and women.

This Defense bill will accelerate transformation and ensure that our forces maintain their decisive edge. It is an important accomplishment and the chairman, ranking Democratic member and all the members of the committee deserve our thanks. Their efforts to make military transformation a reality has led them to fund the research and development of such revolutionary systems as the Army's Future Combat System, or FCS. FCS will allow our forces to deploy an Army brigade anywhere in the world within 96 hours. The DDX and the Littoral Combat Ship will also be revolutionary in their stealth characteristics, automation systems, and command and control capabilities.

The committee is also continuing its support for the Joint Strike Fighter, the F–35, which will bring a stealth fighter to all of our air and naval/marine air forces. However, I was disappointed to see that the President's request for full funding of the F/A–22 did not occur. This is a system that is a transformational aircraft at its core. The F/A–22's supercruise engines allow for extended supersonic flight—a magnitude longer than its after-burner predecessors. Using stealth capabilities, the F/A–22 is able to penetrate an opponent's airspace and engage enemy aircraft at great ranges. Additionally, unlike our current air superiority fighter the F–15C, the F/A–22 will be able to engage integrated surface-to-air missile systems. Once again using stealth technology, the F/A–22 will be able to approach these missile sites and destroy them, utilizing internally carried GPS-guided bombs. The F/A–22, using this bombing capability, will also have the ability to track and launch attacks against ground-fixed and mobile targets. However, the truly transformational aspect of the aircraft is that it can accomplish all of these missions almost simultaneously. Paraphrasing the Air Force's motto, no aircraft comes close to the F/A–22's capabilities. I hope that the committee will reverse its decision and fully fund the President's request for 22 of these remarkable aircraft.

I also want to mention my deep concern about the funding of the Radiation Exposure Compensation Program, RECA. The RECA program provides compensation to those individuals who became ill after being exposed to radiation from aboverground nuclear tests or as a result of their employment in the uranium industry. In addition to creating eligibility criteria for compensation, the RECA statute created a trust fund to pay claims. Two years ago, the RECA trust fund ran out of money and individuals whose RECA claims were approved by the Department of Justice were given IOUs. In response to this serious matter, we were able to obtain additional funding for the RECA trust fund through the fiscal year 2002 Department of Defense authorization legislation. This legislation provided a ''capped'' appropriation for the RECA trust fund from fiscal year 2002 through fiscal year 2011.

Unfortunately, the Department of justice recently informed my office that the capped appropriation for fiscal year 2004 will be about $28 million short and that they expect the trust fund to run out of money by next May. In addition, a report issued by the General Accounting Office in April 2003 states that the RECA trust fund will be inadequate from fiscal year 2003 through fiscal year 2007. According to GAO, there will be a shortfall of $78 million through fiscal year 2011.

I am deeply concerned about this funding shortfall and urge my colleagues to do everything possible over the next several months in order to avoid this looming crisis. I do not believe it is fair that RECA beneficiaries, whose compensation has already been approved by the Department of Justice, could be waiting months for their compensation. And that's exactly what will happen if we do not address this situation in a timely manner. So I urge my colleagues to work with me as we pursue every option to find a solution to this very serious problem.

There will always be some elements of disagreement in any piece of legislation, but there is no disagreement that the committee continues to strive to compensate our Nation's service men and women for their hard work and dedication. Though we have a long way to go, I am pleased with this year's progress and the committee's authorization of an across-the-board military pay raise of 3.7 percent and an additional targeted pay raise for certain experienced mid-personnel, ranging from 5.25 percent to 6.25 percent, for an overall raise of 4.15 percent. I am also encouraged to see that the committee has provided for an increase in the family separation to see that the committee has provided for an increase in the family separation allowance from $100 per

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month to $250 per month and an increase in the special pay for duty subject to hostile fire or imminent danger from $150 per month to $225 per month.

I would also like to direct the Senate's attention to some for the unsung heroes who have played such important roles in American military victories. These are the thousands of men and women who work in our Nation's depots. They have worked tirelessly to make sure that the weapons, aircraft, and ammunition that our forces use are properly maintained and in fantastic condition. They are the backbone of our military force and they deserve commendation for the tremendous role they have played. Appropriately, when the committee was considering proposals to undermine the strength of our depot system, it was the Senate Air Force Depot Caucus, of which I am proud to be a member, and Senators INHOFE, CHAMBLISS, BENNETT, and NICKLES, who rose to protect our depots. We have so far been successful in our efforts but we realize that we must be forever vigilant to protect these critical military resources.

Again I would like to thank the chairman, ranking Democratic member and all of the members of the committee for their work on this bill. It will be of great service in the support of our Nation's service men and women.

MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

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

MAD COW DISEASE

Mr. DORGAN. This morning's newspaper has a story on the front page that says: ''Canada Finds 'Mad Cow'; U.S. Bans Beef Imports.''

On behalf of the beef industry in this country and consumers in this country, this begs a very important question. If Canada found a cow, one cow, in the month of January, that was headed toward a slaughterhouse and subsequently killed, that now 4 months later they say was infected with mad cow disease, the question is, Why does it take 4 months to learn that a cow killed in January had mad cow disease?

There are two possible reasons, it seems to me. One, there is a system by which they sent the head of this animal to England to have it tested and somehow it took 4 months to test it and to tell the people in this country and Canada there was a cow with mad cow disease killed in January. Four months is absurd. If that is the case, something is horribly wrong. Or, second, they discovered earlier than 4 months and did not disclose it.

I don't know which, but the Secretary of Agriculture has imposed a moratorium on further shipments of beef into this country from Canada. That makes good sense. I support her decision. We ship into this country from Canada 1 million head of cattle and 1 billion pounds of beef. The Secretary of Agriculture is perfectly right in saying let's suspend those shipments at this point. I want her to investigate, and I am sure they will find the answer to the question, Why did it take 4 months to learn that a cow in Canada killed in January was infected with mad cow disease? That, in my judgment, is a threat to the beef industry in this country, a threat to consumers everywhere.

There are one of two explanations, neither of which, in my judgment, is a good explanation. We need to get to the bottom of it on behalf of our beef industry and on behalf of our consumers.

This is not a pretty story. I don't know what the impact of this will be, but as I read this and as I understand the facts, questions need to be answered, and soon. I believe the Secretary of Agriculture will pursue this matter. She says she sent some people to Canada to investigate. We demand answers. We deserve answers, the consumers and the beef industry.

SUPPORT FOR FCTC

Mr. DURBIN. Mr. President, I would like to take a moment to commend U.S. Secretary of Health and Human Services Tommy Thompson for his recent announcement that the United States' delegation to the World Health Assembly would support the Framework Convention on Tobacco Control, the world's first global tobacco treaty.

As we know, tobacco is the leading preventable cause of death in the world today.

According to the World Health Organization almost five million people die each year from tobacco related illnesses.

As tobacco use continues to grow at alarming rates around the world, the death toll is expected to rise to 10 million people per year by 2030, with 70 percent of these deaths occurring in developing countries.

Clearly, we must give greater attention to the reality of the harmful effects of tobacco use.

The United States has traditionally been a world leader in tobacco control efforts, often providing the science and expertise to demonstrate the harms of tobacco and the public health efforts needed to reduce tobacco use.

As one who has long advocated for extensive tobacco control measures to stop the spread of tobacco use around the world, I was pleased when the United States joined other WHO member states in treaty negotiations.

These negotiations have been ongoing for nearly four years.

As a result of that hard work, the final draft of the Framework Convention was overwhelmingly approved on March 1, 2003, by 171 WHO member states.

The Framework Convention contains a wide range of provisions aimed at controlling tobacco marketing and consumption and identifies sound public health policies for countries to adopt or strengthen.

These include two particularly strong requirements: No. 1, a comprehensive ban on tobacco advertising, promotion and sponsorship, with an exception for nations with constitutional constraints; and No. 2, the implementation of health warning labels covering at least 30 percent, but ideally 50 percent or more, of the display area on tobacco product packaging.

In addition, the FCTC calls upon countries to ban misleading language that gives the false impression that the product is less harmful than others, such as ''mild,'' ''light,'' or ''low tar''; significantly raise tobacco taxes; provide smoke-free public spaces and workplaces; consider using litigation to hold the tobacco industry liable for its wrongdoings.

Collectively, these provisions provide nations with a roadmap for enacting strong, science-based policies that can save lives and improve health across the world.

It is for these reasons that I rise today to applaud the efforts of Secretary Thompson and to commend him for advancing the cause of international health. He has rode to the rescue.

The press reports coming out of these meetings suggested the United States was not going to be fully engaged and fully involved in the development of this important global standard related to the use of tobacco. Secretary Thompson arrived on the scene and came in quickly with good news.

Only with concerted action can we avert millions of premature deaths and prevent future generations of young people from falling victim to the tobacco epidemic.

The Framework Convention has brought nations of the world together to combat this global epidemic.

But, this is the only the first step.

Now, it is imperative that the United States continue to play an active role in the effective implementation of this treaty.

This begins with signing and ratifying the Framework Convention.

I will be working in the United States Senate to make sure we do our part in this process.

And I hope the Administration will follow the lead of Secretary Thompson and will do their part as well.

I am confident that working together, we can reduce the terrible toll in health, lives, and money that tobacco use takes around the world.

VOTE EXPLANATION

Mr. DURBIN. Mr. President, I would like to make it a matter of record that on Monday, May 19, 2003, I was unavoidably delayed in arriving in the Senate because my United Airlines

flight 616 was held on the ground with mechanical difficulties and I missed a vote, which was vote No. 184 relative to the confirmation of Maurice Hicks as U.S. District Judge for the Western District of Louisiana. Had I been here, I would have voted in the affirmative.

FRIENDSHIP CONTRACT

Mr. DASCHLE. Mr. President, today I would like to share an amazing story of friendship—a friendship that has blossomed over the past 17 years between the cities of Aalen and Dewangen, Germany, and the town of Webster in my home State of South Dakota.

In 1986, a group of wrestlers from Dewangen toured South Dakota for 3 weeks. During that time, local South Dakotan communities held exhibition matches, providing both South Dakota and this group of wrestlers an opportunity to display their skills and learn from each other.

Before making their final departure, the wrestlers made their final stop in Webster, where they were welcomed wholeheartedly. Individual friendships between the wrestlers and members of the Webster community formed immediately. In the 17 years following their initial visit, members of the wrestling group from Aalen and Dewangen returned to Webster to renew their relationships with the Webster community.

In 1999, Webster Mayor Mike Grosek decided it was time to pay his friends in Dewangen a visit. During his visit, members of the Dewangen community talked excitedly about a possible friendship contract between the two cities, and within the last 4 years informal discussions led to an official declaration. On April 5, a group of 16 individuals from Webster were on hand for the historic signing ceremony in Dewangen, and it is my pleasure to announce that a similar ceremony will occur in Webster on May 31. I am confident that the friendship forged between them will endure for many years to come, and I wish to extend my congratulations to all involved in making these momentous occasions possible.

100TH ANNIVERSARY OF THE FORD MOTOR COMPANY

Mr. MCCONNELL. Mr. President, I rise today to congratulate the Ford Motor Company on its 100th anniversary and its longstanding relationship with the Commonwealth of Kentucky.

Ford has been an integral part of the Kentucky business community since 1913 when it began building Model T automobiles in a small shop on South Third Street in Louisville. From its modest beginnings in the Commonwealth, Ford rose to become a significant part of our economy. After opening additional plants in Louisville, Ford and its hard-working Kentucky employees produced more than 44,000 trucks for the U.S. Army during World War II.

Following the war, Ford continued to expand in Kentucky, initiating car production at the Louisville assembly plant on Fern Valley Road in 1955. In 1969, Ford built the Kentucky truck plant on Chamberlain Lane. The Kentucky truck plant would later utilize the world's most advanced computer-integrated system for manufacturing heavy truck frame rails. In September 2002, the Louisville assembly plant produced the five-millionth Ford Explorer.

Today, these two plants employ nearly 10,000 men and women in Kentucky who, in 2002, collectively earned more than $660 million. In 2002, the two Ford facilities paid nearly $50 million in State and local taxes. Ford and its Kentucky employees have made other important contributions to local community. Last year, they donated more than $2.5 million to various Louisville community organizations and participated in the Adopt A Child and Sharing the Blessing programs.

As Ford Motor Company approaches its 100th anniversary on June 16, 2003, I am proud to take this opportunity to congratulate the company and its employees for their dedication to excellence. We look forward to the planned expansion of the Kentucky truck plant in Louisville and many more years of commitment to the people and Commonwealth of Kentucky.

Mr. LEVIN. Mr. President, I rise today in recognition of the 100th anniversary of Ford Motor Company. On June 16, 1903, Henry Ford, one of Michigan's most famous sons, founded Ford Motor Company.

It is seldom in history that one person or company makes such a dramatic, lasting impact on society. Thomas Edison modernized the light bulb and changed the way we see the world. Alexander Graham Bell invented the telephone, and communication was changed forever. Henry Ford brought the automobile to the working family, and revolutionized manufacturing, transportation, and everyday American life.

It would certainly be difficult to overestimate the importance of Ford Motor Company on the American way of life. When it was founded, virtually no one owned an automobile. The personal mobility we take for granted today was unfathomable at the turn of the last century. But that was to change rapidly. Within 25 years of its founding, Ford manufactured more than 15 million Model T's, at a price that made them accessible to the working family. Today, there are over 200 million cars and light trucks on the road in the United States—more than 1 for every licensed driver.

The founding of this company has become a legend. With $28,000 in cash, Ford and 11 associates founded what would become one of the world's largest corporations. The first moving assembly line was put into operation in Highland Park, MI, in 1913. This plant could produce a complete chassis in about an hour and a half—eight times faster than before.

At the same time, Ford began paying his workers $5 per day—more than double the industry average wage. This high salary attracted workers to Michigan from around the country and the world. The influx of immigrants was so great that many have called the Ford River Rouge complex the Michigan-annex of Ellis Island.

Henry Ford was one of the first industrialists to hire African Americans. With the belief that hiring African Americans would help racial problems, he reached out to the Black community. By the onset of World War II, roughly half of Detroit's African-American workingmen were on Ford's payroll.

Ford Motor Company has a long history of producing memorable automobiles, from the Tin Lizzie to the Explorer. In 1954, Ford introduced the Thunderbird, a symbol of postwar optimism. The Ford Mustang, introduced in 1964, quickly became synonymous with the American free spirit and has remained a classic American car for almost 40 years. In 1991, the Ford Explorer defined the SUV segment of the market, and remains the best selling SUV in the world.

Ford's commitment to quality and innovation continues today. Ford, the world's second largest automaker, will have a hybrid—part electric, part gasoline powered—SUV available by 2004. Ford has also produced a cutting-edge hybrid fuel cell car, and is dedicated to bringing hydrogen-powered vehicles to the market in the future.

I am proud of Ford Motor Company's accomplishments over the last 100 years. I am glad Ford calls Michigan home, and I enthusiastically offer my support for the resolution commemorating Ford's centennial anniversary.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Baltimore, MD. In October 1998, a group of 10 people attacked Leonard ''Lynn'' Vine, a 32-year-old native of East Baltimore, in front of his family's home because of his perceived sexual orientation. Vine was shot six times, yet survived the attack. The police investigated the attack as a hate crime, and 20-year-old Paul Bishop was charged with attempted murder.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing

current law, we can change hearts and minds as well.

ACTIVITIES OF THE SELECT COMMITTEE ON INTELLIGENCE

Mr. ROBERTS. Mr. President, as chairman and vice chairman of the Select Committee on Intelligence, Senator ROCKEFELLER and I have submitted to the Senate the Report of the Senate Select Committee on Intelligence of its activities during the 107th Congress from January 3, 2001 to November 22, 2002. The Committee is charged by the Senate with the responsibility of carrying out oversight of the intelligence activities of the United States. Much of the work of the Committee is of necessity conducted in secrecy, yet the Committee believes that the Intelligence Community and this Committee should be as accountable as possible to the public. The public report to the Senate is intended to achieve that goal.

ADDITIONAL STATEMENTS

JOHN AND JESS ROSKELLEY'S CLIMB OF MT. EVEREST

• Ms. CANTWELL. Mr. President, I rise today to congratulate father and son John and Jess Roskelley of Spokane, WA, for their successful climb of Mt. Everest. The Roskelleys' achievement is both inspiring and historic. By reaching the summit on Wednesday, May 21, the Roskelleys became the first father and son to climb the world's highest mountain together. Jess also became the youngest American to ever complete the climb.

Throughout history, explorers and adventurers have held a special place in our imaginations. Their vision and determination to explore uncharted territory, and to surmount overwhelming obstacles in fierce conditions and environments remind us of the indomitable power of the human spirit.

Mt. Everest has long captivated mankind as a powerful symbol of the awe the natural world can evoke. Since Sir Edmund Hillary and Tenzing Norgay became the first people to grace its summit 50 years ago, the challenge of climbing Everest has attained an iconic status. Its precipitous slopes, seemingly bottomless crevasses, and thin air are a reminder both of the power of natural forces, and of the fragility of human life.

John Roskelley is an expert climber, with 30 years experience climbing in the demanding Himalayas. He is also an accomplished photographer and author, whose work vividly conveys the challenges and emotions of high-altitude mountaineering. John is a dedicated public servant, as well: he serves as a Commissioner of Spokane County.

Jess Roskelley has clearly inherited his father's mountaineering talents and taste for adventure. Though he is only 20 years old, Jess is already an accomplished climber in his own right. He has climbed Washington State's highest peak, 14,411-foot Mt. Rainier—also an impressive mountaineering feat—a remarkable 35 times.

The Roskelleys' names will long be remembered with those of other magnificent climbers from Washington State—a proud history that includes such giants as Jim and Lou Whittaker, Jim Wickwire, Willi Unsoeld, and Ed Viesturs.

With their accomplishment, John and Jess Roskelley have contributed to this tradition, and to that of all the adventurers and explorers who inspire us to challenge ourselves to realize our dreams, and to persevere in the face of overwhelming odds. They remind us of President John F. Kennedy's affirmation that we pursue some goals ''not because they are easy but because they are hard.''

The Roskelleys' remarkable achievement reminds us what we can accomplish when we set our hearts and minds upon difficult goals. I congratulate them on their success, and wish them a safe trip home.•

250TH BIRTHDAY CELEBRATION OF KEENE, NH

• Mr. GREGG. Mr President, I rise today in honor of Keene, NH, the Elm City of New Hampshire. As the United States prepares to observe the 227th anniversary of our independence, the citizens of Keene will be celebrating the city's 250th birthday. It is therefore timely and appropriate that we recognize this great American community.

From its first settlement in the early 1700's until today, Keene has been the economic and cultural hub for the Monadnock region. The city's manufacturing and commercial companies have not only energized the local economy but have made significant contributions to our country. The Kingsbury Machine Tool Corporation, for example, was a key supplier of equipment during the Nation's involvement in World War II and the Korean War. The Faulkner and Colony Manufacturing Company is certainly one of the great industrial companies in our Country's history and its legacy is still being felt today. In addition to this central role as an economic engine, Keene has been an education leader. It is home to Keene State College, one of the our State's leading institutions of higher learning.

Of course, we cannot talk about this city without praising its most distinctive asset: the people of Keene. They have never been restrained in lending their talents and energies to any noble cause or to any effort that will strengthen the community's social fabric. Throughout its history, Keene's residents have demonstrated this commitment to their neighbors and their country. For example, upon hearing of the signing of the Declaration of Independence, the town organized a celebration of this great news. Unfortunately, they had no way of affixing the new American flag to the Liberty Pole, other than by climbing to the top, which was dangerous. A 9-year-old boy stepped out of the crowd and offered to take up this challenge. Witnesses said as the boy went higher, the pole started to bend. However, he made it and, as the crowd cheered, set the American Flag at the pole's highest reach. In February 1835, a Keene native, the Honorable John Dickson, delivered the first important anti-slavery speech ever made in the United States Congress. In 1892, John Henry Elliot donated the building which became the City's first modern hospital. During the Civil War, 584 men from Keene served; 48 gave their lives. Forty Keene residents fought at the Battle of Bunker Hill. Catherine Fiske opened the Young Ladies Seminary in Keene on May 1, 1814. This was the first boarding school in New Hampshire and just the second in the United States. Its reputation for educating the young women of Keene and of many other States in the country was unmatched in its day.

Horatio Colony, the city's first mayor in 1874, is one of a long line of talented public servants from Keene who have helped make New Hampshire such a great place to live. Today, the city is continuing this honorable tradition. The long-time dean of the New Hampshire State Senate, Clesson ''Junie'' Blaisdell, hailed from Keene. The sitting mayor, Michael E.J. Blastos, has been a long-time leader here. The current President of the New Hampshire State Senate, Tom Eaton, calls the city his home. In addition to guiding one half of New Hampshire's legislative body, Senator Eaton also serves as acting Governor of New Hampshire whenever the Governor is out of state or otherwise unable to perform the duties of the office. Born and raised in this region of the State, Senator Eaton represents all that is great about the City.

All of these people, and their stories, illustrate the can-do attitude and spirit of activism of Keene's people. With that, I am proud to honor and salute them as they celebrate the 250th birthday of Keene, NH, the Elm City of the Granite State.•

TRIBUTE TO MICHIGAN'S FIRST ARMY NATIONAL GUARD BRIGADE COMMANDER

• Ms. STABENOW. Mr. President, the contributions of women in the U.S. Armed Forces stretches back to the battlefields of our Revolution and continues in the deserts of Iraq today.

But those contributions have not always been recognized.

Today, I rise to note another milestone for women in the military and pay tribute to COL Mandi Murray who recently became the first woman to command a brigade in Michigan's Army National Guard

Colonel Murray now commands the 2,433 soldiers of the 63rd Troop Command based in Jackson, MI.

The missions of the 63rd Troop Command include maintenance, transportation, administration, Army aviation, and Airborne Ranger duties. One unit of the 63rd Troop Command is now serving in Iraq and—sadly—one of its servicemen was killed there last month.

Colonel Murray has had a remarkable career as both a civilian and an officer in her 22 years with the Army National Guard.

She joined the Guard when she was 17. At one time she juggled full-time duties as a neonatal intensive care nurse, full-time studies at the University of Detroit Law School, and her obligations to the military.

She is married to a fellow officer—LTC Martin Murray with the Michigan Army National Guard's State Area Command—and now outranks him.

But that is not a problem for this couple.

''My husband and I are truly in this as a team,'' Colonel Murray said recently. ''Sometimes one has to step back for the other. He knows I wouldn't be here without him.''

The Murray's have two children, and both hold demanding full-time careers. She works as a lawyer for the St. Joseph Health System, and he is an operations director of a 23-physician medical practice.

Our Nation is grateful to have such fine men and women willing to serve, and I am proud this couple hails from my home State.

Women have come a long way since 1778, when Mary Ludwig Hays—also known as Molly Pitcher—manned a cannon at the Battle of Monmouth in place of her wounded husband.

For her bravery, General George Washington made her a noncommissioned officer, and for the rest of her days she was known as Sergeant Molly.

Now, when the armed services are called to duty, almost 200,000 women from all branches of the armed services stand ready to defend their Nation—women like Colonel Murray.

I salute their bravery and their sense of duty as I do all who choose to wear our Nation's uniform with pride.●

HONORING LIEUTENANT COLONEL ERIN M. MCCARTER

● Mr. DURBIN. Mr. President, I rise today to honor the career of LTC Erin M. McCarter. She has served her country in the Air Force for more than 20 years and will be retiring in June.

Colonel McCarter grew up in Moline, IL, and was commissioned as an officer in the Air Force after earning a bachelor''s degree from the University of Iowa in 1982. She has served in various logistics assignments during her time in the Air Force. She was the officer accountable for nuclear munitions at Ellsworth AFB, SD; she served as wing supply and headquarters staff officer at Spangdahlem and Ramstein Air Bases in Germany and Shaw AFB, SC. In addition, she served as Chief of the Pacific Air Force's weapon system support at Hickam AFB, HI. From 1996–1997, Colonel McCarter commanded the 8th Supply Squadron at Kunsan Air Base, Republic of South Korea. She also served as Congressional Liaison to Capitol Hill. Colonel McCarter assumed her duties managing foreign military sales to the Royal Saudi Air Force in September 1999.

Colonel McCarter plans to return to her home State of Illinois upon her retirement. I know my fellow Senators will join me in thanking LTC Erin McCarter for her distinguished service to her country and wish her well in her future endeavors.●

IN APPRECIATION OF SISTER AUGUSTA JOHNSON

● Mr. JOHNSON. Mr. President, I rise today to express my appreciation for Sister Augusta Johnson's many years of dedicated service to the Benedictine Sisters of the Mother of God Monastery in Watertown, SD. Sister Johnson has recently announced she will be retiring after 30 years in a leadership position at Prairie Lakes Healthcare System.

Sister Johnson currently serves as vice president of administrative services but began her career as the office manager at St. Ann's Hospital before it became Prairie Lakes Hospital. During her notable career, she has also served as the controller and chief financial officer of St. Ann's. When the organization was merged with Memorial Medical Center to form Prairie Lakes Healthcare System in 1986, Sister Johnson was named interim administrator. During this time, she was responsible for bringing a home-based health care program called Home Connections to Prairie Lakes. Prior to her entrance into the health care industry, Sister Johnson spent time as an elementary school teacher and principal in five South Dakota communities.

As vice president of administrative services for Prairie Lakes, Sister Johnson serves as the administrator for Prairie Lakes Care Center, the vice president overseeing the Lab, Radiology and Environmental Services Departments, and Prairie Lakes Cancer Center. Over her career with Prairie Lakes, she has been the organization's representative for four major construction projects, including the current $11 Million dollar Prairie Lakes Medical Office Building and hospital expansion plan.

After receiving her bachelor's degree in education from Mount Marty College in Yankton, SD, Sister Johnson obtained a master's degree in administration from Northern State University in Aberdeen, SD. She went on to earn a certificate in hospital administration from St. Louis University before returning to South Dakota.

In addition to her countless obligations to Prairie Lakes Hospital, Sister Johnson is one of South Dakota's two delegates to the American Association of Homes and Services for the Aging and has served on that organization's board of directors. In addition, she is a member of Sioux Valley's long-term care finance task force and serves on the South Dakota Association of Healthcare Organizations Long Term Care Council.

I commend Sister Johnson for her selfless commitment to the service of others and thank her for all of the work she has done for her community, her State, and her Nation. Her efforts have truly made a difference in countless numbers of lives of people she has never even met. I extend my very best wishes to her upon her retirement and predict that she will find peace and fulfillment in whatever lies ahead.●

HONORING MISS KACEY REYNOLDS

● Mr. BUNNING. Mr. President, I have the privilege and honor of rising today to recognize Miss Kacey Reynolds of Calvert City, KY. Kacey was selected as first place district winner of the Veterans of Foreign Wars of the United States and the Ladies Auxiliary's Voice of Democracy National Essay Competition Program.

Kacey's essay submission detailing her commitment and responsibility to America caught the eye of the VFW and Ladies Auxiliary. Along with a college scholarship, the national scholarship recipients were rewarded with a trip to Washington, DC.

Currently participating in Paducah Christian Homeschool, Kacey was recognized earlier this year as a Focus on the Family 2003 Brio Girl of the Year finalist and is a member of the National Honor Society. Outside of academics, she is an active teen who enjoys acting, rappelling, scrapbooking, and horseback riding. She hopes to study music and business management when she attends college.

I am pleased that Kacey takes such pride in her community and Nation. She recognizes the sacrifices made by others in order to secure her freedom. Respect and appreciation, as shown by Kacey, can sometimes get pushed to the side during the daily routines of life. I am pleased this young lady has taken time to reflect on the meaning of freedom and the price of it. Please join me in congratulating Miss Kacey Reynolds and wishing her the best of luck.●

IN RECOGNITION OF THE 25TH ANNIVERSARY OF THE ST. THOMAS ORTHODOX CHURCH OF INDIA

● Mr. LEVIN, Mr. President, I would like to recognize the anniversary of the St. Thomas Orthodox Church of India for 25 years of dedication and service to my home State of Michigan and specifically the Southfield and metropolitan Detroit communities.

St. Thomas Orthodox Church was the first Indian church established in Southfield, MI. In addition to being a source of spiritual guidance, the church also celebrates and preserves Indian culture and heritage in the

United States. The church has shared its Indian heritage with the city of Southfield through participation in several ethnic festivals. The parish has also held numerous fundraisers to benefit the Missions of Charity, the American Red Cross, the Gujarat Earthquake Relief, and various other charities in India. In addition, St. Thomas Orthodox Church has also provided service to the city of Southfield by participating in city beautification efforts.

The Apostle Thomas brought Christianity to the southern Indian state of Kerala in 52 A.D. The people of the region founded the Malankara Orthodox Church to maintain his teachings. During the 1970s, many people from this region emigrated to the United States. Settling in the Detroit area, these industrious immigrants formed a congregation and began to hold prayer meetings in their homes.

In 1978, the Senior Metropolitan of the American Diocese, His Grace Dr. Thomas Mar Makarios, welcomed the congregation into the Malankara Orthodox Church as the St. Thomas Orthodox Church of India, Detroit. Since then, Rev. Father Philip Jacob, vicar of the parish, has led the congregation, and under his leadership the congregation has grown and prospered. On September 26, 1990, they bought a building of their own, and the congregation has grown to over 460 members.

I would like to commend the vicar of St. Thomas Orthodox Church, Rev. Father Philip Jacob, for his excellent leadership in maintaining the spirit and unity among the congregation. I take great pride in recognizing the contributions that St. Thomas Orthodox Church has made to its community, and I know my colleagues will join me in saluting the accomplishments of St. Thomas Orthodox Church of India and in wishing it continued success in the future.●

COMMENDING THE PRUDENTIAL SPIRIT OF COMMUNITY AWARD HONOREES

● Mr. CARPER. Mr. President, today I recognize Sonide Blanchard and Jeffrey Lawson for being selected as two of the Nation's top youth volunteers in the eighth annual Prudential Spirit of Community Awards. This is an extraordinary honor. More than 24,000 young people across the country were considered for this recognition this year.

The Prudential Spirit of Community Awards, created by Prudential Financial in partnership with the National Association of Secondary School Principals, NASSP, constitutes America's largest youth recognition program based exclusively on volunteerism. The awards are designed to emphasize the importance that our Nation places on service to others and to encourage young Americans of all backgrounds to contribute to their communities.

Sonide Blanchard of Seaford and Jeffery Lawson of Newark have been selected as Delaware's top youth volunteers for 2003. As State Honorees, each received a $1,000 award, an engraved silver medallion and a trip to Washington, DC from May 3, 2003 to May 6, 2003 for the program's national recognition events. I am proud that they represented the State of Delaware.

Seventeen-year-old Sonide, a senior at Seaford High School, devotes a significant amount of her time to tutoring Haitian students in the English as a Second Language, ESL, program at her school. She also serves as a translator for both students and adults. When she was younger, Sonide began translating for her mother and realized how much that helped her. She soon was translating for people throughout the Haitian community. ''I feel that I am helping the community rise, and I am helping the Haitian people adapt to a new culture,'' she said. Later, she was inspired by her French teacher not only to translate, but to tutor other students as well. She now spends 2 hours a day working with ESL students to help them succeed in school despite their limited English skills. Dedication and a strong sense of responsibility have been key to her accomplishments.

Jeffrey Lawson, a 13-year-old seventh grader at St. Edmonds Academy in Wilmington, is a peer mentor to second-grade children who are in special education. He also volunteers with the Delaware Special Olympics. While attending elementary school, Jeffrey volunteered in a special education class by reading books to students and giving up his recess time to mentor the children. After Jeffrey transferred to a private school, he missed the kids with whom he had worked and decided to go back and volunteer. Jeffrey was able to volunteer 20 days last year. ''Volunteering is important because it teaches kindness and good citizenship,'' said Jeffrey. He receives much of his inspiration from the children he mentors.

Today, I rise to congratulate Sonide and Jeffrey. These two youngsters are fine examples of community spirit and leadership. They serve as role models not only to their peers, but to all of us, as well as to the people they've touched through community service.●

IN MEMORY OF ISADORE LOURIE

● Mr. HOLLINGS. Mr. President, last month the citizens of South Carolina lost a legend with the passing of Isadore Lourie, and I wish to recognize the most progressive lawmaker our State has ever known.

Izzy served three decades in the South Carolina statehouse. He came in 1964, right after my term as Governor was up, and back then the statehouse was made up of a bunch of segregationists and right wingers. But Izzy had a conscience, and he had a heart. He came in with this passion to turn things around for African-Americans and poor white citizens, and nobody was going to stop him.

He led a group with Dick Riley and Joe Riley that became known as the Young Turks. They backed school integration and smoothed the road for bringing blacks and whites together in a calm way. Then they passed legislation in education, in health care, in economic development, in consumer protection, and the like. They may have been up against a brick wall of old-time thinking, but that didn't stop them from passing a progressive agenda that has had a profound impact on my State.

This Senator will miss this very generous gentleman, and I want to share our Nation's sympathy to his wife Susan, and their children and grandchildren. To share with my colleagues just how much Izzy meant to all of us back home, I ask that this article about Izzy from The State, in Columbia, SC, be printed in the RECORD.

The article follows:

[From the State, Apr. 26, 2003]

HUNDREDS SAY GOODBYE TO BELOVED LEGISLATOR; LOURIE REMEMBERED AS S.C. PROGRESSIVE WHO FOUGHT THE GOOD FIGHT

(By Valerie Bauerlein)

Only in America, Isadore Lourie would say.

Only in America would the son of immigrants become one of the most powerful men in a state, by knowing the law and by loving justice.

Only in America would a freshman legislator in the segregated 1960s stand up to the General Assembly's status quo, and say ''enough''—if we introduce white students who come to our gallery to watch justice work, we must introduce black students as well.

And perhaps only in America—his favorite phrase—would almost a thousand people arrive two hours early, park in the middle of the road, and pack Beth Shalom Synagogue to say goodbye to Isadore Lourie, a man who never said ''no'' to someone in need, not the elderly, the poor, strangers, friends.

Lourie, 70, died Thursday after a trying battle with progressive supranuclear palsy, a rare brain disorder related to Parkinson's disease. He suffered but he endured, his family said at his funeral, living life throughout.

Three weeks ago he was spotted at his grandson Sam's baseball game, screaming at the ref.

He was still enjoying a history class that he helped start. Lourie's imagination took him back with Daniel in the lion's den, Moses in Egypt.

''Confined to a wheelchair, he still soared,'' said Rabbi Hesh Epstein of Chabad of South Carolina, an outreach and educational organization.

Lourie was a state House member and state senator from 1964 to 1992, lauded as a progressive who forced the state forward on civil rights when it preferred not to move. He authored legislation on public housing, affirmative action and aging.

He also was a loving husband to his wife, Susan, a devoted father and grandfather, and a dedicated believer.

''He was a great gentleman from a great state, but let us not forget, a great Jewish gentleman from a great state,'' said Rabbi Philip Silverstein of Beth Shalom.

Lourie's sons had hoped to take him on a vacation last August for his 70th birthday. He knew his time was drawing short.

They talked of taking him somewhere special, perhaps the Bahamas. But his son Lance told mourners that his father preferred to stay in Columbia and come to Beth Shalom: ''He said he wanted to stay here, in this room, and that's what he did, and he was happy.''

Almost a thousand people packed the synagogue, which is shaped like a butterfly, with the rabbi and other speakers in the center. The wings were lined with hundreds of people in chairs and pews, and dozens more standing along the walls.

And although he was a public figure, and there were people spilling out into the hallway, the funeral was an intimate, almost a family, affair.

Isadore Lourie's three sons eulogized him, fighting sobs.

His oldest son, Lance, said he remembered angry phone calls at the dinner table during the 1960s, when his father was fighting unpopular fights.

''He said, 'I will not be intimidated, and I will not be bullied,' and he wouldn't,'' Lance said. ''He would not let his efforts on what he thought to be right to be thwarted.''

He told how his father loved the phrase, ''only in America,'' and what a privilege it was to have the opportunity to fight for causes.

His middle son, Joel, said too often, people say when they have lost someone that they wish they had done this or said that.

''My only wish is that he would not have gotten sick,'' said Joel, his voice cracking. ''And we could've extended the great times we had together.''

Joel, a state representative since 1998, said his father was one of God's special servants.

''I know that if not now, then soon, he will be organizing and giving directions up in heaven and doing good work,'' Joel said.

The youngest son, Neal, shared his father's law practice and said he would miss his hero, his motivation, his partner, and most importantly, his father.

''My family used to always say that our father could hear everything, no matter what he was doing,'' Neal said. That was whether he was working or sleeping (and snoring), in sight or out of sight.

''So I say this to my dad, as he rests peacefully in God's hands today, that I know he can hear me. Thank you, God bless you, I love you.''●

MESSAGE FROM THE HOUSE

At 3:17 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1904. An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.

H.R. 1925. An act to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

The message further announced that pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 note), as amended by section 681(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2651 note), and the order of the House of January 8, 2003, the Speaker reappoints the following member on the part of the House of Representatives to the Commission on International Religious Freedom for a 2-year term ending May 14, 2005.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on today, May 21, 2003, by the President pro tempore (Mr. STEVENS):

S. 243. An act concerning the participation of Taiwan in the World Health Organization.

S. 870. An act 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.

MEASURES REFERRED

The following bills, previously received from the House of Representatives for concurrence, were read the first and second times by unanimous consent, and referred as indicated:

H.R. 255. An act to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretive Center in Nebraska City, Nebraska; to the Committee on Energy and Natural Resources.

H.R. 1012. An act to establish the Carter G. Woodson Home National Historic Site in the District of Columbia, and for other purposes; to the Committee on Energy and Natural Resources.

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1904. An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 1925. An act to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes; to the Committee on the Judiciary.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 21, 2003, she had presented to the President of the United States the following enrolled bill:

S. 243. An act concerning the participation of Taiwan in the World Health Organization.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communication was laid before the Senate, together with accompanying papers, reports, and documents, and was referred as indicated:

EC–2406. A communication from the Chairman, Seimas of the Republic of Lithuania, transmitting, pursuant to law, the report of a letter relative to the acceptance of Lithuania to the North Atlantic Treaty Organization, received on May 9, 2003; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 515. A bill to provide additional authority to the Office of Ombudsman of the Environmental Protection Agency (Rept. No. 108–50).

By Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, with amendments:

S. 313. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs (Rept. No. 108–51).

By Mr. ROBERTS, from the Committee on Intelligence:

Special Report entitled ''Committee Activities of the Select Committee on Intelligence, United States Senate, January 3, 2001, to November 22, 2002'' (Rept. No. 108–52).

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

H.R. 192. A bill to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 7. A concurrent resolution expressing the sense of Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. COCHRAN for the Committee on Agriculture, Nutrition, and Forestry.

*Lowell Junkins, of Iowa, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

*Glen Klippenstein, of Missouri, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

*Julia Bartling, of South Dakota, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

By Mr. LUGAR for the Committee on Foreign Relations.

*Jeffrey Lunstead, of the District of Columbia, 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 Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform

me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Jeffrey J. Lunstead.

Post: Sri Lanka.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse: Deborah Sharpe-Lunstead, none.

3. Children and Spouses: Jennifer Lunstead, none; Julie Lunstead, None.

4. Parents: Raymond Lunstead, deceased; Mary Lunstead, deceased; Jeanette Lunstead (stepmother), none.

5. Grandparents: John and Essie Lunstead, deceased; James and Marie Mcgann, deceased.

6. Brothers and Spouses: none.

7. Sisters and Spouses: Diane and John Botly, none.

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*James B. Foley, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Haiti.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them, to the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: James Brendan Foley.

Post: Haiti.

Contributions, amount, date, and donee:

1. Self: James B. Foley, none.

2. Spouse: Kate Suryan, none.

3. Children and Spouses: N/A.

4. Parents: Mother—Helen T. Foley, none; Father—James J. Foley, (1) $25 to Democratic Senatorial Campaign Committee, 4/7/2000; (2) $25 to Hillary Clinton Senate Campaign, 4/7/2000; (3) $15 to Democratic National Committee Federal Account, 4/7/2000; (4) $15 to Gore 2000 GELAC, 8/19/2000; (5) $15 to Gore-Lieberman Election Committee, 9/15/2000.

5. Grandparents: James J. Foley (deceased): Margaret Foley (deceased): Cornelius O'Leary (deceased); Nellie O'Leary (deceased).

6. Brothers and Spouses: Brother—Kevin M. Foley, none; Brother's spouse—Donne J. Silbert, none.

7. Sisters and Spouses: N/A.

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*Steven A. Browning of Texas, 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 Republic of Malawi.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Steven Alan Browning.

Post: Malawi.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse: Susan Elizabeth Browning, none.

3. Children and Spouses: Son—Jefferson Andrew Dolan, None; Spouse—Kristin Thielen Dolan, none; Daughter—Stephanie Jayne Marie Dolan, none; Spouse—Tay Voye, none.

4. Parents: Cheaney Harris Browning (deceased); Rosemary Miller Browning, none.

5. Grandparents: Leander Browning (deceased); Annabelle Browning (deceased); Herbert Miller (deceased); Marion Miller (deceased).

6. Brothers and Spouses: Rickey Van Browning, none; Barbara Sterling Browning, none.

7. Sisters and Spouses: no sister.

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*Harry K. Thomas, Jr., of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Harry K. Thomas, Jr.

Post: Dhaka.

Contributions, amount, date, and donee:

1. Self, $125.00, Summer 1994, Charles Millard.

2. Spouse: Ericka Smith-Thomas, none.

3. Children and Spouses: Casey Thomas, none.

4. Parents: Harry K. Thomas, Sr., $25.00, 2002, RNC; Hildonia M. Thomas, $25.00, 2002, DNC; $150.00, 1998–2002, DNC.

5. Grandparents: Deceased.

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: Nelda T. Canada, $75.00, 1999–2000, South Carolina DNC; Daniel Canada, $150.00, 1998–2002, EMPAC.

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*Richard W. Erdman, of Maryland, 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 People's Democratic Republic of Algeria.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Richard Winn Erdman.

Post: Chief of Mission, U.S. Embassy Algiers.

Contributions, amount, date, and donee:

Self and Spouse: On our annual tax returns for the last four years (and earlier) we have Contributed $3 per year via checking the box for voluntary contributions to the Presidential Election Campaign.

Sarah (Daughter): No contributions.

Matthew (Son): No contributions.

George L. Erdman (Father): Deceased.

Anne Y. Erdman (Mother): Deceased.

Walter J. Erdman (Grandfather): Deceased.

Julia C. Erdman (Grandmother): Deceased.

Bosco Bell Young (Grandfather): Deceased.

Winifred P. Erdman (Grandmother): Deceased.

Robert L. Erdman (Brother) and Judy C. Erdman (Spouse): $50, 9/14/00, Lazio 2000 Campaign; $35, 10/3/00, Nat. Republican Senate Campaign; $35, 11/5/00, Nat. Republican Senate Campaign; $50, 2/5/01, Bush-Cheney Pres. Campaign; $25, 0/15/01, Republican Party of Virginia; $25, 0/20/01, Black American PAC; $25, 5/10/02, Black American PAC; $37.50, 7/23/02, Black American PAC.

David L. Erdman (Brother): None.

Margaret L. (Mrs. David L.) Erdman: None.

John P. Erdman (Brother): None.

Catherine C. (Mrs. John P.) Erdman (Spouse): None:

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*Michael B. Enzi, of Wyoming, to be a Representative of the United States of America to the Fifty-seventh Session of the General Assembly of the United Nations.

*Paul Sarbanes, of Maryland, to be a Representative of the United States of America to the Fifty-seventh Session of the General Assembly of the United Nations.

*James Shinn, of New Jersey, to be a Representative of the United States of America to the Fifty-seventh Session of the General Assembly of the United Nations.

*Cynthia Costa, of South Caroline, to be an Alternate Representative of the United States of America to the Fifty-seventh Session of the General Assembly of the United Nations.

*Ralph Martinez, of Florida, to be an Alternate Representative of the United States of America to the Fifty-seventh Session of the General Assembly of the United Nations.

*Ephraim Batambuze, of Illinois, to be a Member of the Board of Directors of the African Development Foundation for a term expiring February 9, 2008.

*John W. Leslie, Jr., of Connecticut, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2007.

Mr. LUGAR. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Foreign Service nominations beginning Anne H. Aarnes and ending Edward W. Birgells, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2003.

Foreign Service nominations beginning Charles A. Ford and ending Ira E. Kasoff, which nominations ere received by the Senate and appeared in the Congressional Record on April 2, 2003.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VOINOVICH (for himself, Mr. LEVIN, Ms. STABENOW, Mr. BAYH, Mr. LUGAR, Mrs. HUTCHISON, Mr. CORNYN, Mr. WARNER, Mr. CHAMBLISS, Mr. LOTT, Mr. GRAHAM of South Carolina, Mr. NELSON of Florida, Mr. ALEXANDER, Mr. DEWINE, Mrs. DOLE, Mr. COCHRAN, Ms. LANDRIEU, Mr. MILLER, Mr. HOLLINGS, Mr. BREAUX, and Mr. BUNNING):

S. 1090. A bill to amend title 23, United States Code, to increase the minimum allocation provided to States for use in carrying out certain highway programs; to the Committee on Environment and Public Works.

By Mr. DURBIN (for himself, Mr. DEWINE, Ms. COLLINS, and Mr. FEINGOLD):

S. 1091. A bill to provide funding for student loan repayment for public attorneys; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CAMPBELL:

S. 1092. A bill to authorize the establishment of a national database for purposes of

identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Mr. WYDEN):

S. 1093. A bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters; to the Committee on Finance.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 1094. A bill to establish a final criterion for promulgation of a rule with respect to sediments to be used as remediation material at the Historic Area Remediation Site off the coast of the State of New Jersey; to the Committee on Environment and Public Works.

By Mr. SUNUNU (for himself, Mr. KERRY, Mr. STEVENS, Mr. MCCAIN, Mrs. LINCOLN, Ms. COLLINS, Mr. BUNNING, Mr. MILLER, Mr. SPECTER, Mr. ROCKEFELLER, Ms. CANTWELL, Mr. KENNEDY, Ms. LANDRIEU, Mr. BURNS, and Mr. ALLEN):

S. 1095. A bill to amend title XVIII of the Social Security Act to improve outpatient vision services under part B of the medicare program; to the Committee on Finance.

By Mr. BAYH:

S. 1096. A bill to amend the Internal Revenue Code of 1986 to provide that certain postsecondary educational benefits provided by an employer to children of employees shall be excludable from gross income as part of an educational assistance program; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1097. A bill to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program; to the Committee on Energy and Natural Resources.

By Mr. CONRAD (for himself, Mr. SANTORUM, Mrs. LINCOLN, and Mr. BINGAMAN):

S. 1098. A bill to amend title XVIII of the Social Security Act to update the renal dialysis composite rate; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. DOMENICI, Mr. BINGAMAN, Mr. KYL, and Mr. CORNYN):

S. 1099. A bill to amend the Transportation Equity Act for the 21st Century with respect to national corridor planning and development and coordinated border infrastructure and safety; to the Committee on Environment and Public Works.

By Mr. REID (for himself and Mr. GRAHAM of South Carolina):

S. 1100. A bill to restore fairness and improve the appeal of public service to the Federal judiciary by improving compensation and benefits, and to instill greater public confidence in the Federal courts; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. SMITH, Mr. DASCHLE, Mr. JEFFORDS, Mr. KENNEDY, Ms. COLLINS, Ms. LANDRIEU, Mrs. HUTCHISON, Mr. JOHNSON, Mr. CORZINE, Mrs. LINCOLN, Ms. CANTWELL, Mrs. CLINTON, Mr. LAUTENBERG, Mrs. MURRAY, Mr. DODD, Mrs. BOXER, Ms. STABENOW, Mr. NELSON of Florida, Mr. SCHUMER, Mr. HOLLINGS, Mr. REED, Mr. KERRY, Ms. MIKULSKI, and Mr. LEAHY):

S. 1101. A bill to provide for a comprehensive Federal effort relating to early detection of, treatments for, and the prevention of cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself, Ms. COLLINS, and Mr. HATCH):

S. 1102. A bill to assist law enforcement in their efforts to recover missing children and to clarify the standards for State sex offender registration programs; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY (for himself, Mr. WYDEN, Mr. LUGAR, and Ms. LANDRIEU):

S. Res. 151. A resolution eliminating secret Senate holds; to the Committee on Rules and Administration.

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

S. Res. 152. A resolution welcoming the President of the Philippines to the United States, expressing gratitude to the Government of the Philippines for its strong cooperation with the United States in the campaign against terrorism and its membership in the coalition to disarm Iraq, and reaffirming the commitment of Congress to the continuing expansion of friendship and cooperation between the United States and the Philippines; considered and agreed to.

ADDITIONAL COSPONSORS

S. 98

At the request of Mr. ALLARD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States, to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 229

At the request of Mr. JOHNSON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 229, a bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes.

S. 271

At the request of Mr. SMITH, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 271, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 274

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 274, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 458

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 458, a bill to establish the Southwest Regional Border Authority.

S. 473

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 473, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 554

At the request of Mr. GRASSLEY, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 554, a bill to allow media coverage of court proceedings.

S. 557

At the request of Ms. COLLINS, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 557, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 564

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 564, a bill to facilitate the deployment of wireless telecommunications networks in order to further the availability of the Emergency Alert System, and for other purposes.

S. 622

At the request of Mr. GRASSLEY, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 622, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 724

At the request of Mr. ENZI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 724, a bill to amend title 18, United States Code, to exempt certain rocket propellants from prohibitions under that title on explosive materials.

S. 837

At the request of Mr. BROWNBACK, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 837, a bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes.

S. 861

At the request of Mr. HOLLINGS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 861, a bill to authorize the acquisition of interests in undeveloped coastal areas in order to better ensure their protection from development.

S. 874

At the request of Mr. TALENT, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. DURBIN) 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 Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 878

At the request of Mrs. FEINSTEIN, her name 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. 950

At the request of Mr. ENZI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 950, a bill to allow travel between the United States and Cuba.

S. 982

At the request of Mrs. BOXER, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Utah (Mr. BENNETT) were added as cosponsors 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. 982

At the request of Mr. SANTORUM, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 982, supra.

S. 983

At the request of Mr. CHAFEE, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1000

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1000, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to provide TRICARE eligibility for members of the Selected Reserve of the Ready Reserve and their families; to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 1011

At the request of Mr. KERRY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1011, a bill to amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds $2,000 and to provide for a graduated implementation of such provision on amounts above such $2,000 amount.

S. 1018

At the request of Mr. BAYH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1018, a bill to amend the Internal Revenue Code of 1986 to expand the availability of the refundable tax credit for health insurance costs of eligible individuals and to extend the steel import licensing and monitoring program.

S. 1046

At the request of Mr. STEVENS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1046, a bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations.

S. 1060

At the request of Mr. MCCAIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1060, a bill to designate the visitors' center at Organ Piper Cactus National Monument, Arizona, as the ''Kris Eggle Visitors' Center''.

S. 1076

At the request of Mr. HAGEL, the names of the Senator from Virginia (Mr. WARNER), the Senator from South Dakota (Mr. DASCHLE) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1076, a bill to authorize construction of an education center at or near the Vietnam Veterans Memorial.

S. 1079

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

S. 1082

At the request of Mr. BROWNBACK, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from New York (Mr. SCHUMER) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 1082, a bill to provide support for democracy in Iran.

S. 1086

At the request of Mr. KENNEDY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1086, a bill to repeal provisions of the PROTECT Act that do not specifically deal with the prevention of the exploitation of children.

S. 1089

At the request of Mr. REID, his name was added as a cosponsor of 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.

S. RES. 133

At the request of Mr. DURBIN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Pennsylvania (Mr. SPECTER) and the Senator from California (Mrs. FEINSTEIN) 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.

S. RES. 140

At the request of Mr. CAMPBELL, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 140, a resolution designating the week of August 10, 2003, as ''National Health Center Week''.

AMENDMENT NO. 720

At the request of Mr. KENNEDY, the names of the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mr. SCHUMER), the Senator from Vermont (Mr. LEAHY), the Senator from Arizona (Mr. MCCAIN), the Senator from Nevada (Mr. REID), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 720 intended to be 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. 722

At the request of Mr. AKAKA, his name was added as a cosponsor of amendment No. 722 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. 722

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 722 proposed to S. 1050, supra.

AMENDMENT NO. 725

At the request of Mr. DAYTON, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of amendment No. 725 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. 748

At the request of Mr. DOMENICI, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 748 intended to be 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. 750

At the request of Mr. DORGAN, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from West Virginia (Mr. BYRD) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 750 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. 751

At the request of Mr. REED, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 751 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VOINOVICH (for himself, Mr. LEVIN, Ms. STABENOW, Mr. BAYH, Mr. LUGAR, Mrs. HUTCHISON, Mr. CORNYN, Mr. WARNER, Mr. CHAMBLISS, Mr. LOTT, Mr. GRAHAM of South Carolina, Mr. NELSON of Florida, Mr. ALEXANDER, Mr. DEWINE, Mrs. DOLE, Mr. COCHRAN, Ms. LANDRIEU, Mr. MILLER, Mr. HOLLINGS, Mr. BREAUX, and Mr. BUNNING):

S. 1090. A bill to amend title 23, United States Code, to increase the minimum allocation provided to States for use in carrying out certain highway programs; to the Committee on Environment and Public Works.

Mr. VOINOVICH. Mr. President, I rise today to introduce the Highway Funding Equity Act of 2003. I am joined on a bipartisan basis by Senators LEVIN, STABENOW, BAYH, LUGAR, HUTCHISON, CORNYN, WARNER, CHAMBLISS, LOTT, LINDSEY GRAHAM, BILL NELSON, ALEXANDER, DEWINE, DOLE, COCHRAN, LANDRIEU, MILLER, HOLLINGS, BREAUX, and BUNNING.

The Transportation Equity Act for the 21st century, TEA–21, authorized more than $218 billion for transportation programs and will expire in September 2003. TEA–21 requires certain States, known as Donor states, to transfer to other States a percentage of the revenue from Federal highway user fees. Several of these donor States transfer more than 10 percent of every Federal highway user fee dollar to other States. As a result, donor States receive a significantly lower rate-of-return on their transportation tax dollar being sent to Washington, Currently, over 25 States, including my State of Ohio, contribute more money to the Highway Trust Fund than they receive back.

My State of Ohio has the Nation's 10th largest highway network, the 5th highest volume of traffic, the 4th largest interstate highway network, and the 2nd largest inventory of bridges in the country. Ohio is a major manufacturing State and is within 600 miles of 50 percent of the population of North America. The interstate highways throughout Ohio and all the donor States provide a vital link to suppliers, manufacturers, distributors, and consumers.

Maintaining our Nation's highway infrastructure is essential to a robust economy and increasing Ohio's share of Federal highway dollars has been a longtime battle of mine. One of my goals when I became governor 12 years ago was to increase our rate-of-return from 79 percent to 87 percent in the Intermodal Surface Transportation Efficiency Act of 1991, ISTEA. Then, in 1998, as Chairman of the National Governors Association, I lobbied Congress to increase the minimum rate-of-return to 90.5 percent. The goal of the Highway Funding Equity Act of 2003 is to increase the minimum guaranteed rate-of-return to 95 percent.

The Highway Funding Equity Act of 2003 has two components. First, the bill would increase the minimum guaranteed rate-of-return in TEA–21 from 90.5 percent of a State's share of contributions to the Highway Trust Fund to 95 percent. The Minimum Guarantee under TEA–21 includes all major Core highway programs: Interstate Maintenance, National Highway System, Bridge, Surface Transportation Program, Congestion Mitigation and Air Quality, Metropolitan Planning, Recreational Trails, and any funds provided by the Minimum Guarantee itself.

Second, the bill uses the table of percentages now in Section 105 of Title 23 to guarantee States with a population density of less the 50 people per square mile a minimum rate-of-return that may exceed 95 percent of that State's share of Highway Account contributions. This provision is intended to ensure that every State is able to provide the quality of road systems needed for national mobility, economic prosperity, and national defense. Under the 2000 Census, this provision would benefit 15 states: Alaska, Arizona, Colorado, Idaho, Kansas, Maine, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, and Wyoming.

Increasing donor States' rate of return to 95 percent will send more than $60 million back to Ohio for road improvements we sorely need. The interstate system was built in the 1950s to serve the demands and traffic of the 1980s. Today, Ohio's infrastructure is functionally obsolete. Nearly every central urban interstate in Ohio is over capacity and plagued with accidents and congestion. Ohio's critical roadways are unable to meet today's traffic demands, much less future traffic which is expected to grow nearly 70 percent in the next 20 years. Like all the donor States, we need these funds in Ohio.

States can no longer afford to support others that are already self-sufficient. Each State has its own needs that far outweigh total available funding, especially in light of the so-called ''mega projects'' coming due in the next decade. For example, the Brent Spence Bridge that carries Interstates 71 and 75 across the Ohio River into Kentucky is in need of replacement within the next 10 years at a cost of about $500 million. With the inclusion of the approach work, the total project could cost close to $1 billion.

The goal of this legislation is to improve the rate-of-return on donor states' dollars to guarantee that federal highway program funding is more equitable for all states. Donor States seek only their fair share, and I look forward to working with my colleagues to improve highway funding equity during the upcoming surface transportation reauthorization process.

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. 1090

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 ''Highway Funding Equity Act of 2003''.

SEC. 2. MINIMUM GUARANTEE.

Section 105 of title 23, United States Code, is amended—

(1) by striking subsection (a) and subsections (c) through (f);

(2) by redesignating subsection (b) as subsection (e);

(3) by inserting after the section heading the following:

''(a) GUARANTEE.—

''(1) IN GENERAL.—For each of fiscal years 2004 through 2009, the Secretary shall allocate among the States amounts sufficient to ensure that the percentage for each State of the total apportionments for the fiscal year for the National Highway System under section 103(b), the high priority projects program under section 117, the Interstate maintenance program under section 119, the surface transportation program under section

133, metropolitan planning under section 134, the highway bridge replacement and rehabilitation program under section 144, the congestion mitigation and air quality improvement program under section 149, the recreational trails program under section 206, the Appalachian development highway system under subtitle IV of title 40, and the minimum guarantee under this paragraph, equals or exceeds the percentage determined for the State under paragraph (2).

''(2) STATE PERCENTAGES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the percentage for each State referred to in paragraph (1) is the percentage that is equal to 95 percent of the ratio that—

''(i) the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available; bears to

''(ii) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available.

''(B) EXCEPTION.—In the case of a State having a population density of less than 50 individuals per square mile according to the 2000 decennial census, the percentage referred to in paragraph (1) shall be the greater of—

''(i) the percentage determined under subparagraph (A); or

''(ii) the percentage specified in subsection (e).

''(b) TREATMENT OF FUNDS.—

''(1) PROGRAMMATIC DISTRIBUTION.—The Secretary shall apportion the amounts made available under this section that exceed $2,800,000,000 so that the amount apportioned to each State under this paragraph for each program referred to in subsection (a)(1) (other than the high priority projects program, metropolitan planning, the recreational trails program, the Appalachian development highway system, and the minimum guarantee under subsection (a)) is equal to the product obtained by multiplying—

''(A) the amount to be apportioned under this paragraph; and

''(B) the ratio that—

''(i) the amount of funds apportioned to the State for each program referred to in subsection (a)(1) (other than the high priority projects program, metropolitan planning, the recreational trails program, the Appalachian development highway system, and the minimum guarantee under subsection (a)) for a fiscal year; bears to

''(ii) the total amount of funds apportioned to the State for that program for the fiscal year.

''(2) REMAINING DISTRIBUTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall apportion the remainder of funds made available under this section to the States, and administer those funds, in accordance with section 104(b)(3).

''(B) INAPPLICABLE REQUIREMENTS.—Paragraphs (1), (2), and (3) of section 133(d) shall not apply to amounts apportioned in accordance with this paragraph.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section for each of fiscal years 2004 through 2009.

''(d) GUARANTEE OF 95 PERCENT RETURN.—

''(1) IN GENERAL.—For each of fiscal years 2004 through 2009, before making any apportionment under this title, the Secretary shall—

''(A) determine whether the sum of the percentages determined under subsection (a)(2) for the fiscal year exceeds 100 percent; and

''(B) if the sum of the percentages exceeds 100 percent, proportionately adjust the percentages specified in the table contained in subsection (e) to ensure that the sum of the percentages determined under subsection (a)(1)(B) for the fiscal year equals 100 percent.

''(2) ELIGIBILITY THRESHOLD FOR ADJUSTMENT.—The Secretary may make an adjustment under paragraph (1) for a State for a fiscal year only if the percentage for the State in the table contained in subsection (e) is equal to or exceeds 95 percent of the ratio determined for the State under subsection (a)(1)(B)(i) for the fiscal year.

''(3) LIMITATION ON ADJUSTMENTS.—Adjustments of the percentages in the table contained in subsection (e) in accordance with this subsection shall not result in a total of the percentages determined under subsection (a)(2) that exceeds 100 percent.''; and

(4) in subsection (e) (as redesignated by paragraph (2)), by striking ''subsection (a)'' and inserting ''subsections (a)(2)(B)(ii) and (d)''.

Mr. LEVIN. Mr. President, today I join Senator VOINOVICH in introducing the Highway Funding Equity Act of 2003.

Our bill will allow States to get back more of what they contribute in gas taxes to the highway trust fund. We do this by increasing the Federal minimum guaranteed funding level for highways from the current 90.5 percent of a State's share of contributions made to the Federal Highway Trust Fund in gas tax payments to 95 percent.

Increasing this minimum guarantee to 95 percent will bring us one step closer to achieving fairness in the distribution of Federal highway funds to States.

Historically about 20 States, including Michigan, known as ''donor'' States, have sent more gas tax dollars to the Highway Trust Fund in Washington than were returned in transportation infrastructure spending. The remaining 30 States, known as ''donee'' States, have received more transportation funding than they paid into the Highway Trust Fund.

This came about in 1956 when a number of small States and large Western States banded together to develop a formula to distribute Federal highway dollars that advantaged themselves over the remaining States. They formed a coalition of about 30 States that would benefit from the formula and, once that formula was in place, have tenaciously defended it.

At the beginning there was some legitimacy to the large low-population predominately Western States getting more funds than they contributed to the system in order to build a national interstate highway system. Some arguments remain for providing additional funds to those States to maintain the national system and our bill will do that. However, there is no justification for any state getting more than its fair share.

Each time the highway bill is reauthorized the donor States that have traditionally subsidized other States' road and bridge projects have fought to correct this inequity in highway funding. It has been a long struggle to change these outdated formulas. Through these battles, some progress has been made. For instance, in 1978, Michigan was getting around 75 cents on our gas tax dollar. The 1991 bill brought us up to approximately 80 cents per dollar and the 1998 bill guaranteed a 90.5 cent minimum return for each State.

We still have a long way to go to achieve fairness for Michigan and other States on the return on our Highway Trust Fund contributions. At stake are tens of millions of dollars a year in additional funding to pay for badly needed transportation improvements in Michigan and the jobs that go with it. According to Federal Highway Administration calculations, Michigan would have received an additional $42 million in FY 02 under the Voinovich-Levin 95 percent minimum guarantee bill. That's a critically important difference for Michigan each year. The same is true for other donor States that stand to get back millions more of their gas tax dollars currently being sent to other States. There is no logical reason for some States to continue to send that money to other States to subsidize their road and bridge projects and to perpetuate this imbalance is simply unfair.

With the national interstate system completed, the formulas used to determine how much a State will receive from the Highway Trust Fund are antiquated and do not relate to what a State's real needs or contributions are.

The Voinovich-Levin bill is consensus bill developed with the help of donor State Department of Transportation agencies and their coalition working group. This legislation would increase the minimum guarantee from 90.5 percent to 95 percent for all States. A companion bill is being introduced in the House today by majority leader TOM DELAY and Representative BARRON HILL. With this legislation, we intend to send a strong message to the authorizing committees that they should address the equity issue in the Senate and House highway reauthorization bills. We are determined to make progress in this bill to redistribute the highway funds in a more equitable manner so that every State gets its fair share.

This is an issue of equity and we will not be satisfied until we achieve it.

By Mr. CAMPBELL:

S. 1092. A bill to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans; to the Committee on Energy and Natural Resources.

Mr. CAMPBELL. Mr. President, today I introduce legislation, the National War Permanent Tribute Historical Database Act, which would establish a permanent database to catalogue, identify, and locate the thousands of permanent veterans' memorials on public land.

Right now, an individual can go online and access a network of all railway mainlines, railroad yards, and major sidings in the continental U.S. through the Bureau of Transportation Statistics. If someone wants to search all scenic byways—by location or keyword—he or she can easily access this database through the Federal Highway Administration. Through the National Park Service, one can access the inventory of historic light stations and publicly accessible lighthouses.

But if one of my constituents, a veteran, or a young person working on a school project, wants to access a comprehensive list of veterans' memorials, they can't.

Currently, there is no central catalogue of information on structures commemorating an individual or group in the Armed Forces available to the public—maintained either by the Federal Government or by a non-governmental entity. Unfortunately, many of these structures are in a terrible state of disrepair and rest in unknown storage facilities around the country. Through the Department of Veterans' Affairs, an individual can look up a list of all State cemeteries and their contact information. But, as I understand it, that's the extent of the database. And that's simply not enough.

Admittedly, I am not an expert on navigating through the Internet, but I know that many of my constituents are. The ultimate purpose of this bill is to compile and classify the myriad of information that exists and make it available for anyone to access. Even those not proficient on a computer will benefit from a standardized database, because hopefully it will be operative from a number of means.

In fact, under my bill, this database would be established by the Department of the Interior with the assistance of other agencies, non-profits, tribal governments, and any other entities the Secretary of the Interior deem appropriate. Since the Department of the Interior already maintains several databases, I believe it already has the infrastructure and the proven capability to maintain a catalogue of veterans' memorials. The Secretary would also have to report back to Congress three years after enactment to assess the feasibility of establishing a permanent fund to repair, maintain, and restore memorials that need help.

Several years ago, Congress passed a law which expressed the need for cataloguing and maintaining these public veterans' memorials. When similar legislation, upon which this bill is based, was reported favorably out of the House Committee on Resources last Congress, staff from the Congressional Budget Office estimated that enacting this bill would not have a significant impact on the budgets of State, local, or tribal governments. It would also not preempt authority of State, local, or tribal law. Let's work together to get this common-sense, low cost effort off the ground and working for the millions of people who have so courageously defended our freedom.

I have said this before, but I truly believe that veterans' memorials often serve as the only tangible reminders we have of their service to this country. Not only have we lost many of these brave men and women during conflict, we are losing thousands of them forever, each year, as the veteran population ages. A common-sense first step to making sure that the sites and structures honoring them are properly maintained is also making sure we know where each of them is. Future generations depend on it.

Yesterday, the House of Representatives passed another veterans' bill of mine, the Veterans' Memorial Preservation and Recognition Act of 2003, which is on its way to the President's desk. This bill, S. 330, would make a Federal crime, the destruction of veterans' memorials and would permit guide signs to veterans' cemeteries on Federal-aid highways. I cannot think of a better way to make this law more effective than to have a national database to identify these veterans' memorials.

Having said that, it is my hope that we can work swiftly together to move this legislation introduced today. This weekend, we will be commemorating our veterans with festive celebrations and somber vigils. Let us honor what they have done to preserve our freedom by protecting and recognizing the sites which commemorate them.

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. 1092

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 ''National War Permanent Tribute Historical Database Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) on November 13, 2000, Congress agreed to a resolution expressing the sense of Congress regarding the need for cataloging and maintaining public memorials;

(2) there are many thousands of public memorials and permanent tributes throughout the United States and abroad that commemorate military conflicts of the United States and the service of individuals in the Armed Forces;

(3) many of these memorials suffer from neglect and disrepair, and many have been relocated or stored in facilities where the memorials are unavailable to the public and subject to further neglect and damage; and

(4) there exists a need to collect and centralize information regarding the identification, location, and description of these memorials, as no such catalog is available to the public from either the Federal Government or any nongovernmental entity.

SEC. 3. ESTABLISHMENT OF DATABASE.

(a) ESTABLISHMENT.—In order to locate, identify, and catalog the many thousands of permanent tributes that commemorate the military conflicts of the United States, and the service and sacrifice of individuals in the Armed Forces of the United States, and to make such information readily available for the educational benefit of the public, the Secretary of the Interior, in consultation with the Secretary of Veterans Affairs, may establish and maintain a database known as the National War Permanent Tribute Historical Database.

(b) CONTENT.—The database shall contain information on—

(1) the location, history, and background of the permanent tributes;

(2) photographs and other information to enhance the understanding of the permanent tributes;

(3) information about the veterans in whose honor the permanent tributes are dedicated; and

(4) any other information the Secretary considers appropriate and necessary.

(c) PUBLIC ACCESS.—The database shall be made accessible to the public, through the Internet or by other means, in a format that permits the public to submit information on permanent tributes for the purpose of updating and expanding the database.

(d) ASSISTANCE.—The Secretary of the Interior may seek the assistance of other Federal agencies and the States and their political subdivisions, tribal governments, public or private educational institutions, nonprofit organizations, and individuals or other entities that the Secretary considers appropriate in carrying out this Act, and may enter into contracts and cooperative agreements to obtain information or services that assist in the development and implementation of the database.

(e) DEFINITION.—As used in this section, the term ''permanent tribute'' means any statue, structure, or other monument on public property commemorating the service of any person or persons in the Armed Forces.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 5. REPORT.

Within 3 years after the date of enactment of this Act, the Secretary of the Interior shall transmit to Congress a report assessing the efficacy and desirability of establishing a permanent fund within the Treasury for the repair, restoration, and maintenance of the memorials identified and catalogued under section 3. The report shall include recommended criteria regarding appropriate recipients of expenditures from such a fund as well as proposed funding mechanisms and any other information considered by the Secretary to be relevant.

By Ms. SNOWE (for herself and Mr. WYDEN):

S. 1093. A bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to acknowledge the many thousands of bicycle commuters across the Nation who, by taking part in National Bike-to-Work Day on May 16, 2003, have chosen a healthy and pollution-

free alternative to driving to work. In recognition of the importance of bicycle commuting and National Bike-to-Work Month, it is my pleasure to be joined by my good friend, the Senator from Oregon, to introduce legislation to extend the Transportation Fringe Benefit to bicycle commuters. By including bicycle commuting as an eligible mode of alternative transportation under the Transportation Fringe Benefit, this legislation will ensure that bicycle commuters will have access to the benefits already available to individuals who commute by mass transit and van-pool.

The Transportation Fringe Benefit was added to the Tax Code to give individuals an incentive to use alternative modes of transportation. It is entirely voluntary for both employers and employees. Under current law, an employer may offer a Transportation Fringe Benefit to an employee who commutes by mass transit or van-pool and count that contribution as a business deduction. An employee of a participating company may choose to receive a tax-exempt benefit of $180 per month for qualified parking or $100 per month for mass transit or van-pool.

The Bicycle Commuter Act simply adds bicycling as a qualifying transportation method. This straightforward but significant addition to the Transportation Fringe Benefit not only provides fairness to commuters traveling by bike, but would also help achieve the broader goals of the Transportation Fringe Benefit provision by encouraging healthy, environmental, community-oriented commuting.

Consider a June 2002 study by the Texas Transportation Institute that details the growing severity of traffic congestion on our Nation's roadways—according to this study, commuters traveling during rush hour are encountering longer delays, rush hour periods themselves are growing, and more streets and highways are becoming congested. This rising trend of greater congestion costs both our Nation's economy and our environment.

Thankfully, there are alternatives, and that is why I am introducing the Bicycle Commuter Act. According to the Bureau of Transportation Statistics, over 20 percent of Americans used a bicycle for transportation within a 30-day study period. Combined with the fact that more than 50 percent of the working population has a work commute of 5 miles or fewer, bicycles present an opportunity for our Nation to reduce problems of grid lock, air pollution, and roadway wear and tear.

Indeed, our Nation has made significant gains through mass transit and alternative transportation. However, more can and must be done—and I believe the Bicycle Commuter Act would be an important step in ensuring that our Nation's transportation policies recognize the potential benefits to the individual and community of bicycle commuting. I urge my colleagues to join myself and the Senator from Oregon in this effort.

By Mr. SUNUNU (for himself, Mr. KERRY, Mr. STEVENS, Mr. MCCAIN, Mrs. LINCOLN, Ms. COLLINS, Mr. BUNNING, Mr. MILLER, Mr. SPECTER, Mr. ROCKEFELLER, Ms. CANTWELL, Mr. KENNEDY, Ms. LANDRIEU, Mr. BURNS, and Mr. ALLEN):

S. 1095. A bill to amend title XVIII of the Social Security Act to improve outpatient vision services under part B of the medicare program; to the Committee on Finance.

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

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

S. 1095

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 ''Medicare Vision Rehabilitation Services Act of 2003''.

SEC. 2. IMPROVEMENT OF OUTPATIENT VISION SERVICES UNDER PART B.

(a) COVERAGE UNDER PART B.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) in subparagraph (U), by striking ''and'' after the semicolon at the end;

(2) in subparagraph (V)(iii), by adding ''and'' after the semicolon at the end; and

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

''(W) vision rehabilitation services (as defined in subsection (ww)(1));''.

(b) SERVICES DESCRIBED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

''Vision Rehabilitation Services: Vision Rehabilitation Professional

''(ww)(1)(A) The term 'vision rehabilitation services' means rehabilitative services (as determined by the Secretary in regulations) furnished—

''(i) to an individual diagnosed with a vision impairment (as defined in paragraph (6));

''(ii) pursuant to a plan of care established by a qualified physician (as defined in subparagraph (C)) or by a qualified occupational therapist that is periodically reviewed by a qualified physician;

''(iii) in an appropriate setting (including the home of the individual receiving such services if specified in the plan of care); and

''(iv) by any of the following individuals:

''(I) A qualified physician.

''(II) A qualified occupational therapist.

''(III) A vision rehabilitation professional (as defined in paragraph (2)) while under the general supervision (as defined in subparagraph (D)) of a qualified physician.

''(B) In the case of vision rehabilitation services furnished by a vision rehabilitation professional, the plan of care may only be established and reviewed by a qualified physician.

''(C) The term 'qualified physician' means—

''(i) a physician (as defined in subsection (r)(1)) who is an ophthalmologist; or

''(ii) a physician (as defined in subsection (r)(4) (relating to a doctor of optometry)).

''(D) The term 'general supervision' means, with respect to a vision rehabilitation professional, overall direction and control of that professional by the qualified physician who established the plan of care for the individual, but the presence of the qualified physician is not required during the furnishing of vision rehabilitation services by that professional to the individual.

''(2) The term 'vision rehabilitation professional' means any of the following individuals:

''(A) An orientation and mobility specialist (as defined in paragraph (3)).

''(B) A rehabilitation teacher (as defined in paragraph (4)).

''(C) A low vision therapist (as defined in paragraph (5)).

''(3) The term 'orientation and mobility specialist' means an individual who—

''(A) if a State requires licensure or certification of orientation and mobility specialists, is licensed or certified by that State as an orientation and mobility specialist;

''(B)(i) holds a baccalaureate or higher degree from an accredited college or university in the United States (or an equivalent foreign degree) with a concentration in orientation and mobility; and

''(ii) has successfully completed 350 hours of clinical practicum under the supervision of an orientation and mobility specialist and has furnished not less than 9 months of supervised full-time orientation and mobility services;

''(C) has successfully completed the national examination in orientation and mobility administered by the Academy for Certification of Vision Rehabilitation and Education Professionals; and

''(D) meets such other criteria as the Secretary establishes.

''(4) The term 'rehabilitation teacher' means an individual who—

''(A) if a State requires licensure or certification of rehabilitation teachers, is licensed or certified by the State as a rehabilitation teacher;

''(B)(i) holds a baccalaureate or higher degree from an accredited college or university in the United States (or an equivalent foreign degree) with a concentration in rehabilitation teaching, or holds such a degree in a health field; and

''(ii) has successfully completed 350 hours of clinical practicum under the supervision of a rehabilitation teacher and has furnished not less than 9 months of supervised full-time rehabilitation teaching services;

''(C) has successfully completed the national examination in rehabilitation teaching administered by the Academy for Certification of Vision Rehabilitation and Education Professionals; and

''(D) meets such other criteria as the Secretary establishes.

''(5) The term 'low vision therapist' means an individual who—

''(A) if a State requires licensure or certification of low vision therapists, is licensed or certified by the State as a low vision therapist;

''(B)(i) holds a baccalaureate or higher degree from an accredited college or university in the United States (or an equivalent foreign degree) with a concentration in low vision therapy, or holds such a degree in a health field; and

''(ii) has successfully completed 350 hours of clinical practicum under the supervision of a physician, and has furnished not less than 9 months of supervised full-time low vision therapy services;

''(C) has successfully completed the national examination in low vision therapy administered by the Academy for Certification of Vision Rehabilitation and Education Professionals; and

''(D) meets such other criteria as the Secretary establishes.

''(6) The term 'vision impairment' means vision loss that constitutes a significant limitation of visual capability resulting from

disease, trauma, or a congenital or degenerative condition that cannot be corrected by conventional means, including refractive correction, medication, or surgery, and that is manifested by 1 or more of the following:

''(A) Best corrected visual acuity of less than 20/60, or significant central field defect.

''(B) Significant peripheral field defect including homonymous or heteronymous bilateral visual field defect or generalized contraction or constriction of field.

''(C) Reduced peak contrast sensitivity in conjunction with a condition described in subparagraph (A) or (B).

''(D) Such other diagnoses, indications, or other manifestations as the Secretary may determine to be appropriate.''.

(c) PAYMENT UNDER PART B.—

(1) PHYSICIAN FEE SCHEDULE.—Section 1848(j)(3) of the Social Security Act (42 U.S.C. 1395w–4(j)(3)) is amended by inserting ''(2)(W),'' after ''(2)(S),''.

(2) CARVE OUT FROM HOSPITAL OUTPATIENT DEPARTMENT PROSPECTIVE PAYMENT SYSTEM.—Section 1833(t)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395l(t)(1)(B)(iv)) is amended by inserting ''vision rehabilitation services (as defined in section 1861(ww)(1)) or'' after ''does not include''.

(3) CLARIFICATION OF BILLING REQUIREMENTS.—The first sentence of section 1842(b)(6) of such Act (42 U.S.C. 1395u(b)(6)) is amended—

(A) by striking ''and'' before ''(G)''; and

(B) by inserting before the period the following: '', and (H) in the case of vision rehabilitation services (as defined in section 1861(ww)(1)) furnished by a vision rehabilitation professional (as defined in section 1861(ww)(2)) while under the general supervision (as defined in section 1861(ww)(1)(D)) of a qualified physician (as defined in section 1861(ww)(1)(C)), payment shall be made to (i) the qualified physician or (ii) the facility (such as a rehabilitation agency, a clinic, or other facility) through which such services are furnished under the plan of care if there is a contractual arrangement between the vision rehabilitation professional and the facility under which the facility submits the bill for such services''.

(d) PLAN OF CARE.—Section 1835(a)(2) of the Social Security Act (42 U.S.C. 1395n(a)(2)) is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon at the end;

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

(3) by inserting after subparagraph (F) the following new subparagraph:

''(G) in the case of vision rehabilitation services, (i) such services are or were required because the individual needed vision rehabilitation services, (ii) an individualized, written plan for furnishing such services has been established (I) by a qualified physician (as defined in section 1861(ww)(1)(C)), (II) by a qualified occupational therapist, or (III) in the case of such services furnished by a vision rehabilitation professional, by a qualified physician, (iii) the plan is periodically reviewed by the qualified physician, and (iv) such services are or were furnished while the individual is or was under the care of the qualified physician.''.

(e) RELATIONSHIP TO REHABILITATION ACT OF 1973.—The provision of vision rehabilitation services under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) shall not be taken into account for any purpose under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(f) EFFECTIVE DATE.—

(1) INTERIM, FINAL REGULATIONS.—The Secretary of Health and Human Services shall publish a rule under this section in the Federal Register by not later than 180 days after the date of enactment of this Act to carry out the provisions of this section. Such rule shall be effective and final immediately on an interim basis, but is subject to change and revision after public notice and opportunity for a period (of not less than 60 days) for public comment.

(2) CONSULTATION.—The Secretary of Health and Human Services shall consult with the National Vision Rehabilitation Cooperative, the Association for Education and Rehabilitation of the Blind and Visually Impaired, the Academy for Certification of Vision Rehabilitation and Education Professionals, the American Academy of Ophthalmology, the American Occupational Therapy Association, the American Optometric Association, and such other qualified professional and consumer organizations as the Secretary determines appropriate in promulgating regulations to carry out this Act.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1097. A bill to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, on behalf of Senator BOXER and myself, I rise today to introduce the Calfed Bay-Delta Authorization Act. This bill, an $880 million authorization, is a 33 percent match for state and local dollars over the next 4 years to address California's water needs through a balanced program.

Last year's bill passed the Energy and Natural Resources Committee by a vote of 18–5, and since that time I have worked with Republicans, most notably Senator JON KYL of Arizona, to come up with an even stronger bill.

The result: the legislation we introduced today is greatly improved from last year's bill—it is smaller, the authorizations are more specific, and it does a better job of ensuring that the CALFED program be implemented in a balanced manner. Let me describe how the bill is improved:

First, many Senators from other States were afraid CALFED was going to use up the Bureau of Reclamation's entire budget. To meet these concerns, we have cut the authorization level, ultimately to $880 million over four years. We also limited the Federal cost-share to one-third.

Second, some Republican Senators were afraid that environmental projects not needing authorization would sail smoothly ahead, while storage projects lacking Congressional approval would languish. To meet this concern, we required balanced implementation. The Secretary of the Interior must certify annually that the CALFED program is progressing in a balanced manner toward achieving all of its different components.

Third, other Republican Senators were concerned that they had no good handle on the Federal funding of the many different agencies involved in CALFED. We meet this concern by requiring the Office of Management and Budget, OMB, to prepare a cross-cut budget showing the Federal funding of each of the different agencies. We also prepared a specific list of the projects to be funded and how much each one would receive.

In my view, these changes make the bill stronger and more likely to pass both the Senate and the House. Just as importantly, the bill continues to provide the funding necessary to implement the key elements of the CALFED program. In fact, the pieces of the legislation work together to solve our water needs:

One need is water storage. I don't believe we can meet all of our future water needs without increased water storage that is environmentally benign, that if off stream and that provides flexibility in the system for us to increase water supply, improve water quality, and enhance ecosystem restoration.

We must be able to take water in wet years and store it for use in dry years. The bill provides $102 million for planning and feasibility studies for water storage projects—and an additional $77 million for conveyance.

Next is ecological restoration. This means improving fish passages, restoring streams, rivers and habitats and improving water quality. The bill provides $100 million for ecological restoration.

The bill authorizes $153 million for water conservation and recycling, including $84 million for desalination and water recycling projects, leveraging substantial additional water supplies for California with relatively little Federal investment.

The bill would also improve water quality for drinking through investment in treatment technology demonstration projects and water quality improvements in the San Francisco Bay Delta, the San Joaquin Valley, and other parts of the State.

I would also like to emphasize that the bill includes a grants program for local and regional communities throughout California, including the northern part of the State. The bill authorizes up to $95 million for local California communities to develop plans and projects to improve their water situation. This State-wide grants program is an example of how the bill will benefit all Californians. The bill also includes $50 million for watershed planning and assistance.

The bill also includes other important provisions on levee stability, with $70 million, ensuring CALFED has strong supporting science, with $50 million, and $25 million for program management, oversight, and coordination. There is also $75 million for the environmental water account, which purchases available water for environmental and other purposes.

The bill also includes balance and cross-cut budget reporting requirements.

Through the CALFED process, we have discovered that, as Californians, we have many common water interests. For example, if we both conserve water and build new environmentally responsible off-stream storage, then we have

found two ways to increase the supply of water for everyone's use. And if we make intelligent investments in ecological restoration, we can continue to use water for growing our economy while benefitting our environment at the same time.

CALFED emerged after years of negotiations between Californians of different backgrounds who care about water. This bill proposes specific projects for each of CALFED's basic parts—and it appropriately defines the Federal role so that other states know that California is taking full responsibility for its own situation.

It is my strong belief that the Western energy crisis is a forerunner to what California will soon experience with water. Just consider the following: California has a population of over 35 million people, which is expected to grow to 50 million in twenty years, yet our water system infrastructure was built when the State had only 16 million people.

California is the sixth largest economy in the world. It is the number one agricultural producing State in the Nation. It is the leading producer of agriculture products, such as dairy, wine, grapes, strawberries, almonds, lettuce and tomatoes—the list goes on and on.

California's trade, manufacturing, and service sectors are substantial contributors to the American economy. Clearly, these sectors would be put at risk if there is not an adequate supply of water.

California has more endangered species than any State except Hawaii, as well as the largest population.

To make matters worse, a recent study by the Scripps Institute of Oceanography predicts that global warming could reduce the West's water suppy by an much as 30 percent by 2050.

Clearly, California's water needs are tremendous; meanwhile, the last major infrastructure improvement in the state occurred in the 1970s. We need to prepare for the future and we need to do so in an environmentally sensitive way. If there is one lesson to learn from California's damaging energy crisis, it is that time to address a crisis is not while it is happening, but beforehand.

California is struggling to build more power plants, while also doing everything possible to reduce demand through increased efficiency and conservation. But because this started so late, we have encountered some serious problems in the past two years, which is why it is even more important that we fix our water problem before it, too, reaches a crisis stage.

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

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

S. 1097

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 ''Calfed Bay-Delta Authorization Act''.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) CALFED BAY-DELTA PROGRAM.—The ''Calfed Bay-Delta Program'' means the programs, projects, complementary actions, and activities undertaken through coordinated planning, implementation, and assessment activities of the State and Federal agencies in a manner consistent with the Record of Decision.

(2) CALIFORNIA BAY-DELTA AUTHORITY.—The term ''California Bay-Delta Authority'' means a committee of State and Federal agencies and public members established to oversee the Calfed Bay-Delta Program, as set forth in the California Bay-Delta Authority Act (2002 Cal. Stat. Chap. 812).

(3) ENVIRONMENTAL WATER ACCOUNT.—The term ''Environmental Water Account'' means the reserve of water provided for in the Record of Decision to provide water, in addition to the amount of the regulatory baseline, to protect and restore Delta fisheries.

(4) FEDERAL AGENCIES.—The term ''Federal agencies'' means the following:

(A) The Department of the Interior (including the Bureau of Reclamation, Fish and Wildlife Service, Bureau of Land Management, and United States Geological Survey);

(B) The Environmental Protection Agency;

(C) The Army Corps of Engineers;

(D) The Department of Commerce (including NOAA Fisheries);

(E) The Department of Agriculture (including the Natural Resources Conservation Service and the Forest Service); and

(F) The Western Area Power Administration.

(5) GOVERNOR.—The term ''Governor'' means the Governor of the State of California.

(6) IMPLEMENTATION MEMORANDUM.—The term ''Implementation Memorandum'' means the Calfed Bay-Delta Program Implementation Memorandum of Understanding dated August 28, 2000, executed by the Federal agencies and the State agencies.

(7) RECORD OF DECISION.—The term ''Record of Decision'' means the Federal programmatic Record of Decision dated August 28, 2000, issued by the Federal agencies and supported by the State.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(9) STAGE 1.—The term ''Stage 1'' means the programs and projects planned for the first 7 years of the Calfed Bay-Delta Program, as specified in the Record of Decision.

(10) STATE.—The term ''State'' means the State of California.

(11) STATE AGENCIES.—The term ''State Agencies'' means the following:

(A) The Resources Agency of California (including the Department of Water Resources and the Department of Fish and Game);

(B) The California Environmental Protection Agency (including the State Water Resources Control Board); and

(C) The California Department of Food and Agriculture.

SEC. 3. BAY OF DELTA PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) the mission of the Calfed Bay-Delta Program is to develop and implement a long-term comprehensive plan that will improve water management and restore the ecological health of the Bay-Delta system.

(2) the Federal and State agencies participating in the Bay-Delta Program have prepared a thirty-year plan, the Record of Decision, dated August 28, 2000, to coordinate existing programs and direct new programs to improve the quality and reliability of the State's water supplies and to restore the ecological health of the Bay-Delta watershed.

(3) the Calfed Bay-Delta Program was developed as a joint Federal-State program to deal effectively with the multijurisdictional issues involved in managing the Bay-Delta system; and

(4) while this Act authorizes appropriations for four years of this thirty-year Program, it is anticipated that the Federal Government will participate as a full partner with the State of California for the duration of this thirty-year Program.

(b) IN GENERAL.—The Record of Decision is approved as a framework for addressing Calfed Bay-Delta Program components consisting of water storage, ecosystem restoration, water supply reliability, conveyance, water use efficiency, water quality, water transfers, watersheds, Environmental Water Account, levee stability, governance, and science. The Secretary and the heads of the Federal agencies are authorized to carry out (undertake, fund, or participate in) the activities in the Record of Decision, subject to the provisions of this Act and the constraints of the Record of Decision, so that the Program activities consisting of protecting drinking water quality; restoring ecological health; improving water supply reliability, including additional water storage and conveyance; and protecting Delta levees; will progress in a balanced manner.

(c) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—The Secretary and the heads of the Federal agencies are authorized to carry out the activities described in this subsection in furtherance of Stage 1 of the Calfed Bay-Delta Program as set forth in the Record of Decision, subject to the cost-share and other provisions of this Act, if the activity has been subject to environmental review and approval as required under applicable Federal and State law, and has been approved and certified by the California Bay-Delta Authority to be consistent with the Record of Decision.

(2) SPECIFIC ACTIVITIES AUTHORIZED.—The Secretary of the Interior is authorized to carry out the activities set forth in subparagraphs (A) through (H), and subparagraphs (K), (L), and (M) of subsection (c)(3). The Administrator of the Environmental Protection Agency is authorized to carry out the activities set forth in subparagraphs (G), (H), (I), (K), and (L) of subsection (c)(3). The Secretary of the Army is authorized to carry out the activities set forth in subparagraphs (G), (J), (K), and (L) of subsection (c)(3). The Secretary of Commerce is authorized to carry out the activities set forth in subparagraphs (E), (G), (H), and (K) of subsection (c)(3). The Secretary of Agriculture is authorized to carry out the activities set forth in subparagraphs (C), (G), (H), (I), and (K) of subsection (c)(3).

(3) PROGRAM ACTIVITIES.—

(A) WATER STORAGE.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than $102,000,000 may be expended for the following:

(i) planning activities and feasibility studies for the following projects to be pursued with project-specific study:

(I) enlargement of Shasta Dam in Shasta County (not to exceed $12,000,000); and

(II) enlargement of Los Vaqueros Reservoir in Contra Costa County (not to exceed $17,000,000);

(ii) planning and feasibility studies for the following projects requiring further consideration:

(I) Sites Reservoir in Colusa County (not to exceed $6,000,000); and

(II) Upper San Joaquin River storage in Fresno and Madera Counties (not to exceed $11,000,000);

(iii) developing and implementing groundwater management and groundwater storage projects (not to exceed $50,000,000); and

(iv) comprehensive water management planning (not to exceed $6,000,000).

(B) CONVEYANCE.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than $77,000,000 may be expended for the following:

(i) South Delta Actions (not to exceed $45,000,000):

(I) South Delta Improvements Program to—

(aa) increase the State Water Project export limit to 8500 cfs;

(bb) install permanent, operable barriers in the south Delta;

(cc) design and construct fish screens and intake facilities at Clifton Court Forebay and the Tracy Pumping Plant facilities; and

(dd) increase the State Water Project export to the maximum capability of 10,300 cfs;

(II) reduction of agricultural drainage in south Delta channels and other actions necessary to minimize impacts of such drainage on drinking water quality;

(III) design and construction of lower San Joaquin River floodway improvements;

(IV) installation and operation of temporary barriers in the south Delta until fully operable barriers are constructed;

(V) actions to protect navigation and local diversions not adequately protected by the temporary barriers;

(VI) actions identified in Subclause (I) or other actions necessary to offset degradation of drinking water quality in the Delta due to the South Delta Improvements Program; and

(VII) actions at Franks Tract to improve water quality in the Delta.

(ii) North Delta Actions (not to exceed $12,000,000):

(I) evaluation and implementation of improved operational procedures for the Delta Cross Channel to address fishery and water quality concerns;

(II) evaluation of a screened through-Delta facility on the Sacramento River; and

(III) design and construction of lower Mokelumne River floodway improvements;

(iii) interties (not to exceed $10,000,000):

(I) evaluation and construction of an intertie between the State Water Project and the Central Valley Project facilities at or near the City of Tracy; and

(II) assessment of the connection of the Central Valley Project to the State Water Project's Clifton Court Forebay with a corresponding increase in the Forebay's screened intake; and

(iv) evaluation and implementation of the San Luis Reservoir lowpoint improvement project (not to exceed $10,000,000).

(C) WATER USE EFFICIENCY.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than $153,000,000 may be expended for the following:

(i) water conservation projects that provide water supply reliability, water quality, and ecosystem benefits to the Bay-Delta system (not to exceed $61,000,000);

(ii) technical assistance for urban and agricultural water conservation projects (not to exceed $5,000,000);

(iii) water recycling and desalination projects, including but not limited to projects identified in the Bay Area Water Recycling Plan and the Southern California Comprehensive Water Reclamation and Reuse Study (not to exceed $84,000,000), as follows:

(I) in providing financial assistance under this clause, the Secretary shall give priority consideration to projects that include regional solutions to benefit regional water supply and reliability needs;

(II) the Secretary shall review any feasibility level studies for seawater desalination and regional brine line projects that have been completed, whether or not those studies were prepared with financial assistance from the Secretary;

(III) the Secretary shall report to the Congress within 90 days after the completion of a feasibility study or the review of a feasibility study for the purposes of providing design and construction assistance for the construction of desalination and regional brine line projects; and

(IV) the Federal share of the cost of any activity carried out with assistance under this clause may not exceed the lesser of 25 percent of the total cost of the activity or $50,000,000;

(iv) water measurement and transfer actions (not to exceed $1,500,000); and

(v) certification of implementation of best management practices for urban water conservation (not to exceed $1,500,000).

(D) WATER TRANSFERS.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than $3,000,000 may be expended for the following:

(i) increasing the availability of existing facilities for water transfers;

(ii) lowering transaction costs through permit streamlining; and

(iii) maintaining a water transfer information clearinghouse.

(E) ENVIRONMENTAL WATER ACCOUNT.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than $75,000,000 may be expended for implementation of the Environmental Water Account.

(F) INTEGRATED REGIONAL WATER MANAGEMENT PLANS.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than $95,000,000 may be expended for the following:

(i) establishing a competitive grants program to assist local and regional communities in California in developing and implementing integrated regional water management plans to carry out Stage 1 of the Record of Decision; and

(ii) implementation of projects and programs in California that improve water supply reliability, water quality, ecosystem restoration, and flood protection, or meet other local and regional needs, that are consistent with, and make a significant contribution to, Stage 1 of the Calfed Bay-Delta Program.

(G) ECOSYSTEM RESTORATION.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than $100,000,000 may be expended for the following:

(i) implementation of large-scale restoration projects in San Francisco Bay, the Delta, and its tributaries;

(ii) restoration of habitat in the Delta, San Pablo Bay, and Suisun Bay and Marsh, including tidal wetlands and riparian habitat;

(iii) fish screen and fish passage improvement projects;

(iv) implementation of an invasive species program, including prevention, control, and eradication;

(v) development and integration of State and Federal agricultural programs that benefit wildlife into the Ecosystem Restoration Program;

(vi) financial and technical support for locally-based collaborative programs to restore habitat while addressing the concerns of local communities;

(vii) water quality improvement projects to reduce salinity, selenium, mercury, pesticides, trace metals, dissolved oxygen, turbidity, sediment, and other pollutants;

(viii) land and water acquisitions to improve habitat and fish spawning and survival in the Delta and its tributaries;

(ix) integrated flood management, ecosystem restoration, and levee protection projects;

(x) scientific evaluations and targeted research on program activities; and

(xi) strategic planning and tracking of program performance.

(H) Watersheds. Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than $50,000,000 may be expended for the following:

(i) building local capacity to assess and manage watersheds affecting the Bay-Delta system;

(ii) technical assistance for watershed assessments and management plans; and

(iii) developing and implementing locally-based watersheds conservation, maintenance, and restoration actions.

(I) WATER QUALITY.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than $50,000,000 may be expended for the following:

(i) addressing drainage problems in the San Joaquin Valley to improve downstream water quality, including habitat restoration projects that reduce drainage and improve water quality, provided that—

(I) a plan is in place for monitoring downstream water quality improvements;

(II) state and local agencies are consulted on the activities to be funded; and

(III) this clause is not intended to create any right, benefit or privilege;

(ii) implementation of source control programs in the Delta and its tributaries;

(iii) developing recommendations through scientific panels and advisory council processes to meet the Calfed Bay-Delta Program goal of continuous improvement in Delta water quality for all uses;

(iv) investing in treatment technology demonstration projects;

(v) controlling runoff into the California aqueduct and other similar conveyances;

(vi) addressing water quality problems at the North Bay Aqueduct;

(vii) studying recirculation of export water to reduce salinity and improve dissolved oxygen in the San Joaquin River,

(viii) supporting and participating in the development of projects to enable San Francisco Bay Area water districts to work cooperatively to address their water quality and supply reliability issues, including connections between aqueducts, water conservation measures, institutional arrangements, and infrastructure improvements that encourage regional approaches, and investigations and studies of available capacity in a project to deliver water to the East Bay Municipal Utility District under its contract with the Bureau of Reclamation dated July 20, 2001, in order to determine if such capacity can be utilized to meet the above objectives; *Provided*, That these investigations and studies shall be conducted consistent with the Record of Decision;

(ix) development of water quality exchanges and other programs to make high quality water available to urban areas; and

(x) development and implementation of a plan to meet all existing water quality standards for which the State and Federal water projects have responsibility.

(J) LEVEE STABILITY.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than $70,000,000 may be expended for the following:

(i) assisting local reclamation districts in reconstructing Delta levees to a base level of protection (not to exceed $20,000,000);

(ii) enhancing the stability of levees that have particular importance in the system through the Delta Levee Special Improvement Projects program (not to exceed $20,000,000);

(iii) developing best management practices to control and reverse land subsidence on Delta islands (not to exceed $1,000,000);

(iv) refining the Delta Emergency Management Plan (not to exceed $1,000,000);

(v) developing a Delta Risk Management Strategy after assessing the consequences of Delta levee failure from floods, seepage, subsidence, and earthquakes (not to exceed $500,000);

(vi) developing a strategy for reuse of dredged materials on Delta islands (not to exceed $1,500,000);

(vii) evaluating, and where appropriate, rehabilitating the Suisun Marsh levees (not to exceed $6,000,000); and

(viii) integrated flood management, ecosystem restoration, and levee protection projects, including design and construction of lower San Joaquin River and lower Mokelumne River floodway improvements and other projects under the Sacramento-San Joaquin Comprehensive Study (not to exceed $20,000,000).

(K) SCIENCE.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than $50,000,000 may be expended for the following:

(i) establishing and maintaining an independent science board, technical panels, and standing boards to provide oversight and peer review of the program;

(ii) conducting expert evaluations and scientific assessments of all program elements;

(iii) coordinating existing monitoring and scientific research programs;

(iv) developing and implementing adaptive management experiments to test, refine and improve scientific understandings;

(v) establishing performance measures, and monitoring and evaluating the performance of all program elements; and

(vi) preparing an annual Science Report.

(L) PROGRAM MANAGEMENT, OVERSIGHT, AND COORDINATION.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than $25,000,000 may be expended by the Secretary, acting through the Director of the Calfed Bay-Delta Program, for the following:

(i) program-wide tracking of schedules, finances, and performance;

(ii) multi-agency oversight and coordination of Calfed activities to ensure program balance and integration;

(iii) development of interagency cross-cut budgets and a comprehensive finance plan to allocate costs in accordance with the beneficiary pays provisions of the Record of Decision;

(iv) coordination of public outreach and involvement, including tribal, environmental justice, and public advisory activities under the Federal Advisory Committee Act; and

(v) development of Annual Reports.

(M) DIVERSIFICATION OF WATER SUPPLIES.—Of the amounts authorized to be appropriated for fiscal years 2004 through 2007 under this Act, no more than $30,000,000 may be expended to diversify sources of level 2 refuge supplies and modes of delivery to refuges, and to acquire additional water for level 4 refuge supplies.

(4) AUTHORIZED ACTIONS.—The Secretary and the Federal agency heads are authorized to carry out the activities authorized by this Act through the use of grants, loans, contracts, and cooperative agreements with Federal and non-Federal entities where the Secretary or Federal agency head determines that the grant, loan, contract, or cooperative agreement will assist in implementing the authorized activity in an efficient, timely, and cost-effective manner. Provided, however, that such activities shall not include construction unless the United States is a party to the contract for construction.

SEC. 4. MANAGEMENT.

(a) COORDINATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall coordinate their activities with the State agencies.

(b) PUBLIC PARTICIPATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall cooperate with local and tribal governments and the public through a federally chartered advisory committee or other appropriate means, to seek input on program elements such as planning, design, technical assistance, and development of peer review science programs.

(c) SCIENCE.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall seek to ensure, to the maximum extent practicable, that—

(1) all major aspects of implementing the Program are subjected to credible and objective scientific review; and

(2) major decisions are based upon the best available scientific information.

(d) GOVERNANCE.—In carrying out the Calfed Bay-Delta Program, the Secretary and the Federal agency heads are authorized to become voting members of the California Bay-Delta Authority, as established in the California Bay-Delta Authority Act (2002 Cal. Stat. Chap. 812), to the extent consistent with Federal law. Nothing in this subsection shall preempt or otherwise affect any Federal law or limit the statutory authority of any Federal agency: *Provided*, That the California Bay-Delta Authority shall not be deemed to be an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App. 1) and the financial interests of the California Bay-Delta Authority shall not be imputed to any Federal official participating in such Authority.

(e) ENVIRONMENTAL JUSTICE.—Consistent with Executive Order 12899 pertaining to Federal Actions to address Environmental Justice in Minority and Low-Income Populations, it is the intent of the Congress that the Federal and State agencies should continue to collaborate to develop a comprehensive environmental justice workplan for the Calfed Bay-Delta Program and fulfill the commitment to addressing environmental justice challenges referred to in the Calfed Bay-Delta Program Environmental Justice Workplan dated December 13, 2000.

(f) LAND ACQUISITION.—Before obligating or expending any Federal funds to acquire land for the Ecosystem Restoration Program, the Secretary shall first determine that existing Federal land, State land, or other public land is not available for the project purpose. Private land acquisitions shall prioritize easements over acquisition of fee title unless easements are unavailable or unsuitable for the stated purpose.

(g) STATUS REPORTS.—The Secretary shall report monthly on the Authority's progress in achieving the water supply targets as described in Section 2.2.4 of the Record of Decision, the environmental water account requirements as described in Section 2.2.7, and the water quality targets as described in Section 2.2.9, and any pending actions that may affect the Authority's ability to achieve those targets and requirements.

SEC. 5. REPORTING REQUIREMENTS.

(a) REPORT AND CERTIFICATION BY CALFED.—The Secretary, in cooperation with the Governor, shall submit a report of the California Bay-Delta Authority by December 15 of each year to the appropriate authorizing and appropriating Committees of the Senate and the House of Representatives that describes the status of implementation of all components of the Calfed Bay-Delta Program and that certifies whether or not the Calfed Bay-Delta Program is progressing in a balanced manner which allows all program components to be advanced, including additional water supply, ecosystem restoration, and water quality. The Secretary's report shall describe—

(1) the progress of the Calfed Bay-Delta Program in meeting the implementation schedule for the Program in a manner consistent with the Record of Decision;

(2) the status of implementation of all components of the Calfed Bay-Delta Program;

(3) expenditures in the past fiscal year and year to date for implementing the Calfed Bay-Delta Program; and

(4) accomplishments in the past fiscal year and year to date in achieving the objectives of additional and improved—

(A) water storage;

(B) water quality;

(C) water use efficiency;

(D) ecosystem restoration;

(E) watershed management;

(F) levee system integrity;

(G) water transfers;

(H) water conveyance; and

(I) water supply reliability.

The report shall discuss the status of Calfed Bay-Delta Program goals, current schedules, and relevant financing agreements.

(b) STATEMENT OF BALANCE.—Substantial progress in each of the categories listed in subsection (a) shall be considered in determining whether the Calfed Bay-Delta Program is proceeding in a balanced manner for purposes of making the certification provided for in subsection (a). In addition, in making such certification the Secretary, in cooperation with the Governor, shall prepare a statement of whether the program is in balance which takes into consideration the following:

(1) status of all Stage 1 actions, including goals, schedules, and financing agreements;

(2) progress on storage projects, conveyance improvements, levee improvements, water quality projects, and water use efficiency programs;

(3) completion of key projects and milestones identified in the Ecosystem Restoration Program;

(4) development and implementation of local programs for watershed conservation and restoration;

(5) progress in improving water supply reliability and implementing the Environmental Water Account;

(6) achievement of commitments under State and Federal Endangered Species Act;

(7) implementation of a comprehensive science program;

(8) progress toward acquisition of the State and Federal permits, including Clean Water Act section 404(a) permits, for implementation of projects in all identified program areas;

(9) progress in achieving benefits in all geographic regions covered by the Program;

(10) legislative action on water transfer, groundwater management, water use efficiency, and governance issues;

(11) status of complementary actions;

(12) status of mitigation measures; and

(13) revisions to funding commitments and program responsibilities

(c) REVISED SCHEDULE.—If the report provided for in subsection (a) and the statement of balance provided for in subsection (b) conclude that the Calfed Bay-Delta Program is not progressing in a balanced manner so that no certification of balanced implementation can be made, the California Bay-Delta Authority shall prepare a revised schedule to ensure the Calfed Bay-Delta Program will progress in a balanced manner consistent with the intent of the Record of Decision. This revised schedule shall be subject to approval by the Secretary and the Governor, and upon such approval, shall be submitted to the appropriate authorizing and appropriating Committees of the Senate and the House of Representatives.

(d) FEASIBILITY STUDIES.—Any feasibility studies completed for storage projects as a

result of this Act shall include identification of project benefits and beneficiaries and a cost allocation plan consistent with the beneficiaries pay provisions of the Record of Decision.

(e) FINANCIAL SUMMARY.—In addition to the report required pursuant to subsection (a), no later than February 15 of each year the Secretary shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report certified by the Secretary containing a detailed accounting of all funds received and obligated by all Federal and State agencies responsible for implementing the Calfed Bay-Delta Program in the previous fiscal year, a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds authorized under this Act, and a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds authorized under this Act.

(f) REPORT.—Prior to December 2004, the Secretary, after consultation with the Governor and the Federal agency heads, shall submit a report to Congress that:

(1) details the accomplishments of the Calfed Bay-Delta Program to date;

(2) identifies the specific steps that remain to be undertaken in the Program;

(3) sets forth the specific funding levels and sources to accomplish such steps; and

(4) makes such recommendations as may be necessary to accomplish the goals and objectives of the continuing Calfed Bay-Delta Program.

SEC. 6. CROSSCUT BUDGET AND AUTHORIZATION OF APPROPRIATIONS.

(a) CROSSCUT BUDGET.—The President's Budget shall include requests for the appropriate level of funding for each of the Federal agencies to carry out its responsibilities under the Calfed Bay-Delta Program. Such funds shall be requested for the Federal agency with authority and programmatic responsibility for the obligation of such funds, as set forth in section 3(c)(2). At the time of submission of the President's Budget to the Congress, the Director of the Office of Management and Budget shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives an interagency budget crosscut report that displays the budget proposed, including any interagency or intra-agency transfer, for each of the Federal agencies to carry out the Calfed Bay-Delta Program for the upcoming fiscal year, separately showing funding requested under both pre-existing authorities and under the new authorities granted by this Act. The report shall also identify all expenditures since 1996 within the Federal and State governments used to achieve the objectives of the Calfed Bay-Delta Program.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary and the heads of the Federal agencies $880,000,000 pay the Federal share of carrying out Stage 1 of the Record of Decision for fiscal years 2004 through 2007, in accordance with the provisions of this Act. The funds shall remain available without fiscal year limitation.

SEC. 7. FEDERAL SHARE OF COSTS.

The Federal share of the cost of implementing Stage 1 of the Calfed Bay-Delta Program as set forth in the Record of Decision shall not exceed 33.3 percent.

SEC. 8. COMPLIANCE WITH STATE AND FEDERAL LAW.

Nothing in this Act preempts or otherwise affects any Federal or State law, including any authority of a Federal agency to carry out activities related to, or in furtherance of, the Calfed Bay-Delta Program.

By Mrs. HUTCHISON (for herself, Mr. DOMENICI, Mr. BINGAMAN, Mr. KYL, and Mr. CORNYN):

S. 1099. A bill to amend the Transportation Equity Act for the 21st Century with respect to national corridor planning and development and coordinated border infrastructure and safety; to the Committee on Environmental and Public Works.

Mrs. HUTCHISON. Mr. President, for the past 50 years U.S. transportation policy has focused on building a system designed to meet the needs of a rapidly growing population that was still expanding westward. Today, I am pleased to introduce legislation that will ease congestion brought on by the North American Free Trade Agreement, NAFTA, by reforming the Coordinate Border Infrastructure Program and the National Corridor Planning and Development Program. These two programs are commonly known, collectively, as the Border and Corridor program.

Thanks to NAFTA, more of our trade crosses international borders, and 80 percent of that trade moves into and through the United States in trucks. Since the passage of NAFTA in 1993, traffic on America's trade corridors has doubled. Although this commerce has been a boon to the Nation's economy, it has been devastating to some of the country's infrastructure. With almost 80 percent of the NAFTA trade traveling through my home State of Texas, the increased volume has further congested and worn out our major highways including I–35, and created the need for new highways like I–69 and Ports-To-Plains. The loss of productivity resulting from increased time spent in traffic, and the declining condition of critical international corridors will have the long term effect of diminishing the economic benefits of NAFTA trade. It is also forcing border States to bear an unfair portion of the infrastructure cost.

In TEA–21, Congress created the Border and Corridor programs, intending to address the infrastructure needs generated by NAFTA trade. Unfortunately, funding for those discretionary programs has often been misdirected to non-border states and corridors lacking international significance.

The Border and Corridor programs provide funds for projects on the border to speed international crossings, and to provide resources to High Priority Corridors that experience increased NAFTA truck traffic. With almost every state in the country having a designated High Priority Corridor, the limited funding was insufficient to provide any real benefit where it is most needed. My legislation will reaffirm that only those corridors that are carrying the burden on NAFTA trade are eligible to receive funding.

Both programs are important to the goal of addressing infrastructure needs resulting from NAFTA trade traffic. However, the two programs do not always receive equal funding. My legislation will guarantee that the Coordinated Border Infrastructure Program will receive 50 percent of the available funding, to ensure that border regions will have the resources to conduct truck and bus inspections, and inspect commercial vehicles rapidly enough to keep traffic moving at the border.

As Congress considers TEA–21 reauthorization, I will be dedicated to shifting the federal focus on programs that can address the critical need of states that have been impacted by NAFTA trade traffic. I want to thank my cosponsors, including Senators DOMENICI, BINGAMAN, KYL, and CORNYN for recognizing the importance of restoring fairness to these critical highway programs.

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. 1099

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

SECTION 1. NAFTA CORRIDOR PLANNING AND DEVELOPMENT.

(a) IN GENERAL.—Section 1118 of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note) is amended—

(1) by inserting ''The Secretary shall provide consideration to corridors where traffic has increased since the date of enactment of the North American Free Trade Agreement Implementation Act and is projected to increase in the future.'' in subsection (a) after ''trade.'';

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

''(b) ELIGIBILITY OF CORRIDORS.—The Secretary may make allocations under this section with respect to high priority corridors identified in section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 that connect to the border between the United States and Mexico or the United States and Canada.

(3) by striking ''and section 1119'' in subsection (e); and

(4) by adding at the end the following:

''(h) FUNDING.—Fifty percent of the funds made available by section 1101 of this Act to carry out section 1119 and this section for each of fiscal years 2004 through 2009 shall be—

''(1) available for obligation to carry out this section; and

''(2) made available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.''.

(b) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—Section 1118 of that Act is amended by striking ''**NATIONAL**'' in the section heading and inserting ''**NAFTA**''.

(2) TABLE OF CONTENTS.—Section 1(b) of that Act is amended by striking the item relating to section 1118 and inserting the following:

''Sec. 1118. NAFTA corridor planning and development program.''.

SEC. 2. COORDINATED BORDER INFRASTRUCTURE.

(a) IN GENERAL.—Section 1101(a)(9) is amended by striking ''2003.'' and inserting ''2003, and such sums as may be necessary for each of fiscal years 2004 through 2009.''.

Section 1119 of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note) is amended—

(1) by striking subsection (d) and redesignating subsection (e) as subsection (d); and

(2) by adding at the end the following:

''(e) FUNDING.—Fifty percent of the funds made available by section 1101 of this Act to carry out section 1118 and this section for each of fiscal years 2004 through 2009 shall be—

''(1) available for obligation to carry out this section; and

''(2) made available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.''.

By Mr. REID (for himself and Mr. GRAHAM of South Carolina):

S. 1100. A bill to restore fairness and improve the appeal of public service to the Federal judiciary by improving compensation and benefits, and to instill greater public confidence in the Federal courts; to the Committee on the Judicary.

Mr. REID. Mr. President, I rise to introduce a bill with the junior Senator from South Carolina, Senator GRAHAM, entitled ''Securing Judicial Independence Act of 2003.'' This legislation is desperately needed to increase the compensation for members of the Federal bench. Before I came to work in the United States Congress in 1982, I practiced law in my home State of Nevada. I am proud to be a lawyer, and I have great respect and appreciation for the practice of law and those involved in the judicial process. The very reason there has been such a great deal of debate on the Senate floor regarding Federal judicial nominations is precisely because these positions are so important to the administration of a fair and effective legal system. The individuals chosen to serve on our Federal bench make lifetime commitments to public service. However, at the same time we have vacancies on the bench, the real pay for these jobs has declined drastically. The compensation for Federal judges has diminished by 25 percent in the past three decades. How can we continue to attract the ''best of the best'' when low salaries are offered for lifetime tenures?

The answer is simple. In order to continue to attract and retain the most talented men and women to the Federal bench the salaries must be raised. Our forefathers recognized that judicial compensation was intricately tied to judicial independence. In 1989, Congress linked the salaries of its own members to senior executives and Federal judges. As a result, Federal judges did not receive cost of living increases for several years in the 1990s. Additionally, even the Justices of our highest court, the United States Supreme Court, make far less than leaders of educational institutions and not-for-profit organizations. Thus, in raising Federal judicial salaries by 25 percent and eliminating the annual Congressional authorization of cost of living adjustments for Federal judges, this bill helps to secure judicial independence. It restores both fairness and the appeal of public service to the Federal judiciary by improving compensation. Better compensation means better quality judges, and quality judges instill greater public confidence in the Federal courts. Our Constitution creates lifetime appointments to the Federal bench, and the men and women who accept these positions are giving up far more lucrative careers. They do this based on a calling to public service and a devotion to the administration and adherence of Federal laws. While the salaries are not of the level these individuals could demand in the private sector, it is only fair they be adequately compensated. 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. 1100

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 ''Securing Judicial Independence Act of 2003''.

SEC. 2. SALARY ADJUSTMENTS.

(a) RESTORATION OF STATUTORY COST OF LIVING ADJUSTMENTS.—Each salary rate which is subject to adjustment under section 461 of title 28, United States Code, is adjusted by an amount, rounded to the nearest multiple of $100 (or if midway between multiples of $100, to the next higher multiple of $100) equal to 25 percent of that salary rate in effect on the date preceding the date of enactment of this Act.

(b) EFFECTIVE DATE.—This section shall take effect on the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 3. REPEAL OF ANNUAL CONGRESSIONAL AUTHORIZATION FOR COST OF LIVING ADJUSTMENT.

Section 140 of Public Law 97–92 (28 U.S.C. 461 note) is repealed.

SEC. 4. SURVIVOR BENEFITS UNDER JUDICIAL SYSTEM AND OTHER SYSTEMS.

(a) CREDITABLE YEARS OF SERVICE.—Section 376 of title 28, United States Code, is amended—

(1) in subsection (k)(3), by striking the colon through ''this section''; and

(2) in subsection (r), by striking the colon through ''other annuity''.

(b) NOTIFICATION PERIOD FOR SURVIVOR ANNUITY COVERAGE.—

(1) IN GENERAL.—Section 376 (a)(1) of title 28, United States Code, is amended in the matter following subparagraph (G) by striking ''six months'' and inserting ''1 year''.

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act and apply only to written notifications received by the Director of the Administrative Office of the United States Courts after the dates described under clause (i) or (ii) in the matter following subparagraph (G) of section 376 (a)(1) of title 28, United States Code.

By Mrs. FEINSTEIN (for herself, Mr. SMITH, Mr. DASCHLE, Mr. JEFFORDS, Mr. KENNEDY, Ms. COLLINS, Ms. LANDRIEU, Mrs. HUTCHISON, Mr. JOHNSON, Mr. CORZINE, Mrs. LINCOLN, Ms. CANTWELL, Mrs. CLINTON, Mr. LAUTENBERG, Mrs. MURRAY, Mr. DODD, Mrs. BOXER, Ms. STABENOW, Mr. NELSON of Florida, Mr. SCHUMER, Mr. HOLLINGS, Mr. REED, Mr. KERRY, Ms. MIKULSKI, and Mr. LEAHY):

S. 1101. A bill to provide for a comprehensive Federal effort relating to early detection of, treatments for, and the prevention of cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the National Cancer Act of 2003. I am pleased to have the support of Senators SMITH, DASCHLE, JEFFORDS, KENNEDY, COLLINS, LANDRIEU, HUTCHISON, JOHNSON, CORZINE, LINCOLN, CLINTON, CANTWELL, LAUTENBERG, MURRAY, DODD, BOXER, STABENOW, BILL NELSON, SCHUMER, HOLLINGS, REED, KERRY, MIKULSKI, and LEAHY on this important piece of legislation.

Today, cancer is the Nation's second cause of death, trailing heart disease. Over the next 30 years, however, cancer will surpass heart disease and become the leading cause of death as the Baby Boomers age.

This bill represents a comprehensive national battle plan to re-energize the Nation's war on cancer, a war that began on January 22, 1971 when President Richard Nixon proposed to Congress that we launch a war on cancer.

That commitment marked a critical first step. But it is clear that we must take further steps to address the scourge of cancer in every respect.

I am the Vice-Chair of the National Dialogue on Cancer—and in discussions with cancer experts from this group, it became clear to me that the National Cancer Act of 1971 was out of date.

We are now in the genomic era, on the cusp of discoveries and cures that we could only have dreamed about in 1971. The science of cancer has advanced dramatically with the revolution in molecular and cellular biology creating unprecedented opportunities for understanding how genetics relate to cancer.

The explosion in knowledge about the human genome and molecular biology will enable scientists to better target cancer drugs.

I believe that if we work smart we could find a cure for cancer in my lifetime.

Given these advances, I strongly believe that it is time to update the National Cancer Act of 1971, to reflect these breakthroughs. At the same time, I wanted to get input from some of the nation's foremost cancer experts.

To that end, I asked John Seffrin, CEO of the American Cancer Society, and Dr. Vincent DeVita, Director of the Yale Cancer Center, to form a special committee of cancer experts to provide recommendations on a national battle plan to conquer cancer.

The committee produced an ambitious plan, and what I have tried to do is take the most important components, in light of the current budget

situation, and develop a piece of legislation that could pass the Senate.

On November 7, 2001, President George W. Bush commended the work of the Committee when he wrote, ''The journey ahead will not be easy. But 30 years ago, no one would have imagined coming as far as we have. Working together, we will take the next steps necessary to defeat this deadly disease.''

Today, I invite the President to join me again in taking these steps by supporting this legislation.

Finding a cure for cancer is a very personal goal. I lost both my father and my husband to cancer. I saw its ravages firsthand, and I experienced the frustrations, the difficulties, and the loneliness that people suffer when a loved-one has cancer. I determined that I would do all I could to reduce the number of people who go through this devastating experience.

And it is my great hope that this legislation will help do just that, and enable us to find a cure for cancer in my lifetime.

This may in fact be the most important thing I do during my time in the Senate.

And I believe that this legislation addresses the issue in the right way, and I hope that my colleagues will agree.

The National Cancer Act of 2003 takes a multi-pronged approach to winning the war against cancer. Here's what the bill will do: 1. Accelerate Scientific Discovery. The advances in science that I spoke of earlier, regarding the human genome and molecular biology, have produced medications that can target the unhealthy cancer cells and leave healthy cells intact.

That is why this legislation establishes a grant program of $20 million a year, specifically for research that focuses on the development of a molecularly-oriented knowledge-based approach to cancer drug discovery and development.

It also includes a sense of the Senate to encourage the Federal Government to continue its investment in cancer research by staying on track to funding the NCI bypass budget.

NCI now funds approximately 4,500 research project grants at nearly 600 institutions every year. This represents 28 percent of the 16,000 grant proposals NCI receives. NCI scientists think funding 40 percent will allow them to fund the most promising grants. Yet at 28 percent, it does not happen.

Funding basic research marks a full frontal assault on cancer—an assault that will lead to more breakthroughs, more treatments, and ultimately, I believe, to a cure.

We now have drugs, like Gleevec for Chronic Myeloid Leukemia and Herceptin for breast cancer, that can target and destroy cancer cells while leaving healthy cells unharmed.

Patients, who were considered terminal, have taken Gleevec and were able to get out of their beds and leave the hospice within days of treatment. After one-year of clinical trials for Gleevec, 51 out of 54 patients were still doing well. With 4,500 Americans diagnosed with Chronic Myeloid Leukemia a year, the potential for this drug is tremendous.

From the Bench to the Bedside: Expanding Access to Clinical Trials. First, the bill will provide $100 million per year for new grants for what is called ''translational'' research, work that moves promising drugs from the ''bench to the bedside.''

The purpose of this provision is to greatly accelerate the movement of basic research to the patient, from the ''bench to the bedside,'' so that we can conduct more clinical trials.

Clinical trials test the safety and efficacy of drugs, devices or new medical techniques. They are required for FDA approval. These trials require thousands of participating people to help determine if drugs are safe and effective.

The bill includes several steps to expand clinical trials, those research projects that require thousands of people to determine whether new drugs are safe and effective.

Right now, there are many new drugs under development that are stuck, as if in a funnel, because we have not put the resources into having the people-based research to test those drugs. There are approximately 400 new drugs that are held up in the development process because the resources are not available to fund clinical research to test those drugs.

For every one drug approved, 5,000 to 10,000 were initially considered. The entire process can take as long as 15 years.

Second, the bill will require insurers to pay the routine or non-research costs for people to participate in clinical trials, while the drug sponsor would continue to pay the research costs. California already requires this coverage by private insurers.

Third, the bill requires the National Cancer Institute to establish a program to recruit patients and doctors to participate in clinical trials. Dr. Robert Comis, President of the Coalition of National Cancer Cooperative Groups, has said that eight out of ten cancer patients do not consider participating in a clinical trial. They are unaware that they might have the option. He has found that physician involvement is key.

This is why we must work to make both physicians and patients more aware of the importance of participating.

Currently, only 4 to 5 percent of adult cancer patients participate in clinical cancer trials. But Research America polls found that 61 percent of Americans would participate in a clinical trial if they could.

We should heed the example of what is called the ''pediatric model.'' Over 60 percent of children with cancer participate in clinical trials. Children in these trials get optimal care, with an overall physician manager or ''quarterback.'' The five-year survival rates for children with cancer have increased significantly.

In the 1960s, childhood leukemia could not be cured. It was a death sentence. Today, 70 percent of children with acute lymphoblastic leukemia enter remission. This is but one example of the power and importance of clinical trials. An investigational treatment yesterday is standard treatment today.

Only by injecting new funding into cancer research will we enable cancer researchers to conduct the trials that are necessary to bring promising new drugs to market.

3. Transforming Research Into Treatments. Scientists say we will stop defining cancer by body part, like breast cancer or prostate cancer. Because everyday we are understanding better the genetic basis of cancer and can focus drugs on molecular targets. For example, we may have 50 different kinds of breast cancer, defined by their genetic basis.

As NCI's Dr. Rabson has said, ''As we've come to understand the molecular signatures of cancer cells, we can classify tumors according to their genetic characteristics.''

This means that we need to create incentives to encourage companies to make these targeted drugs, because as we redefine cancer, we will have smaller numbers of people who have that particular kind of breast cancer. Companies are often reluctant to make drugs for small patient populations.

This legislation would expand the current definition of ''orphan drugs'' from ''disease and condition'' to include ''disease or condition or targets and mechanisms of pathogenesis of diseases'' that effect a small patient population, less than 200,000. Current tax and marketing incentives remain the same. With an expansion of the definition, however, more drugs could potentially qualify for this designation.

Beginning with Gleevec and continuing into the future, drugs will target a narrow genetic or cellular mutation.

While this holds great promise for patients, it also means that the number of treatments will proliferate, thereby segmenting cancer patients into smaller and smaller populations. In some cases, this will mean that pharmaceutical companies for strictly financial reasons may not want to produce a given drug.

The impact: This will help to ensure that patients receive the highest quality care, even when the number of people faced with a particular type of cancer is small.

4. Having Enough Scientists. The bill will also create a new initiative to train more cancer researchers. Specifically, it will: 1. Pay off the medical school loans of 100 physicians who commit to spend at least 3 years doing cancer research; and 2. Boost the salaries of postdoctoral fellows from $28,000 to $45,000 per year over 5 years.

Every year, young physicians and researchers avoid the field of cancer research because, frankly, they feel they can make more money elsewhere. This provision will help reverse that trend and add thousands of men and women to the front lines of the fight.

The physician-scientist is endangered and essential, concluded a January 1999 study, showing that the number of first-time M.D. applicants for NIH research projects has been declining. The study, published in Science, said, ''. . . fewer young M.D.'s are interested in (or perhaps prepared for) careers as independent NIH-supported investigators.''

Simply put, young doctors and Ph.Ds do not want to go into cancer research because they can make more money elsewhere. Graduating physicians have medical school debt averaging $75,000 to $80,000. Because of the low pay to be a physician-scientist, these doctors cannot afford to go into research.

Postdoctoral fellows, who conduct the bulk of day-to-day research, receive pay that is neither commensurate with their education and skills nor adequate. To attract the best and the brightest to the field of cancer research, we need to pay them more than $28,000 to start.

The National Academy of Sciences in September 2000 called for increasing their compensation.

5. Quality Cancer Care. All too often having cancer is a lonely and frightening experience. Cancer patients have a team of doctors, from the primary care physician to the radiologist to the oncologist. Yet patients need one doctor to be in charge.

During a June 16, 1999 hearing, The Institute of Medicine told the Senate Cancer Coalition that the care that cancer patients get is all too often just a matter of circumstance: ''. . . for many Americans with cancer, there is a wide gulf between what could be construed as the ideal and the reality of [Americans'] experience with cancer care . . . The ad hoc and fragmented cancer care system does not ensure access to care, lacks coordination, and is inefficient in its use of resources.''

The Institute of Medicine study on the uneven quality of health care says, ''Health care today is characterized by more to know, more to manage, more to watch, more to do, and more people involved in doing it than at any time in the nation's history.''

The bill will require insurance plans to pay doctors, preferably oncologists, to become the overall managers of patients' care, what I call a ''quarterback physician,'' to be with the patient from diagnosis through treatment, to prevent the patient from being forced to navigate the medical system alone.

I developed this concept after meeting Dr. Judy Schmidt, a solo-practicing oncologist from Montana. Dr. Schmidt cares for her patients from diagnosis to treatment, and she is really a model for doctors across the Nation to emulate.

This ''quarterback physician'' would provide overall management of the patient's care among all the providers. Someone would be in charge. This provision could save money because good coordination can reduce hospitalization costs.

The bill authorizes grants to health centers for the development and operation of programs that assign patient navigators, nurses, social workers, cancer survivors and patient advocates, to individuals of health disparity populations, to assist in following-up on a cancer diagnosis and to help them find the appropriate services and follow-up care, which includes facilitating access to health care services.

This program is important because many people receive unequal access to care. The Institute of Medicine issued a report last year called Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care. This report emphasized the importance of ''providing advocates for patients who can assist them in asking the appropriate questions, and making the necessary inquiries as they access the health are system . . . ''

Often these are patients without health insurance who are not fluent in English. Having a culturally appropriate ''navigator'' who will assist them in making appointments and understanding the services available to them could help improve quality of life for minorities.

Lastly, the bill also authorizes grants through the Centers for Disease Control and the National Cancer Institute to monitor and evaluate quality cancer care, develop information concerning quality cancer care and monitor cancer survivorship.

6. Coverage of Preventive Measures. People cannot get good health care if they have no way to pay for it, if insurance plans, public and private, do not cover the basics like screenings for cancer.

My bill will require public plans, like Medicare and Medicaid, and private insurance plans to cover four services important to good cancer care: 1. Cancer screenings; 2. Genetic testing and counseling for people at risk; 3. Smoking cessation counseling; and 4. Nutrition counseling.

Access to mammograms, pelvic exams, along with reducing fat in the diet and stopping smoking—all of which could be enhanced by this bill—can stop cancer before it is too late.

Because too many Americans have no way to pay for their health care when cancer strikes and because seven percent of cancer patients are uninsured, the bill also requires the Institute of Medicine of the National Academy of Sciences to conduct a study of the feasibility and cost of providing Medicare coverage to individuals at any age who are diagnosed with cancer and have no other way to pay for their health care.

Medicare already covers care for people of any age who have End Stage Renal Disease and Amyotrophic Lateral Sclerosis, Lou Gehrig's Disease. This study could provide helpful guidance to the Congress.

Because no assault on cancer is complete without a strong cancer prevention component, the bill provides funds and requires the Centers for Disease Control and Prevention to prepare a model state cancer control and prevention program; expand the National Program of Comprehensive Cancer Control plans, and to assist every state to develop a cancer prevention and control program.

The bill also authorizes $250 million to expand the Center for Disease Control and Prevention's breast and cervical cancer screening program and authorizes $50 million for CDC to begin screening programs for colorectal cancer.

7. Bolstering the Number of Health Care Providers. Because of the aging of the American population, we face a virtual explosion of cancer in the coming 30 years. The number of cases will double. But the sad fact is that we do not have enough nurses and other health care professionals to take care of this expected rise in cancer patients.

My bill will provide $100 million for loans, grants and fellowships to train for the full range of cancer care providers, including nurses for all settings, allied health professionals, and physicians. The bill requires that these applicants have the intention to get a certificate, degree, or license and demonstrate a commitment to working in cancer care.

In nursing alone—those critical people on the front line of care—many experts say we face a national nursing shortage in virtually every setting, which will peak in the next 10 to 15 years unless steps are taken. By 2020, the RN workforce will be 20 percent short of what will be needed. My home State of California ranks 50th among registered nurses per capita.

And it's not just nurses. The Health Resources Services Administration says that the demand of health care professionals will grow at twice the rate of other occupations.

Cancer is primarily a disease of aging. As the baby boomers age, there will be more cancer. Cancer care is becoming more and more complex as technology improves. Skilled providers, from the nurse assistant to the oncologist are needed to administer the complex therapies. This bill should provide some help.

8. Cancer Survivorship. Thanks to advances in cancer detection and early diagnosis, more aggressive and effective treatments, and better screening tools, about 9 million Americans—nearly one in 30—can call themselves a cancer survivor. This represents 3 percent of the population.

Thirty years ago a cancer diagnosis was a death sentence. That is not the case today. As a result, addressing a person's quality of life post-cancer is becoming increasingly important.

To give you a snapshot picture of what a typical cancer survivor looks

like: about 59 percent of cancer survivors are over the age of 65; 3 million (30 percent) were diagnosed between 5–15 years ago; and, 23 percent are breast cancer survivors and 17 percent are prostate cancer survivors.

Current statistics suggest that for individuals who receive a diagnosis today, 60 percent can expect to be alive in 5 years. The 5-year survival rate for children is even higher—almost 75 percent.

What this means is that more than half of all people, children or adults, diagnosed with cancer today, will become cancer survivors.

We've come a long way. And the survival rate for cancer will only get better as we continue to make improvements in screenings, detection, diagnosis and treatment.

But now we face new challenges. We need to better understand what services are necessary to help address the needs of people who are surviving cancer.

This bill would do several things to help support cancer survivors.

First, it would codify an Office of Cancer Survivorship at NCI. Since 1999, such an Office has been in existence but it has not been officially recognized by Congress or received it's own budget.

This Office is crucial because it sets the research agenda at NCI on survivorship-related issues.

The National Cancer Institute found in 1999 that ''surviving cancer can leave a host of problems in its wake. Physical, emotional, and financial hardships often persist for years after initial diagnosis and treatment. Many survivors suffer decreased quality of life following treatment, leading one cancer activist and survivor to say, 'surviving is not just about a cure, but about living the rest of our lives.'''

For some, long-term health problems result, for example, because a surgery to remove a cancer tumor has impaired nearby organs which could cause additional health problems.

Additionally, patients who survive one cancer have almost twice the risk of developing a second cancer as the general population. Almost 100,000 people are diagnosed each year with ''second cancers.'' What can be done to reduce the chance of a second diagnosis of cancer?

And the bill also authorizes grants through the Centers for Disease Control for activities including the development of a cancer surveillance system to track the health status of cancer survivors, and the development of a national cancer survivorship action plan.

For 9 years I have co-chaired the Senate Cancer Coalition. We have held ten hearings on cancer. With each hearing, I become more and more convinced that we can conquer cancer in my lifetime. These are the highlights of the cancer battle plan.

It is my hope that this legislation will become the rallying cry for the Cancer community.

Polls by Research America show that the public wants their tax dollars spent on medical research and that in fact people will pay more in taxes for more medical research.

Cancer impacts everyone. Everyone knows someone who has had cancer or will have cancer.

I am thoroughly convinced that if we just marshal the resources, we can conquer cancer in the 21st century. Let's begin. The road ahead is long and treacherous. But if we all work together, I honestly believe we can do it.

Mr. SMITH of Oregon. Mr. President, I rise today in support of the National Cancer Act of 2003. This bill represents the way ahead in the battle against cancer, and I am proud to co-sponsor it again in the 108th Congress.

Like many Americans, I have seen the battle for cancer first hand. I support this important legislation for the millions of Americans who have been diagnosed with cancer and their family members. I do so also in honor of my mother, whom I lost to cancer in October, 2001.

The statistics for cancer victims can be so numbing that they lose their effect over time, but behind every number is a face and a family. And while Oregon is a small state, the pain experienced by cancer sufferers and their families is the same regardless of where they live.

Cancer kills more people in my home State of Oregon than any other condition except heart disease, and as the population ages, it will surpass heart disease to become the number one killer. Each year, more than 18,000 new cases of cancer are diagnosed among Oregonians—about 50 every day. On average, 19 Oregonians die of cancer every day.

Breast cancer is the most often diagnosed cancer in Oregon. Nine women every day hear the words, ''You have breast cancer,'' and every day, one family in Oregon will lose a family member to breast cancer. Every three days, one child in Oregon will be diagnosed with cancer.

I could continue to cite statistics, but the message is clear: we have worked hard to eradicate cancer, but we must do more. While little progress has been made in reducing the incidence of cancer, advances from research are producing more effective treatments, allowing us to improve mortality rates. The National Cancer Act of 2003 is designed to do just that. It represents a comprehensive plan to speed the discovery and application of new cancer treatments to find cures for—and to prevent—cancer.

The bill's special provisions for additional research dollars for targeted cancer drugs will directly impact the work of Brian Druker, a researcher at Oregon Health and Sciences University who has worked to develop a cancer treatment and prevention drug called Gleevac. Gleevac is a promising new oral treatment for patients with chronic myeloid leukemia, CML—a rare, life-threatening form of cancer.

The National Cancer Act will help ensure that new and groundbreaking cancer treatments like Gleevac make their way from the research bench to the patient's bedside table faster. Currently, there are many promising new drugs awaiting clinical trial. Although 60 percent of children with cancer are currently participating in clinical drug trials, only 4–5 percent of adult patients do the same. In order to save lives, new cancer drugs must be tested and perfected.

The National Cancer Act will also authorize a program to help attract, train, and retrain health care professionals who provide cancer care. By offering tuition assistance in exchange for cancer patient care, the National Cancer Act makes a decisive step in lessening a Nation-wide cancer-care workforce crisis.

The National Cancer Act also aims to stop cancer before it starts by allocating significant funds to early prevention and detection efforts. The bill would require that insurers pay for cancer screenings, smoking cessation, nutritional counseling and other preventive measures. Additionally, Medicare and Medicaid would be authorized to make payments to cancer specialists who coordinate their patients' cancer care. Coordinated care will, in turn, improve the health outcomes for cancer patients.

I am also pleased that this year the bill adds a new provision authorizing the creation of a permanent office of Cancer Survivorship to focus research on the issues of cancer survivors. By developing a new cancer surveillance system and a national cancer survivorship action plan, we will be better able to address the challenges affecting those in recovery.

Cancer is not a partisan disease and we can, and should, do more to treat and prevent it. I am proud to sponsor the National Cancer Act of 2003 as a Republican, an American, and a member of the human family.

Mr. HATCH. Mr. President, I rise in support of the Prevention and Recovery of Missing Children's Act. I especially want to commend my colleagues Senator DODD and Senator COLLINS for their hard work on this important legislation.

Sex offenders prey upon the weakest and most innocent in our society—our youth—and in astonishing numbers. According to the National Center for Missing and Exploited Children, 3.9 million of the Nation's 22.3 million children between the ages of 12 and 17 have been seriously physically assaulted, and one in three girls and one in five boys are sexually abused before the age of 18. Even more troubling is the fact that most sex offenders are not in our prisons. Instead, they remain in our communities, often targeting their next victim. To illustrate, among the Federal Bureau of Investigation's 'Most Wanted Fugitives' is a sex offender who allegedly sexually abused a 12-year old boy over a 6-year period

after he was released from prison for previous acts of sexual abuse.

Time and again we see convicted pedophiles kidnapping, brutally raping, and in some cases, murdering young children. Too often we are unable to thwart such heinous acts because recidivists succeed in evading State registration requirements after they have been convicted and released from prison. We have a duty to our children to ensure that we know where convicted sex offenders are at all times. We also have a duty to take every step to find our missing and exploited children promptly.

The Prevention and Recovery of Missing Children Act of 2003 will enhance our ability to track recidivists and find child victims by strengthening sexual offender registration laws and missing children reporting requirements. This legislation (1) requires States to register sexual offenders prior to their release from prison to ensure that they comply with sex registration requirements; (2) requires States to obtain a DNA sample, as well as a photo and fingerprints, from convicted sexual offenders; (3) requires convicted sexual offenders to obtain a driver's license or State identification card as an additional means of identification; (4) requires convicted sexual offenders to report any change in registration within 10 days; (5) requires convicted sexual offenders to verify their registration information every 90 days; (6) makes it a felony offense to fail to comply with any sexual registration requirement; and (7) strengthens the missing children reporting requirements that are imposed on States.

It is critical that the law enforcement community be able to track down known child predators and to find our missing and exploited children promptly. This legislation provides law enforcement with the tools they need to achieve these goals. I am committed to working with Senator DODD and Senator COLLINS to enhance this valuable legislation even further.

By Mr. DODD (for himself, Ms. COLLINS, and Mr. HATCH):

S. 1102. A bill to assist law enforcement in their efforts to recover missing children and to clarify the standards for State sex offender registration programs; to the Committee on the Judiciary.

Mr. DODD. Mr. President, I am pleased to join with my colleague from Maine, Senator COLLINS, and my colleague from Utah, Senator HATCH, to introduce the Prevention and Recovery of Missing Children Act of 2003, to improve the recovery of missing children and the tracking of convicted sex offenders and child predators.

No child or parent should ever have to go through the recent nine-month ordeal of Elizabeth Smart and her family. Yet, from the sparse information we have, we know that over one million families have endured a similar, and sometimes far worse, trauma.

In only the second study of its kind, the National Incidence Studies of Missing, Abducted, Runaway and Throwaway Children, NISMART–2, estimated that 1.3 million children met the criteria for being classified as missing, including runaway, from their caretakers in 1999. It is estimated that almost 800,000 of these cases involved notification to police or missing children agencies to help locate the child. When a parent's worst fear for a missing child materializes, in 91 percent of the cases the child became the victim of a homicide within 24 hours of abduction. In 74 percent of these cases, the homicide occurred within 3 hours of abduction.

With statistics such as these, it is truly a miracle and cause for celebration that Elizabeth Smart returned to her family alive and well nine months after her abduction.

We must build and expand on practices we know lead to the safe return of missing and abducted children. In Elizabeth's case, the family's circulation of the suspect's photograph led to the capture of Elizabeth's captor near her home community in Utah. This success story highlights the importance of the recently enacted National AMBER Alert Networks, which strengthens communication and notification to facilitate the recovery of other abducted children.

As important as AMBER Alert systems are, these are but one tool in our arsenal against child abduction. The bill we are introducing today will strengthen other tools used by law enforcement to help take every step possible to find missing children as soon as possible. For instance, we know now that Elizabeth's captor was already in custody in California during Elizabeth's ordeal. Those officials, at that time, did not have in their possession information to connect him to the Smart case. And so, he was released.

It is clear from this example that accurate, up-to-date information on missing children cases nationwide must be made available to law enforcement, as well. This act fosters the sharing of information about missing child cases among law enforcement by requiring the entry of child information into the National Crime Information Center, NCIC, within 2 hours of receipt. NCIC is a critical resource for linking 16,000 Federal, State, and local law enforcement agencies.

The availability of up-to-date identifying information of known child and sexual predators is a vital investigative tool. The women who signaled police in the Elizabeth Smart case identified the captor after seeing his photograph on television. One of these responsible women noted that it was the photograph, and not the composite sketch, that helped her recognize Elizabeth's captor as he walked down the street.

Whether the suspect in the Smart case had a history of sexual offenses is unclear. But, what is clear is that we can do more to help law enforcement track and investigate individuals with a history of sexual offenses.

Over the last decade, Congress enacted several laws designed to improve the tracking of convicted sex offenders and the recovery of missing children, including The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act of 1994, Megan's Law of 1996, and The Pam Lychner Sex Offender Tracking and Identification Act of 1996. Collectively, these acts established minimum standards for State sex offender registration programs and created systems to track convicted sex offenders.

While these current federal laws address the main features of an effective registry system, the discretion over registry details and procedures is left up to the states. This has led to a lack of consistency and wide disparities between states. For example, state requirements for sex offender notification of registration changes range from 1 day to 40 days, and state requirements for a sex offender to register an address after moving to a new state range from 48 hours to 70 days.

In addition, many States place the burden to notify changes in registry information solely on the sex offender. We need to tighten registry systems so that law enforcement in all states is better equipped to track sex offenders. This bill strengthens the registry foundation for all states. It builds upon successful practices already in place in some States, to better protect our communities nationwide.

Sex offenders pose an enormous challenge for policy makers and create unparalleled fear among citizens. Most of their victims are children and youth. Two-thirds of imprisoned sex offenders report that their victims were under age 18, and nearly half report that their victims were ages 12 and younger.

The tracking of released sex offenders is critical to protecting our children. Most sex offenders are not in prison—about 60 percent of convicted sex offenders are under conditional supervision in the community—and those who are in prison often serve limited sentences. This is of great concern because sex offenders, particularly if untreated, are at risk of re-offending.

For over two years, newspapers across the country, including the Hartford Courant, have highlighted the inadequacy of reporting information in missing child cases and tracking of convicted sex offenders and known child predators. One tragic example reported a convicted sex offender who moved from Massachusetts to Montana, where police were never contacted about his history. He brutally murdered several Montana children before he was apprehended, and was later linked to 54 cases of child abduction and molestation in several states.

In many cases, convicted sex offenders and child predators slip through law enforcement loopholes and continue to prey on children. While all 50 states have laws to create sex offender registry databases, states are unable to

adequately track these felons. For instance, in California, 33,000, or 44 percent of registered offenders are missing; it is estimated that states on average are unable to account for 24 percent of sex offenders.

Recently, the Supreme Court ruled against challenges from Alaska and Connecticut, and upheld current law pertaining to sexual offender registries. With the support of both Congress and the highest court of our land, it is inconceivable to me that we now allow bookkeeping challenges to deter law enforcements' ability to identify and locate child predators.

This bill makes several important changes to improve the tracking of sex offenders and the recovery of missing children. The bill: modifies the definition of ''minimally sufficient program'' to include: the registration of all convicted sex offenders prior to release; the collection of information to assist in tracking individuals, including a DNA sample, current photograph, driver's license and vehicle information; and verification of address and employment information for all offenders every 90 days. Modifies penalties for non-compliance with registry requirements. It provides that State programs must designate non-compliance as a felony and permits the issuance of a warrant. This provision is intended to encourage compliance by offenders as well as provide a tool for law enforcement and prosecutors. Improves the chances for recovering missing children and aids law enforcement in solving cases by preventing the removal of missing children from the National Crime Information Center (NCIC) database. Improves the chances for recovery of missing children by requiring entry of child information into the NCIC database within 2 hours.

We must make the tracking of convicted sex offenders and the post-release supervision of child sexual predators a higher priority. Since most sex offenders are in the community, we must ensure there is continuing contact and supervision of released sex offenders. Data management challenges are simply inexcusable reasons for not protecting our innocent children from crimes committed against them.

We have an obligation to protect our children from the abductors, sex offenders and sexual predators who prey on our children. I urge my colleagues to join myself, Senator COLLINS and Senator HATCH in supporting and furthering this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 151—ELIMINATING SECRET SENATE HOLDS

Mr. GRASSLEY (for himself, Mr. WYDEN, Mr. LUGAR, and Ms. LANDRIEU) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 151

Resolved,

SECTION 1. ELIMINATING SECRET SENATE HOLDS.

Rule VII of the Standing Rules of the Senate is amended by adding at the end the following:

''7. A Senator who provides notice to party leadership of his or her intention to object to proceeding to a motion or matter shall disclose the notice of objection (or hold) in the Congressional Record in a section reserved for such notices not later than 2 session days after the date of the notice.''.

Mr. GRASSLEY. Mr. President, today I am resubmitting a Senate resolution to amend the Standing Rules of the United States Senate to eliminate the practice of secret holds. I'm pleased that I am once again joined by my colleague, Senator WYDEN, in this effort. Senator WYDEN and I have been working together on this issue for some time and we have made some progress in bringing this issue to light and having it addressed. Still, the problem continues to reoccur and a permanent solution is needed.

I know many of my colleagues are well aware of the practice of placing an anonymous ''hold'' on a piece of legislation or a nomination. Some Senators have been victims of a secret hold placed on one of their bills and others may have used this practice.

Holds are not explicitly mentioned anywhere in the Senate Rules, but they derive from the rules and traditions of the Senate where a single Senator possesses a great deal of power to derail any matter. In order for the Senate to run smoothly, objections to unanimous consent agreements must be avoided. Essentially, a hold is a notice by a Senator to his or her party leader of an intention to object to bringing a bill or nomination to the floor for consideration. If the Majority Leader were to attempt to bring a matter up for consideration despite an objection, the Senate would be forced to consider the motion to proceed, which would be subject to a filibuster. Because this kind of delay would paralyze the working of the Senate, holds are usually honored as both a practical necessity and a senatorial courtesy.

A Senator might place a hold on a piece of legislation or a nomination because of legitimate concerns about an aspect of a bill or a nominee. However, there is no legitimate reason why a Senator placing a hold on a matter should remain anonymous.

I believe in the principle of open government. Lack of transparency in the public policy process leads to cynicism and distrust of public officials. I would maintain that the use of secret holds damages public confidence in the institution of the Senate.

It has been my policy to disclose in the CONGRESSIONAL RECORD any hold that I place on any matter in the Senate along with my reasons for doing so. I know Senator WYDEN does the same. I have used holds in the past when I thought a matter was progressing too fast and more questions needed to be answered. However, I feel that my colleagues have a right to know that it was GRASSLEY that placed the hold as well as why I did it.

As a practical matter, other members of the Senate need to be made aware of an individual senator's concerns. How else can those concerns be addressed? As a matter of principle, the American people need to be made aware of any action that prevents a matter from being considered by their elected senators.

Senator WYDEN and I have worked twice to get a similar ban on secret holds included in legislation passed by the Senate. But, both times it was removed in conference.

Then, at the beginning of the 106th Congress, Senate Leaders LOTT and DASCHLE circulated a letter informing senators of a new policy regarding the use of holds. The Lott/Daschle letter stated, '' . . . all members wishing to place a hold on any legislation or executive calendar business shall notify the sponsor of the legislation and the committee of jurisdiction of their concerns.''

This agreement was billed as marking the end of secret holds in the Senate. Unfortunately, this policy has not been followed consistently. Secret holds have continued to appear in the Senate. Last year, Senator WYDEN and I decided that we needed to continue to pursue a permanent change in the Senate Rules to end this practice and we introduced a Senate resolution to do just that. We were later joined by Senators LUGAR and LANDRIEU and I was glad to have their support. We are now submitting that same measure and I am encouraged that Rules Committee Chairman LOTT has expressed interest in examining our legislation and the problem of secret holds.

The Grassley-Wyden resolution would add a section to the Senate Rules requiring that Senators make public any hold placed on a matter within two session days of notifying his or her party leadership. This change will lead to more open dialogue and more constructive debate in the Senate.

Ending secret holds will make the workings of the Senate more transparent. It will reduce secrecy and public cynicism along with it. Moreover, this reform will improve the institutional reputation of the Senate. I look forward to working with Chairman LOTT and all my colleagues to address the problem of secret holds and hopefully make progress toward ending this distasteful practice once and for all.

Mr. WYDEN. Mr. President, for seven years Senator GRASSLEY and I have teamed up in a bipartisan way to champion the cause of the sunshine hold in the United States Senate. The sunshine hold is the less popular step sister of the more commonly used ''secret'' hold.

Even though it is one of the Senate's most popular procedures, neither the sunshine nor the secret ''hold'' can be found anywhere in the United States Constitution or in the Senate Rules. It

is one of the most powerful weapons that any Senator can wield in this body, and in its stealth version, known as the ''secret hold,'' it is far more potent and far more insidious.

The ''hold'' in the Senate is a lot like the seventh inning stretch in baseball: there is no official rule or regulation that talks about it, but it has been observed for so long that it has become a tradition.

Today, Senator GRASSLEY and I are resubmitting the resolution we sponsored in the 107th Congress to amend the Senate Rules to require that any Senator who wishes to object to a measure or matter publish that objection in the CONGRESSIONAL RECORD within 48 hours. The resolution does not in any way limit the privilege of any Senator to place a ''hold'' on a measure or matter. It is the anonymous hold that is so odious to the basic premise of our democratic system: that the exercise of power always should be accompanied by public accountability. Our resolution would bring the anonymous hold out of the shadows of the Senate. The resolution would assure that the awesome power possessed by an individual Senator to stop legislation or a nomination should be accompanied by public accountability.

Beginning in 1997 and again in 1998, the United States Senate voted unanimously in favor of amendments Senator GRASSLEY and I offered to require that a notice of intent to object be published in the CONGRESSIONAL RECORD within 48 hours. The amendments, however, never survived conference.

So we took our case directly to the leadership at that time, and to their credit, TOM DASCHLE and TRENT LOTT agreed it was time to make a change. They recognized the significant need for more openness in the way the United States Senate conducts its business so TOM DASCHLE and TRENT LOTT sent a joint letter in February 1999, to all Senators setting forth a policy requiring ''all Senators wishing to place a hold on any legislation or executive calender business [to] notify the sponsor of the legislation and the committee of jurisdiction of their concerns.'' The letter said that ''written notification should be provided to the respective Leader stating their intentions regarding the bill or nomination,'' and that ''holds placed on items by a member of a personal or committee staff will not be honored unless accompanied by a written notification from the objecting Senator by the end of the following business day.''

At first, this action by the Leaders seemed to make a real difference. Many Senators were more open about their holds, and staff could no longer slap a hold on a bill with a quick phone call. But after six to eight months, the clouds moved in on the sunshine hold and the Senate began to slip back towards the old ways. Abuses of the ''holds'' policy began to proliferate, staff-initiated holds-by-phone began anew, and it wasn't too long before legislative gridlock set in and the Senate seemed to have forgotten what Senators DASCHLE and LOTT had tried to do.

My own assessment of the situation now, which is not based on any scientific evidence, GAO investigation or CRS study, is that a significant number of our colleagues in the Senate have gotten the message sent by the Leaders, and have refrained from the use of secret holds. They inform sponsors about their objections, and do not allow their staff to place a hold without their approval. My sense is that the legislative gridlock generated by secret holds may be attributed to a relatively small number of Senate offices. The resolution we are submitting today will not be disruptive for a solid number of Senators, but it will up the ante on those who may be ''chronic abusers'' of the Leaders' policy on holds.

The requirement for public notice of a hold two days after the intent has been conveyed to the leadership may prove to be an inconvenience but not a hardship. No Senator will ever be thrown in jail for failing to give public notice of a hold. Senators routinely place statements in the CONGRESSIONAL RECORD recognizing the achievements of a local Boys and Girls Club, or congratulating a local sports team on a State championship. Surely the intent of a Senator to block the progress of legislation or a nomination should be considered of equal importance.

I have adhered to a policy of publicly announcing my intent to object to a measure or matter. This practice has not been a burden or inconvenience. On the contrary, my experience with the public disclosure of holds is that my objections are usually dealt with in an expeditious manner, thereby enabling the Senate to proceed with its business.

Although this is not the ''high season'' for holds, the time is not far off when legislation will become bogged down in the swamp of secret holds. The practice of anonymous multiple or rolling holds is more akin to legislative guerilla warfare than to the way the Senate should conduct its business.

It is time to drain the swamp of secret holds. The resolution we submit today will be referred to the Senate Committee on Rules. It is my hope that the Committee will take this resolution seriously, hold public hearings on it and give it a thorough vetting. This is one of the most awesome powers held by anyone in American government. It has been used countless times to stall and strangle legislation. It is time to bring accountability to the procedure and to the American people, and to put sunshine holds in the Senate Rules.

SENATE RESOLUTION 152—WELCOMING THE PRESIDENT OF THE PHILIPPINES TO THE UNITED STATES, EXPRESSING GRATITUDE TO THE GOVERNMENT OF THE PHILIPPINES FOR ITS STRONG COOPERATION WITH THE UNITED STATES IN THE CAMPAIGN AGAINST TERRORISM AND ITS MEMBERSHIP IN THE COALITION TO DISARM IRAQ, AND REAFFIRMING THE COMMITMENT OF CONGRESS TO THE CONTINUOUS EXPANSION OF FRIENDSHIP AND COOPERATION BETWEEN THE UNITED STATES AND THE PHILIPPINES

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

S. RES. 152

Whereas the United States and the Philippines have shared a special relationship as close friends for more than a century;

Whereas the United States and the Philippines have been allies for more than 50 years under the Mutual Defense Treaty which was signed at Washington on August 30, 1951 (3 UST 3947);

Whereas the United States and the Philippines share a common commitment to democracy, human rights, and freedom;

Whereas the United States and the Philippines share a common goal of bringing peace, stability and prosperity to the Asia-Pacific region;

Whereas the President of the Philippines, Her Excellency Gloria Macapagal-Arroyo, was the first leader in Asia to commit full support for the United States and its war against global terror after the terrorist attacks of September 11, 2001;

Whereas the Governments of the United States and the Philippines have effectively joined forces to combat the terrorist threat in Southeast Asia and are collaborating on a comprehensive political, economic, and security program designed to defeat terrorist threats in the Philippines, including those from Muslim extremists, Communist insurgents and international terrorists;

Whereas the Governments of the United States and the Philippines believe that, in light of growing evidence that links exist between entities in the Philippines and international terrorist groups, the two countries should enhance their cooperative efforts to combat international terrorism;

Whereas the Government of the United States welcomes and will assist the efforts of the Government of the Philippines to forge a lasting peace, protect human rights, and promote economic development on the island of Mindanao;

Whereas President Arroyo has fully supported the United States position on Iraq, including joining the coalition to enact change in Iraq and arranging to send a humanitarian contingent to help the newly liberated people of that country;

Whereas the United States welcomes the strong statements by President Arroyo on the need for North Korea to accept international norms on non-proliferation of weapons of mass destruction;

Whereas the United States fully supports the campaign of President Arroyo to implement economic and political reforms and to build a strong Republic in the Philippines to defend Philippine democracy from terror and to strengthen the Philippines as an ally of the United States: Now, therefore, be it

Resolved, That the Senate

(1) welcomes the President, Her Excellency Gloria Macapagal-Arroyo, to the United States;

(2) expresses profound gratitude to the Government and the people of the Philippines for the expressions of support and sympathy provided after the September 11, 2001, terrorist attacks, and for the Philippines' strong cooperation in the on-going war against global terrorism, membership in the coalition to disarm Iraq, and assistance in helping to rebuild that country; and

(3) reaffirms its commitment to the continued expansion of friendship and cooperation between the Governments and the people of the United States and the Philippines.

AMENDMENTS SUBMITTED & PROPOSED

SA 757. Ms. COLLINS (for herself, Mr. TALENT, Mrs. HUTCHISON, Ms. SNOWE, and Mr. LEVIN) proposed an amendment to the bill S. 1050, 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.

SA 758. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 759. Mr. NELSON, of Florida proposed an amendment to the bill S. 1050, supra.

SA 760. Mr. COCHRAN (for himself, Mr. REED, Mr. CHAMBLISS, Mr. NELSON, of Nebraska, Ms. MIKULSKI, Mr. BOND, and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 761. Mr. GRAHAM, of South Carolina (for himself, Mr. MILLER, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 762. Ms. COLLINS (for herself and Mr. VOINOVICH) submitted an amendment intended to be proposed by her to the bill S. 1050, supra; which was ordered to lie on the table.

SA 763. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1050, supra.

SA 764. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 765. Mr. BINGAMAN (for himself, Mr. DORGAN, Mr. REED, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 1050, supra.

SA 766. Mr. NELSON, of Florida (for himself, Mr. WARNER, and Mr. LEVIN) proposed an amendment to the bill S. 1050, supra.

SA 767. Mr. NELSON, of Florida (for himself, Mr. WARNER, and Mr. LEVIN) proposed an amendment to the bill S. 1050, supra.

SA 768. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 769. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 770. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 771. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 772. Mr. GRASSLEY (for himself, Mr. HARKIN, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 773. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 774. Mr. HARKIN proposed an amendment to the bill S. 1050 , supra.

SA 775. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 1050, supra; which was ordered to lie on the table.

SA 776. Mr. BENNETT (for himself, Mr. REID, and Mr. ALLEN) proposed an amendment to the bill S. 1050, supra.

SA 777. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 778. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 779. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1050, supra.

SA 780. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 781. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 782. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 783. Mr. McCAIN proposed an amendment to the bill S. 1050 , supra.

SA 784. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1050, supra.

SA 785. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 786. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1050, supra; which was ordered to lie on the table.

SA 787. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 788. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 789. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 790. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 791. Mr. DASCHLE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 792. Mr. WARNER proposed an amendment to the bill S. 1050 , supra.

SA 793. Mr. LEVIN (for Mr. WYDEN (for himself, Ms. COLLINS, Mrs. CLINTON, Mr. BYRD, and Mr. LAUTENBERG)) proposed an amendment to the bill S. 1050, supra.

SA 794. Mr. WARNER (for Mr. MCCAIN (for himself and Mr . BAYH)) proposed an amendment to the bill S. 1050, supra.

SA 795. Mr. WARNER (for Mr. ROBERTS) proposed an amendment to the bill S. 1050, supra.

SA 796. Mr. LEVIN (for Mrs. FEINSTEIN (for himself and Mr. STEVENS)) proposed an amendment to the bill S. 1050, supra.

SA 797. Mr. LEVIN (for Mr. LIEBERMAN) proposed an amendment to the bill S. 1050, supra.

SA 798. Mr. WARNER proposed an amendment to the bill S. 1050, supra.

TEXT OF AMENDMENTS

SA 757. Ms. COLLINS (for herself, Mr. TALENT, Mrs. HUTCHISON, Ms. SNOWE, and Mr. LEVIN) proposed an amendment to the bill S. 1050, 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; as follows:

On page 222, between the matter following line 12 and line 13, insert the following:

SEC. 866. CONSOLIDATION OF CONTRACT REQUIREMENTS.

(a) AMENDMENT TO TITLE 10.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2381 the following new section:

"§ 2382. Consolidation of contract requirements: policy and restrictions

"(a) POLICY.—The Secretary of Defense shall require the Secretary of each military department, the head of each Defense Agency, and the head of each Department of Defense Field Activity to ensure that the decisions made by that official regarding consolidation of contract requirements of the department, agency, or field activity, as the case may be, are made with a view to providing small business concerns with appropriate opportunities to participate in Department of Defense procurements as prime contractors and appropriate opportunities to participate in such procurements as subcontractors.

"(b) LIMITATION ON USE OF ACQUISITION STRATEGIES INVOLVING CONSOLIDATION.—(1) An official of a military department, Defense Agency, or Department of Defense Field Activity may not execute an acquisition strategy that includes a consolidation of contract requirements of the military department, agency, or activity with a total value in excess of $5,000,000, unless the senior procurement executive concerned first—

"(A) conducts market research;

"(B) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements; and

"(C) determines that the consolidation is necessary and justified.

"(2) A senior procurement executive may determine that an acquisition strategy involving a consolidation of contract requirements is necessary and justified for the purposes of paragraph (1) if the benefits of the acquisition strategy substantially exceed the benefits of each of the possible alternative contracting approaches identified under subparagraph (B) of that paragraph. However, savings in administrative or personnel costs alone do not constitute, for such purposes, a sufficient justification for a consolidation of contract requirements in a procurement unless the total amount of the cost savings is expected to be substantial in relation to the total cost of the procurement.

"(3) Benefits considered for the purposes of paragraphs (1) and (2) may include cost and, regardless of whether quantifiable in dollar amounts—

"(A) quality;

"(B) acquisition cycle;

"(C) terms and conditions; and

"(D) any other benefit.

"(c) DEFINITIONS.—In this section:

''(1) The terms 'consolidation of contract requirements' and 'consolidation', with respect to contract requirements of a military department, Defense Agency, or Department of Defense Field Activity, mean a use of a solicitation to obtain offers for a single contract or a multiple award contract to satisfy two or more requirements of that department, agency, or activity for goods or services that have previously been provided to, or performed for, that department, agency, or activity under two or more separate contracts smaller in cost than the total cost of the contract for which the offers are solicited.

''(2) The term ''multiple award contract'' means—

''(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of this title;

''(B) a multiple award task order contract or delivery order contract that is entered into under the authority of sections 2304a through 2304d of this title or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

''(C) any other indeterminate delivery, indeterminate quantity contract that is entered into by the head of a Federal agency with two or more sources pursuant to the same solicitation.

''(3) The term 'senior procurement executive concerned' means—

''(A) with respect to a military department, the official designated under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)) as the senior procurement executive for the military department; or

''(B) with respect to a Defense Agency or a Department of Defense Field Activity, the official so designated for the Department of Defense.

''(4) The term 'small business concern' means a business concern that is determined by the Administrator of the Small Business Administration to be a small-business concern by application of the standards prescribed under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2381 the following new item:

''2382. Consolidation of contract requirements: policy and restrictions.''.

(b) DATA REVIEW.—(1) The Secretary of Defense shall revise the data collection systems of the Department of Defense to ensure that such systems are capable of identifying each procurement that involves a consolidation of contract requirements within the department with a total value in excess of $5,000,000.

(2) The Secretary shall ensure that appropriate officials of the Department of Defense periodically review the information collected pursuant to paragraph (1) in cooperation with the Small Business Administration—

(A) to determine the extent of the consolidation of contract requirements in the Department of Defense; and

(B) to assess the impact of the consolidation of contract requirements on the availability of opportunities for small business concerns to participate in Department of Defense procurements, both as prime contractors and as subcontractors.

(3) In this subsection:

(A) The term ''consolidation of contract requirements'' has the meaning given that term in section 2382(c)(1) of title 10, United States Code, as added by subsection (a).

(B) The term ''small business concern'' means a business concern that is determined by the Administrator of the Small Business Administration to be a small-business concern by application of the standards prescribed under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(c) APPLICABILITY.—This section applies only with respect to contracts entered into with funds authorized to be appropriated by this Act.

SA 758. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 1050, 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 Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table, as follows:

On page 21, after line 20, insert the following:

SEC. 132. B–1B BOMBER AIRCRAFT.

(a) AMOUNT FOR AIRCRAFT.—(1) Of the amount authorized to be appropriated under section 103(1), $20,300,000 shall be available to reconstitute the fleet of B–1B bomber aircraft through modifications of 23 B–1B bomber aircraft otherwise scheduled to be retired in fiscal year 2003 that extend the service life of such aircraft and maintain or, as necessary, improve the capabilities of such aircraft for mission performance.

(2) The Secretary of the Air Force shall submit to the congressional defense committees a report that specifies the amounts necessary to be included in the future-years defense program to reconstitute the B–1B bomber aircraft fleet of the Air Force.

(b) ADJUSTMENT.—The total amount authorized to be appropriated under section 103(1) is hereby increased by $20,300,000.

SA 759. Mr. NELSON of Florida proposed an amendment to the bill S. 1050, 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; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1039. SENSE OF SENATE ON REWARD FOR INFORMATION LEADING TO RESOLUTION OF STATUS OF MEMBERS OF THE ARMED FORCES WHO REMAIN MISSING IN ACTION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Defense estimates that there are more than 10,000 members of the Armed Forces and others who as a result of activities during the Korean War or the Vietnam War were placed in a missing status or a prisoner of war status, or who were determined to have been killed in action although the body was not recovered, and who remain unaccounted for.

(2) One member of the Armed Forces, Navy Captain Michael Scott Speicher, remains missing in action from the first Persian Gulf War, and there have been credible reports of him being seen alive in Iraq in the years since his plane was shot down on January 16, 1991.

(3) The United States should always pursue every lead and leave no stone unturned to completely account for the fate of its missing members of the Armed Forces.

(4) The Secretary of Defense has the authority to disburse funds as a reward to individuals who provide information leading to the conclusive resolution of cases of missing members of the Armed Forces.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) that the Secretary of Defense should use the authority available to the Secretary to disburse funds rewarding individuals who provide information leading to the conclusive resolution of the status of any missing member of the Armed Forces; and

(2) to encourage the Secretary to authorize and publicize a reward of $1,000,000 for information resolving the fate of those members of the Armed Forces, such as Michael Scott Speicher, who the Secretary has reason to believe may yet be alive in captivity.

SA 760. Mr. COCHRAN (for himself, Mr. REED, Mr. CHAMBLISS, Mr. NELSON of Nebraska, Ms. MIKULSKI, Mr. BOND, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 1050, 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; which was ordered to lie on the table; as follows:

On page 40, between lines 7 and, 8 insert the following:

SEC. 235. COPRODUCTION OF ARROW BALLISTIC MISSILE DEFENSE SYSTEM.

Of the total amount authorized to be appropriated under section 201 for ballistic missile defense, $115,000,000 may be available for coproduction of the Arrow ballistic missile defense system.

SA 761. Mr. GRAHAM of South Carolina (for himself, Mr. MILLER, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1050, 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; which was ordered to lie on the table; as follows:

On page 152 strike line 22 and all that follows through line 9 on page 153, and insert the following:

(a) AGE AND SERVICE REQUIREMENTS.—Subsection (a) of section 12731 of title 10, United States Code, is amended to read as follows:

''(a)(1) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—

''(A) satisfies one of the combinations of requirements for minimum age and minimum number of years of service (computed under section 12732 of this title) that are specified in the table in paragraph (2);

''(B) performed the last six years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve, except that in the case of a person who completed 20 years of service computed under section 12732 of this title before October 5, 1994, the number of years of qualifying service under this subparagraph shall be eight; and

''(C) is not entitled, under any other provision of law, to retired pay from an armed

force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

''(a)(2) The combinations of minimum age and minimum years of service required of a person under subparagraph (A) of paragraph (1) for entitlement to retired pay as provided in such paragraph are as follows:

''Age, in years, is:	**The minimum years of service at least required for that age is:**
53	34
54	32
55	30
56	28
57	26
58	24
59	22
60	20.''.

(b) 20-YEAR LETTER.—Subsection (d) of such section is amended by striking ''the years of service required for eligibility for retired pay under this chapter'' in the first sentence and inserting ''20 years of service computed under section 732 of this title.''.

(c) EQUIVALENT TREATMENT FOR CHIEFS OF SERVICE.—Subsection (i) of section 1406 of title 10, United States Code, is amended by inserting ''as a commander of a specified or unified combatant command (as defined in section 161(c) of this title),'' after ''Chief of Service,''.

(d) RECONCILING AMENDMENT.—The heading for the applicable subsection is amended by inserting ''COMMANDERS OF COMBATANT COMMANDS,'' after ''CHIEF OF SERVICE,''.

(e) EFFECTIVE DATE.—This section and the amendments made by this subsection (a) and (b) shall take effect upon enactment of this Act. Subsections (c) and (d) shall apply with . . .

SA 762. Ms. COLLINS (for herself and Mr. VOINOVICH) submitted an amendment intended to be proposed by her to the bill S. 1050, 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; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE ____—NATIONAL SECURITY PERSONNEL SYSTEM AND DEPARTMENT OF DEFENSE CIVIL SERVICE IMPROVEMENT

SEC. ____01. SHORT TITLE.

This title may be cited as the ''National Security Personnel System Act''.

SEC. ____02. DEPARTMENT OF DEFENSE NATIONAL SECURITY PERSONNEL SYSTEM.

(a) IN GENERAL.—(1) Subpart I of part III of title 5, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 99—DEPARTMENT OF DEFENSE NATIONAL SECURITY PERSONNEL SYSTEM

''Sec.
''9901. Definitions.
''9902. Establishment of human resources management system.
''9903. Contracting for personal services.
''9904. Attracting highly qualified experts.
''9905. Special pay and benefits for certain employees outside the United States.

''§ 9901. Definitions

''For purposes of this chapter—

''(1) the term 'Director' means the Director of the Office of Personnel Management; and

''(2) the term 'Secretary' means the Secretary of Defense.

''§ 9902. Establishment of human resources management system

''(a) IN GENERAL.—Notwithstanding any other provision of this part, the Secretary may, in regulations prescribed jointly with the Director, establish a human resources management system for some or all of the organizational or functional units of the Department of Defense. The human resources system established under authority of this section shall be referred to as the 'National Security Personnel System'.

''(b) SYSTEM REQUIREMENTS.—The National Security Personnel System established under subsection (a) shall—

''(1) be flexible;

''(2) be contemporary;

''(3) not waive, modify, or otherwise affect—

''(A) the public employment principles of merit and fitness set forth in section 2301, including the principles of hiring based on merit, fair treatment without regard to political affiliation or other nonmerit considerations, equal pay for equal work, and protection of employees against reprisal for whistleblowing;

''(B) any provision of section 2302, relating to prohibited personnel practices;

''(C)(i) any provision of law referred to in section 2302(b)(1), (8), and (9); or

''(ii) any provision of law implementing any provision of law referred to in section 2302(b) (1), (8), and (9) by—

''(I) providing for equal employment opportunity through affirmative action; or

''(II) providing any right or remedy available to any employee or applicant for employment in the public service;

''(D) any other provision of this part (as described in subsection (c)); or

''(E) any rule or regulation prescribed under any provision of law referred to in this paragraph;

''(4) ensure that employees may organize, bargain collectively as provided for in this chapter, and participate through labor organizations of their own choosing in decisions which affect them, subject to the provisions of this chapter and any exclusion from coverage or limitation on negotiability established pursuant to law; and

''(5) not be limited by any specific law, authority, rule, or regulation prescribed under this title that is waived in regulations prescribed under this chapter.

''(c) OTHER NONWAIVABLE PROVISIONS.—The other provisions of this part referred to in subsection (b)(3)(D) are (to the extent not otherwise specified in this title)—

''(1) subparts A, B, E, G, and H of this part; and

''(2) chapters 41, 45, 47, 55 (except subchapter V thereof), 57, 59, 71, 72, 73, and 79, and this chapter.

''(d) LIMITATIONS RELATING TO PAY.—(1) Nothing in this section shall constitute authority to modify the pay of any employee who serves in an Executive Schedule position under subchapter II of chapter 53 of this title.

''(2) Except as provided for in paragraph (1), the total amount in a calendar year of allowances, differentials, bonuses, awards, or other similar cash payments paid under this title to any employee who is paid under section 5376 or 5383 of this title or under title 10 or under other comparable pay authority established for payment of Department of Defense senior executive or equivalent employees may not exceed the total annual compensation payable to the Vice President under section 104 of title 3.

''(e) PROVISIONS TO ENSURE COLLABORATION WITH EMPLOYEE REPRESENTATIVES.—(1) In order to ensure that the authority of this section is exercised in collaboration with, and in a manner that ensures the participation of, employee representatives in the planning, development, and implementation of any human resources management system or adjustments to such system under this section, the Secretary and the Director shall provide for the following:

''(A) The Secretary and the Director shall, with respect to any proposed system or adjustment—

''(i) provide to the employee representatives representing any employees who might be affected a written description of the proposed system or adjustment (including the reasons why it is considered necessary);

''(ii) give such representatives at least 30 calendar days (unless extraordinary circumstances require earlier action) to review and make recommendations with respect to the proposal; and

''(iii) give any recommendations received from such representatives under clause (ii) full and fair consideration in deciding whether or how to proceed with the proposal.

''(B) Following receipt of recommendations, if any, from such employee representatives with respect to a proposal described in subparagraph (A), the Secretary and the Director shall accept such modifications to the proposal in response to the recommendations as they determine advisable and shall, with respect to any parts of the proposal as to which they have not accepted the recommendations—

''(i) notify Congress of those parts of the proposal, together with the recommendations of the employee representatives;

''(ii) meet and confer for not less than 30 calendar days with the employee representatives, in order to attempt to reach agreement on whether or how to proceed with those parts of the proposal; and

''(iii) at the Secretary's option, or if requested by a majority of the employee representatives participating, use the services of the Federal Mediation and Conciliation Service during such meet and confer period to facilitate the process of attempting to reach agreement.

''(C)(i) Any part of the proposal as to which the representatives do not make a recommendation, or as to which the recommendations are accepted by the Secretary and the Director, may be implemented immediately.

''(ii) With respect to any parts of the proposal as to which recommendations have been made but not accepted by the Secretary and the Director, at any time after 30 calendar days have elapsed since the initiation of the congressional notification, consultation, and mediation procedures set forth in subparagraph (B), if the Secretary, in his discretion, determines that further consultation and mediation is unlikely to produce agreement, the Secretary may implement any or all of such parts (including any modifications made in response to the recommendations as the Secretary determines advisable), but only after 30 days have elapsed after notifying Congress of the decision to implement the part or parts involved (as so modified, if applicable).

''(iii) The Secretary shall notify Congress promptly of the implementation of any part of the proposal and shall furnish with such notice an explanation of the proposal, any changes made to the proposal as a result of recommendations from the employee representatives, and of the reasons why implementation is appropriate under this subparagraph.

''(D) If a proposal described in subparagraph (A) is implemented, the Secretary and the Director shall—

''(i) develop a method for the employee representatives to participate in any further planning or development which might become necessary; and

''(ii) give the employee representatives adequate access to information to make that participation productive.

''(2) The Secretary may, at the Secretary's discretion, engage in any and all collaboration activities described in this subsection at an organizational level above the level of exclusive recognition.

''(3) In the case of any employees who are not within a unit with respect to which a labor organization is accorded exclusive recognition, the Secretary and the Director may develop procedures for representation by any appropriate organization which represents a substantial percentage of those employees or, if none, in such other manner as may be appropriate, consistent with the purposes of this subsection.

''(f) PAY-FOR-PERFORMANCE EVALUATION SYSTEM.—(1) The National Security Personnel System established in accordance with this chapter shall include a pay-for-performance evaluation system to better link individual pay to performance and provide an equitable method for appraising and compensating employees.

''(2) The regulations implementing this chapter shall—

''(A) group employees into pay bands in accordance with the type of function that such employees perform and their level of responsibility; and

''(B) establish a performance rating process, which shall include, at a minimum—

''(i) rating periods;

''(ii) communication and feedback requirements;

''(iii) performance scoring systems;

''(iv) a system for linking performance scores to salary increases and performance incentives;

''(v) a review process;

''(vi) a process for addressing performance that fails to meet expectations; and

''(vii) a pay-out process.

''(3) For fiscal years 2004 through 2008, the overall amount allocated for compensation of the civilian employees of an organizational or functional unit of the Department of Defense that is included in the National Security Personnel System shall not be less than the amount of civilian pay that would have been allocated to such compensation under the General Schedule system, based on—

''(A) the number and mix of employees in such organizational or functional unit prior to the conversion of such employees to the National Security Personnel System; and

''(B) adjusted for normal step increases and rates of promotion that would have been expected, had such employees remained in the General System system.

''(4) The regulations implementing the National Security Personnel System shall provide a formula for calculating the overall amount to be allocated for fiscal years after fiscal year 2008 for compensation of the civilian employees of an organizational or functional unit of the Department of Defense that is included in the National Security Personnel System. The formula shall ensure that such employees are not disadvantaged in terms of the overall amount of pay available as a result of conversion to the National Security Personnel System, while providing flexibility to accommodate changes in the function of the organization, changes in the mix of employees performing those functions, and other changed circumstances that might impact pay levels.

''(5) Funds allocated for compensation of the civilian employees of an organizational or functional unit of the Department of Defense in accordance with paragraph (3) or (4) may not be made available for any other purpose unless the Secretary of Defense determines that such action is necessary in the national interest and submits a reprogramming notification in accordance with established procedures.

''(g) PERFORMANCE MANAGEMENT SYSTEM.—The Secretary of Defense shall develop and implement for organizational and functional units included in the National Security Personnel System, a performance management system that includes—

''(1) adherence to merit principles set forth in section 2301;

''(2) a fair, credible, and equitable system that results in meaningful distinctions in individual employee performance;

''(3) a link between the performance management system and the agency's strategic plan;

''(4) a means for ensuring employee involvement in the design and implementation of the system;

''(5) adequate training and retraining for supervisors, managers, and employees in the implementation and operation of the performance management system;

''(6) a process for ensuring ongoing performance feedback and dialogue between supervisors, managers, and employees throughout the appraisal period, and setting timetables for review;

''(7) effective transparency and accountability measures to ensure that the management of the system is fair, credible, and equitable, including appropriate independent reasonableness, reviews, internal grievance procedures, internal assessments, and employee surveys; and

''(8) a means for ensuring that adequate agency resources are allocated for the design, implementation, and administration of the performance management system.

''(h) PROVISIONS REGARDING NATIONAL LEVEL BARGAINING.—(1) The National Security Personnel System implemented or modified under this chapter may include employees of the Department of Defense from any bargaining unit with respect to which a labor organization has been accorded exclusive recognition under chapter 71 of this title.

''(2) For issues impacting more than 1 bargaining unit so included under paragraph (1), the Secretary may bargain at an organizational level above the level of exclusive recognition. Any such bargaining shall—

''(A) be binding on all subordinate bargaining units at the level of recognition and their exclusive representatives, and the Department of Defense and its subcomponents, without regard to levels of recognition;

''(B) supersede all other collective bargaining agreements, including collective bargaining agreements negotiated with an exclusive representative at the level of recognition, except as otherwise determined by the Secretary; and

''(C) not be subject to further negotiations for any purpose, including bargaining at the level of recognition, except as provided for by the Secretary.

''(3) The National Guard Bureau and the Army and Air Force National Guard are excluded from coverage under this subsection.

''(4) Any bargaining completed pursuant to this subsection with a labor organization not otherwise having national consultation rights with the Department of Defense or its subcomponents shall not create any obligation on the Department of Defense or its subcomponents to confer national consultation rights on such a labor organization.

''(i) PROVISIONS RELATING TO APPELLATE PROCEDURES.—(1) The Secretary shall—

''(A) establish an appeals process that provides that employees of the Department of Defense are entitled to fair treatment in any appeals that they bring in decisions relating to their employment; and

''(B) in prescribing regulations for any such appeals process—

''(i) ensure that employees of the Department of Defense are afforded the protections of due process; and

''(ii) toward that end, be required to consult with the Merit Systems Protection Board before issuing any such regulations.

''(2) On and after the date occurring 3 years after the date of enactment of the National Security Personnel System Act an employee of the Department of Defense—

''(A) may not appeal any employment related decision to the Merit Systems Protection Board; and

''(B) shall make any such appeal under the appeals process established under paragraph (1).

''(j) PHASE-IN.—(1) The Secretary of Defense is authorized to apply the National Security Personnel System established in accordance with subsection (a) to organizational or functional units including—

''(A) up to 120,000 civilian employees of the Department of Defense in fiscal year 2004;

''(B) up to 240,000 civilian employees of the Department of Defense in fiscal year 2005;

''(C) up to 360,000 civilian employees in the first fiscal year after the Department meets the criteria specified in paragraph (2);

''(D) up to 480,000 civilian employees in the second fiscal year after the Department meets the criteria specified in paragraph (2); and

''(E) the entire civilian workforce of the Department of Defense in the third fiscal year after the Department meets the criteria specified in paragraph (2).

''(2) The Secretary of Defense is authorized to increase the scope of the National Security Personnel System in accordance with subparagraphs (C), (D), and (E) of paragraph (1) in a fiscal year after fiscal year 2005, if the Director of the Office of Personnel Management has certified that the Department has in place—

''(A) a performance management system that meets the criteria specified in subsection (g); and

''(B) a pay formula that meets the criteria specified in subsection (f).

''(3) Civilian employees in organizational or functional units participating in Department of Defense personnel demonstration projects shall be counted as participants in the National Security Personnel System for the purpose of the limitations established under paragraph (1).

''(k) PROVISIONS RELATED TO SEPARATION AND RETIREMENT INCENTIVES.—(1) The Secretary may establish a program within the Department of Defense under which employees may be eligible for early retirement, offered separation incentive pay to separate from service voluntarily, or both. This authority may be used to reduce the number of personnel employed by the Department of Defense or to restructure the workforce to meet mission objectives without reducing the overall number of personnel. This authority is in addition to, and notwithstanding, any other authorities established by law or regulation for such programs.

''(2)(A) The Secretary may not authorize the payment of voluntary separation incentive pay under paragraph (1) to more than 10,000 employees in any fiscal year, except that employees who receive voluntary separation incentive pay as a result of a closure or realignment of a military installation under the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) shall not be included in that number.

''(B) The Secretary shall prepare a report each fiscal year setting forth the number of

employees who received such pay as a result of a closure or realignment of a military base as described under subparagraph (A).

''(C) The Secretary shall submit the report under subparagraph (B) to—

''(i) the Committee on the Armed Services and the Committee on Government Affairs of the Senate; and

''(ii) the Committee on Armed Services and the Committee on Government Reform of the House of Representatives.

''(3) For purposes of this section, the term 'employee' means an employee of the Department of Defense, serving under an appointment without time limitation, except that such term does not include—

''(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of this title, or another retirement system for employees of the Federal Government;

''(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in paragraph (1); or

''(C) for purposes of eligibility for separation incentives under this section, an employee who is in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

''(4) An employee who is at least 50 years of age and has completed 20 years of service, or has at least 25 years of service, may, pursuant to regulations promulgated under this section, apply and be retired from the Department of Defense and receive benefits in accordance with chapter 83 or 84 if the employee has been employed continuously within the Department of Defense for more than 30 days before the date on which the determination to conduct a reduction or restructuring within 1 or more Department of Defense components is approved pursuant to the system established under subsection (a).

''(5)(A) Separation pay shall be paid in a lump sum or in installments and shall be equal to the lesser of—

''(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of this title, if the employee were entitled to payment under such section; or

''(ii) $25,000.

''(B) Separation pay shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit. Separation pay shall not be taken into account for the purpose of determining the amount of any severance pay to which an individual may be entitled under section 5595 of this title, based on any other separation.

''(C) Separation pay, if paid in installments, shall cease to be paid upon the recipient's acceptance of employment by the Federal Government, or commencement of work under a personal services contract as described in paragraph (5).

''(6) An employee who receives separation pay under this section on the basis of a separation occurring on or after the date of the enactment of the Federal Workforce Restructuring Act of 1994 (Public Law 103–236; 108 Stat. 111) and accepts employment with the Government of the United States, or who commences work through a personal services contract with the United States within 5 years after the date of the separation on which payment of the separation pay is based, shall be required to repay the entire amount of the separation pay to the Department of Defense. If the employment is with an Executive agency (as defined by section 105 of this title) other than the Department of Defense, the Director may, at the request of the head of that agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is within the Department of Defense, the Secretary may waive the repayment if the individual involved is the only qualified applicant available for the position. If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

''(7) Under this program, early retirement and separation pay may be offered only pursuant to regulations established by the Secretary, subject to such limitations or conditions as the Secretary may require.

''(l) PROVISIONS RELATING TO HIRING.—Notwithstanding subsection (c), the Secretary may exercise any hiring flexibilities that would otherwise be available to the Secretary under section 4703(a)(1).

''§ 9903. Contracting for personal services

''(a) OUTSIDE THE UNITED STATES.—The Secretary may contract with individuals for services to be performed outside the United States as determined by the Secretary to be necessary and appropriate for supporting the activities and programs of the Department of Defense outside the United States.

''(b) NO FEDERAL EMPLOYEES.—Individuals employed by contract under subsection (a) shall not, by virtue of such employment, be considered employees of the United States Government for the purposes of—

''(1) any law administered by the Office of Personnel Management; or

''(2) under the National Security Personnel System established under this chapter.

''(c) APPLICABILITY OF LAW.—Any contract entered into under subsection (a) shall not be subject to any statutory provision prohibiting or restricting the use of personnel service contracts.

''§ 9904. Attracting highly qualified experts

''(a) IN GENERAL.—The Secretary may carry out a program using the authority provided in subsection (b) in order to attract highly qualified experts in needed occupations, as determined by the Secretary.

''(b) AUTHORITY.—Under the program, the Secretary may—

''(1) appoint personnel from outside the civil service and uniformed services (as such terms are defined in section 2101 of this title) to positions in the Department of Defense without regard to any provision of this title governing the appointment of employees to positions in the Department of Defense;

''(2) prescribe the rates of basic pay for positions to which employees are appointed under paragraph (1) at rates not in excess of the maximum rate of basic pay authorized for senior-level positions under section 5376 of this title, as increased by locality-based comparability payments under section 5304 of this title, notwithstanding any provision of this title governing the rates of pay or classification of employees in the executive branch; and

''(3) pay any employee appointed under paragraph (1) payments in addition to basic pay within the limits applicable to the employee under subsection (d).

''(c) LIMITATION ON TERM OF APPOINTMENT.—(1) Except as provided in paragraph (2), the service of an employee under an appointment made pursuant to this section may not exceed 5 years.

''(2) The Secretary may, in the case of a particular employee, extend the period to which service is limited under paragraph (1) by up to 1 additional year if the Secretary determines that such action is necessary to promote the Department of Defense's national security missions.

''(d) LIMITATIONS ON ADDITIONAL PAYMENTS.—(1) The total amount of the additional payments paid to an employee under this section for any 12-month period may not exceed the lesser of the following amounts:

''(A) $50,000 in fiscal year 2004, which may be adjusted annually thereafter by the Secretary, with a percentage increase equal to one-half of 1 percentage point less than the percentage by which the Employment Cost Index, published quarterly by the Bureau of Labor Statistics, for the base quarter of the year before the preceding calendar year exceeds the Employment Cost Index for the base quarter of the second year before the preceding calendar year.

''(B) The amount equal to 50 percent of the employee's annual rate of basic pay.

For purposes of this paragraph, the term 'base quarter' has the meaning given such term by section 5302(3).

''(2) An employee appointed under this section is not eligible for any bonus, monetary award, or other monetary incentive for service except for payments authorized under this section.

''(3) Notwithstanding any other provision of this subsection or of section 5307, no additional payments may be paid to an employee under this section in any calendar year if, or to the extent that, the employee's total annual compensation will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3.

''(e) LIMITATION ON NUMBER OF HIGHLY QUALIFIED EXPERTS.—The number of highly qualified experts appointed and retained by the Secretary under subsection (b)(1) shall not exceed 300 at any time.

''(f) SAVINGS PROVISIONS.—In the event that the Secretary terminates this program, in the case of an employee who, on the day before the termination of the program, is serving in a position pursuant to an appointment under this section—

''(1) the termination of the program does not terminate the employee's employment in that position before the expiration of the lesser of—

''(A) the period for which the employee was appointed; or

''(B) the period to which the employee's service is limited under subsection (c), including any extension made under this section before the termination of the program; and

''(2) the rate of basic pay prescribed for the position under this section may not be reduced as long as the employee continues to serve in the position without a break in service.

''§ 9905. Special pay and benefits for certain employees outside the United States

''The Secretary may provide to certain civilian employees of the Department of Defense assigned to activities outside the United States as determined by the Secretary to be in support of Department of Defense activities abroad hazardous to life or health or so specialized because of security requirements as to be clearly distinguishable from normal Government employment—

''(1) allowances and benefits—

''(A) comparable to those provided by the Secretary of State to members of the Foreign Service under chapter 9 of title I of the Foreign Service Act of 1980 (Public Law 96–465, 22 U.S.C. 4081 et seq.) or any other provision of law; or

''(B) comparable to those provided by the Director of Central Intelligence to personnel of the Central Intelligence Agency; and

''(2) special retirement accrual benefits and disability in the same manner provided for by the Central Intelligence Agency Retirement Act (50 U.S.C. 2001 et seq.) and in section 18 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403r).''.

(2) The table of chapters for part III of such title is amended by adding at the end of subpart I the following new item:

''99. Department of Defense National Security Personnel System ..... 9901''.

(b) IMPACT ON DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL.—(1) Any exercise of authority under chapter 99 of such title (as added by subsection (a)), including under any system established under such chapter, shall be in conformance with the requirements of this subsection.

(2) No other provision of this Act or of any amendment made by this Act may be construed or applied in a manner so as to limit, supersede, or otherwise affect the provisions of this section, except to the extent that it does so by specific reference to this section.

(c) EXTERNAL THIRD-PARTY REVIEW OF LABOR-MANAGEMENT DISPUTES.—Chapter 71 of title 5, United States Code is amended—

(1) in section 7105(a), by adding at the end the following:

''(3)(A) In carrying out subparagraphs (C), (D), (E), (F), and (H) of paragraph (2), in matters that involve agencies and employees of the Department of Defense, the Authority shall take final action within 180 days after the filing of a charge, unless—

''(i) there is express approval of the parties to extend the 180-day period; or

''(ii) the Authority extends the 180-day period under subparagraph (B).

''(B) In cases raising significant issues that involve agencies and employees of the Department of Defense, the Authority may extend the time limit under subparagraph (A), and the time limits under sections 7105(e)(1), 7105(f) and 7118(a)(9) of this title, if the Authority gives notice to the public of the opportunity for interested persons to file amici curiae briefs.'';

(2) in section 7105(e), by adding at the end the following:

''(3) If a representation inquiry or election involves employees of the Department of Defense, the regional director shall, absent express approval from the parties, complete the tasks delegated to the regional authority under paragraph (1) within 180 days after the delegation.'';

(3) in section 7105(f)—

(A) by inserting ''(1)'' after ''(f)'';

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(C) by adding at the end the following:

''(2) In any dispute that involves agencies and employees within the Department of Defense, if review is granted, the Authority action to affirm, modify, or reverse any action shall, absent express approval from the parties, be completed within 120 days after the grant of review.'';

(4) in section 7118(a), by adding at the end the following:

''(9)(A) Any individual conducting a hearing described in paragraph (7) or (8), involving an unfair labor practice allegation within the Department of Defense, shall complete the hearing and make any determinations within 180 days after the filing of a charge under paragraph (1). The Authority's review of any such determinations shall, absent express approval from the parties, be completed within 180 days after the filing of any exceptions.

''(B) The 180-day periods under subparagraph (A) shall apply, unless there is express approval of the parties to extend a period.''; and

(5) in section 7119(c)(5)(C), by adding at the end the following: ''The Panel shall, absent express approval from the parties, take final action within 180 days after being presented with an impasse between agencies and employees within the Department of Defense.''.

SEC. ___03. MILITARY LEAVE FOR MOBILIZED FEDERAL CIVILIAN EMPLOYEES.

(a) IN GENERAL.—Subsection (b) of section 6323 of title 5, United States Code, is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and at the end of clause (ii), as so redesignated, by inserting ''or''; and

(B) by inserting ''(A)'' after ''(2)''; and

(2) by inserting the following before the text beginning with ''is entitled'':

''(B) performs full-time military service as a result of a call or order to active duty in support of a contingency operation as defined in section 101(a)(13) of title 10;''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to military service performed on or after the date of the enactment of this Act.

SA 763. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1050, 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; as follows:

On page 273, between lines 17 and 18, insert the following:

(P) The results of a study, carried out by the Secretary of Defense, regarding the availability of family support services provided to the dependents of members of the National Guard and other reserve components of the Armed Forces who are called or ordered to active duty (hereinafter in this subparagraph referred to as ''mobilized members''), including, at a minimum, the following matters:

(i) A discussion of the extent to which cooperative agreements are in place or need to be entered into to ensure that dependents of mobilized members receive adequate family support services from within existing family readiness groups at military installations without regard to the members' armed force or component of an armed force.

(ii) A discussion of what additional family support services, and what additional family support agreements between and among the Armed Forces (including the Coast Guard), are necessary to ensure that adequate family support services are provided to the families of mobilized members.

(iii) A discussion of what additional resources are necessary to ensure that adequate family support services are available to the dependents of each mobilized member at the military installation nearest the residence of the dependents.

(iv) The additional outreach programs that should be established between families of mobilized members and the sources of family support services at the military installations in their respective regions.

(v) A discussion of the procedures in place for providing information on availability of family support services to families of mobilized members at the time the members are called or ordered to active duty.

SA 764. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1050, 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; which was ordered to lie on the table; as follows:

In section 3131, add at the end the following:

(c) REPORT.—(1) Not later than March 1, 2004, the Secretary of Defense and the Secretary of State shall jointly submit to Congress a report assessing the effects on the proliferation goals, objectives, and activities of the United States of the repeal of section 3136 of the National Defense Authorization Act for Fiscal Year 1994, including the effects of the repeal of the prohibition on activities carried out under the Cooperative Threat Reduction program.

(2) The report shall be submitted in unclassified form, but may include a classified annex.

SA 765. Mr. BINGAMAN (for himself, Mr. DORGAN, Mr. REED, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 1050, 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; as follows:

At the end of subtitle C of title II, add the following:

SEC. 225. REQUIREMENT FOR SPECIFIC AUTHORIZATION OF CONGRESS FOR DESIGN, DEVELOPMENT, OR DEPLOYMENT OF HIT-TO-KILL BALLISTIC MISSILE INTERCEPTORS.

No amount authorized to be appropriated by this Act for research, development, test, and evaluation, Defense-wide, and available for Ballistic Missile Defense Systems Interceptors (PE 060886C), may be obligated or expended to design, develop, or deploy hit-to-kill interceptors or other weapons for placement in space unless specifically authorized by Congress.

SA 766. Mr. NELSON of Florida (for himself, Mr. WARNER, and Mr. LEVIN) proposed an amendment to the bill S. 1050, 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; as follows:

At the end of subtitle B of title XXXI, add the following:

SEC. 3135. REQUIREMENT FOR SPECIFIC AUTHORIZATION OF CONGRESS FOR COMMENCEMENT OF ENGINEERING DEVELOPMENT PHASE OR SUBSEQUENT PHASE OF ROBUST NUCLEAR EARTH PENETRATOR.

The Secretary of Energy may not commence the engineering development phase (phase 6.3) of the nuclear weapons development process, or any subsequent phase, of a Robust Nuclear Earth Penetrator weapon unless specifically authorized by Congress.

SA 767. Mr. NELSON of Florida (for himself, Mr. WARNER, and Mr. LEVIN) proposed an amendment to the bill S. 1050, 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; as follows:

At the appropriate place in Title XXXI in the bill add the following new section:

SEC. .

(a) FINDINGS.—Much of the work that will be carried out by the Secretary of Energy in the feasibility study for the Robust Nuclear Earth Penetrator will have applicability to a nuclear or a conventional earth penetrator, but the Department of Energy does not have responsibility for development of conventional earth penetrator or other conventional programs for hard and deeply buried targets.

(b) PLAN.—The Secretary of Energy and the Secretary of Defense shall develop, submit to Congress three months after the date of enactment of this act, and implement, a plan to coordinate the Robust Nuclear Earth Penetrator feasibility study at the Department of Energy with the ongoing conventional hard and deeply buried weapons development programs at the Department of Defense. This plan shall ensure that over the course of the feasibility study for the Robust Nuclear Earth Penetrator the work of the DOE, with application to the DOD programs, is shared with and integrated into the DOD programs.

SA 768. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1050, 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; which was ordered to lie on the table; as follows:

On page 25, between lines 11 and 12, and insert the following:

SEC. 213. HUMAN TISSUE ENGINEERING.

(a) AMOUNT.—Of the amount authorized to be appropriated under section 201(1), $1,710,000 may be available in PE 0602787A for human tissue engineering.

(b) OFFSETS.—Of the amount authorized to be appropriated under section 201(1)—

(1) the total amount available in PE 0603015A for Immersive Simulation and training research, is hereby reduced by $710,000;

(2) the total amount available in PE 0602308A for the Immersive Simulation and training research, is hereby reduced by $500,000; and

(3) the total amount available in PE 0602712A for chemical vapor sensing, is hereby reduced by $500,000.

SA 769. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1050, 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 332. RANGE MANAGEMENT.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2019. Range management

''(a) DEFINITION OF SOLID WASTE.—(1) The term 'solid waste' as used in the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) does not include military munitions, including unexploded ordnance, and the constituents thereof, that are or have been deposited, incident to their normal and expected use, on an operational range, and remain thereon, unless such military munitions, including unexploded ordnance, or the constituents thereof—

''(A) are recovered, collected, and then disposed of by burial or land filling; or

''(B) have migrated off an operational range and are not addressed through a response action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

''(2) The military munitions, including unexploded ordnance, or constituents thereof that become a solid waste under subparagraph (A) or (B) of paragraph (1) shall be subject to the provisions of the Solid Waste Disposal Act, including but not limited to sections 7002 and 7003, where applicable.

''(3) Nothing in this section affects the authority of Federal, State, interstate, or local regulatory authorities to determine when military munitions, including unexploded ordnance, or the constituents thereof, become hazardous waste for purposes of the Solid Waste Disposal Act, except for military munitions, including unexploded ordnance, or the constituents thereof, that are excluded from the definition of solid waste by this subsection.

''(b) DEFINITION OF RELEASE.—(1) The term 'release' as used in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) does not include the deposit or presence on an operational range of any military munitions, including unexploded ordnance, and the constituents thereof, that are or have been deposited thereon incident to their normal and expected use, and remain thereon. The term 'release' does include the deposit off an operational range, or the migration off an operational range, of military munitions, including unexploded ordnance, or the constituents thereof.

''(2) Notwithstanding the provisions of paragraph (1), the authority of the President under section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9606(a)) to take action because there may be an imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of a hazardous substance includes the authority to take action because of the deposit or presence on an operational range of any military munitions, including unexploded ordnance, or the constituents thereof that are or have been deposited thereon incident to their normal and expected use and remain thereon.

''(c) DEFINITION OF CONSTITUENTS.—In this section, the term 'constituents' means any materials originating from military munitions, including unexploded ordnance, explosive and non-explosive materials, and emission, degradation, or breakdown products of such munitions.

''(d) CHANGE IN RANGE STATUS.—Nothing in this section affects the legal requirements applicable to military munitions, including unexploded ordnance, and the constituents thereof, that have been deposited on an operational range, once the range ceases to be an operational range.

''(e) CONSTRUCTION.—Nothing in this section affects the authority of the Department of Defense to protect the environment, safety, and health on operational ranges.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2019. Range management.''.

SA 770. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1050, 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; which was ordered to lie on the table; as follows;

Strike section 852, and insert the following:

SEC. 852. FEDERAL SUPPORT FOR ENHANCEMENT OF STATE AND LOCAL ANTI-TERRORISM RESPONSE CAPABILITIES.

(a) PROCUREMENTS OF ANTI-TERRORISM TECHNOLOGIES AND SERVICES BY STATE AND LOCAL GOVERNMENTS THROUGH FEDERAL CONTRACTS.—

(1) ESTABLISHMENT OF PROGRAM.—The President shall designate an officer or employee of the United States—

(A) to establish, and the designated official shall establish, a program under which States and units of local government may procure through contracts entered into by the designated official anti-terrorism technologies or anti-terrorism services for the purpose of preventing, detecting, identifying, otherwise deterring, or recovering from acts of terrorism; and

(B) to carry out the SAFER grant program provided for under subsection (f).

(2) DESIGNATED FEDERAL PROCUREMENT OFFICIAL FOR PROGRAM.—In this section, the officer or employee designated by the President under paragraph (1) shall be referred to as the ''designated Federal procurement official''.

(3) AUTHORITIES.—Under the program, the designated Federal procurement official—

(A) may, but shall not be required to, award contracts using the same authorities as are provided to the Administrator of General Services under section 309(b)(3) of the Federal Property and Administrative Services Act (41 U.S.C. 259(b)(3)); and

(B) may make SAFER grants in accordance with subsection (f).

(4) OFFERS NOT REQUIRED TO STATE AND LOCAL GOVERNMENTS.—A contractor that sells anti-terrorism technology or anti-terrorism services to the Federal Government may not be required to offer such technology or services to a State or unit of local government under the program.

(b) RESPONSIBILITIES OF THE CONTRACTING OFFICIAL.—In carrying out the program established under this section, the designated Federal procurement official shall—

(1) produce and maintain a catalog of anti-terrorism technologies and anti-terrorism services suitable for procurement by States and units of local government under this program; and

(2) establish procedures in accordance with subsection (c) to address the procurement of anti-terrorism technologies and anti-terrorism services by States and units of local government under contracts awarded by the designated official.

(c) REQUIRED PROCEDURES.—The procedures required by subsection (b)(2) shall implement the following requirements and authorities:

(1) SUBMISSIONS BY STATES.—

(A) REQUESTS AND PAYMENTS.—Except as provided in subparagraph (B), each State desiring to participate in a procurement of anti-terrorism technologies or anti-terrorism services through a contract entered into by the designated Federal procurement official under this section shall submit to that official in such form and manner and at such times as such official prescribes, the following:

(i) REQUEST.—A request consisting of an enumeration of the technologies or services, respectively, that are desired by the State and units of local government within the State.

(ii) PAYMENT.—Advance payment for each requested technology or service in an amount determined by the designated official based on estimated or actual costs of the technology or service and administrative costs incurred by such official.

(B) OTHER CONTRACTS.—The designated Federal procurement official may award and designate contracts under which States and units of local government may procure anti-terrorism technologies and anti-terrorism services directly from the contractors. No indemnification may be provided under Public Law 85–804 pursuant to an exercise of authority under section 851 for procurements that are made directly between contractors and States or units of local government.

(2) PERMITTED CATALOG TECHNOLOGIES AND SERVICES.—A State may include in a request submitted under paragraph (1) only a technology or service listed in the catalog produced under subsection (b)(1).

(3) COORDINATION OF LOCAL REQUESTS WITHIN STATE.—The Governor of a State may establish such procedures as the Governor considers appropriate for administering and coordinating requests for anti-terrorism technologies or anti-terrorism services from units of local government within the State.

(4) SHIPMENT AND TRANSPORTATION COSTS.—A State requesting anti-terrorism technologies or anti-terrorism services shall be responsible for arranging and paying for any shipment or transportation of the technologies or services, respectively, to the State and localities within the State.

(d) REIMBURSEMENT OF ACTUAL COSTS.—In the case of a procurement made by or for a State or unit of local government under the procedures established under this section, the designated Federal procurement official shall require the State or unit of local government to reimburse the Department for the actual costs it has incurred for such procurement.

(e) TIME FOR IMPLEMENTATION.—The catalog and procedures required by subsection (b) of this section shall be completed as soon as practicable and no later than 210 days after the enactment of this Act.

(f) SAFER GRANT PROGRAM.—

(1) AUTHORITY.—The designated Federal procurement official is authorized to make grants to eligible entities for the purpose of supporting increases in the number of permanent positions for firefighters in fire services to ensure staffing at levels and with skill mixes that are adequate emergency response to incidents or threats of terrorism.

(2) USE OF FUNDS.—The proceeds of a SAFER grant to an eligible entity may be used only for the purpose specified in paragraph (1).

(3) DURATION.—A SAFER grant to an eligible entity shall provide funding for a period of 4 years. The proceeds of the grant shall be disbursed to the eligible entity in 4 equal annual installments.

(4) NON-FEDERAL SHARE.—

(A) REQUIREMENT.—An eligible entity may receive a SAFER grant only if the entity enters into an agreement with the designated Federal procurement official to contribute non-Federal funds to achieve the purpose of the grant in the following amounts:

(i) During the second year in which funds of a SAFER grant are received, an amount equal to 25 percent of the amount of the SAFER grant funds received that year.

(ii) During the third year in which funds of a SAFER grant are received, an amount equal to 50 percent of the amount of the SAFER grant funds received that year.

(iii) During the fourth year in which funds of a SAFER grant are received, an amount equal to 75 percent of the amount of the SAFER grant funds received that year.

(B) WAIVER.—The designated Federal procurement official may waive the requirement for a non-Federal contribution described in subparagraph (A) in the case of any eligible entity.

(C) ASSET FORFEITURE FUNDS.—An eligible entity may use funds received from the disposal of property transferred to the eligible entity pursuant to section 9703(h) of title 31, United States Code, section 981(e) of title 18, United States Code, or section 616 of the Tariff Act of 1930 (19 U.S.C. 1616a) to provide the non-Federal share required under paragraph (1).

(D) BIA FUNDS.—Funds appropriated for the activities of any agency of a tribal organization or for the Bureau of Indian Affairs to perform firefighting functions on any Indian lands may be used to provide the share required under subparagraph (A), and such funds shall be deemed to be non-Federal funds for such purpose.

(5) APPLICATIONS.—

(A) REQUIREMENT.—To receive a SAFER grant, an eligible entity shall submit an application for the grant to the designated Federal procurement official.

(B) CONTENT.—Each application for a SAFER grant shall contain, for each fire service covered by the application, the following information:

(i) A long-term strategy for increasing the force of firefighters in the fire service to ensure readiness for appropriate and effective emergency response to incidents or threats of terrorism.

(ii) A detailed plan for implementing the strategy that reflects consultation with community groups, consultation with appropriate private and public entities, and consideration of any master plan that applies to the eligible entity.

(iii) An assessment of the ability of the eligible entity to increase the force of firefighters in the fire service without Federal assistance.

(iv) An assessment of the levels of community support for increasing that force, including financial and in-kind contributions and any other available community resources.

(v) Specific plans for obtaining necessary support and continued funding for the firefighter positions proposed to be added to the fire service with SAFER grant funds.

(vi) An assurance that the eligible entity will, to the extent practicable, seek to recruit and employ (or accept the voluntary services of) firefighters who are members of racial and ethnic minority groups or women.

(vii) Any additional information that the designated Federal procurement official considers appropriate.

(C) SPECIAL RULE FOR SMALL COMMUNITIES.—The designated Federal procurement official may authorize an eligible entity responsible for a population of less than 50,000 to submit an application without information required under subparagraph (B), and may otherwise make special provisions to facilitate the expedited submission, processing, and approval of an application by such an entity.

(D) PREFERENTIAL CONSIDERATION.—The designated Federal procurement official may give preferential consideration, to the extent feasible, to an application submitted by an eligible entity that agrees to contribute a non-Federal share higher than the share required under paragraph (4)(A).

(E) ASSISTANCE WITH APPLICATIONS.—The designated Federal procurement official is authorized to provide technical assistance to an eligible entity for the purpose of assisting with the preparation of an application for a SAFER grant.

(6) SPECIAL RULES ON USE OF FUNDS.—

(A) SUPPLEMENT NOT SUPPLANT.—The proceeds of a SAFER grant made to an eligible entity shall be used to supplement and not supplant other Federal funds, State funds, or funds from a subdivision of a State, or, in the case of a tribal organization, funds supplied by the Bureau of Indian Affairs, that are available for salaries or benefits for firefighters.

(B) LIMITATION RELATING TO COMPENSATION OF FIREFIGHTERS.—

(i) IN GENERAL.—The proceeds of a SAFER grant may not be used to fund the pay and benefits of a full-time firefighter if the total annual amount of the pay and benefits for that firefighter exceeds $100,000. The designated Federal procurement official may waive the prohibition in the proceeding sentence in any particular case.

(ii) ADJUSTMENT FOR INFLATION.—Effective on October 1 of each year, the total annual amount applicable under subparagraph (A) shall be increased by the percentage (rounded to the nearest one-tenth of one percent) by which the Consumer Price Index for all-urban consumers published by the Department of Labor for July of such year exceeds the Consumer Price Index for all-urban consumers published by the Department of Labor for July of the preceding year. The first adjustment shall be made on October 1, 2004.

(7) PERFORMANCE EVALUATION.—

(A) REQUIREMENT FOR INFORMATION.—The designated Federal procurement official shall evaluate, each year, whether an entity receiving SAFER grant funds in such year is substantially complying with the terms and conditions of the grant. The entity shall submit to the designated Federal procurement official any information that the designated Federal procurement official requires for that year for the purpose of the evaluation.

(B) REVOCATION OR SUSPENSION OF FUNDING.—If the designated Federal procurement official determines that a recipient of a SAFER grant is not in substantial compliance with the terms and conditions of the grant the designated Federal procurement official may revoke or suspend funding of the grant.

(8) ACCESS TO DOCUMENTS.—

(A) AUDITS BY DESIGNATED FEDERAL PROCUREMENT OFFICIAL.—The designated Federal procurement official shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of an eligible entity that receives a SAFER grant.

(B) AUDITS BY THE COMPTROLLER GENERAL.—Subparagraph (A) shall also apply with respect to audits and examinations conducted by the Comptroller General of the United States or by an authorized representative of the Comptroller General.

(9) TERMINATION OF SAFER GRANT AUTHORITY.—

(A) IN GENERAL.—The authority to award a SAFER grant shall terminate at the end of September 30, 2010.

(B) REPORT TO CONGRESS.—Not later than two years after the date of the enactment of

this Act, the designated Federal procurement official shall submit to Congress a report on the SAFER grant program under this section. The report shall include an assessment of the effectiveness of the program for achieving its purpose, and may include any recommendations that the designated Federal procurement official has for increasing the forces of firefighters in fire services.

(10) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(i) a State;

(ii) a subdivision of a State;

(iii) a tribal organization;

(iv) any other public entity that the designated Federal procurement official determines appropriate for eligibility under this section; and

(v) a multijurisdictional or regional consortium of the entities described in clauses (i) through (iv).

(B) FIREFIGHTER.—The term ''firefighter'' means an employee or volunteer member of a fire service, including a firefighter, paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous materials worker, who—

(i) is trained in fire suppression and has the legal authority and responsibility to engage in fire suppression; or

(ii) is engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk.

(C) FIRE SERVICE.—The term ''fire service'' includes an organization described in section 4(5) of the Federal Fire Prevention and Control Act of 1974 that is under the jurisdiction of a tribal organization.

(D) MASTER PLAN.—The term ''master plan'' has the meaning given the term in section 10 of the Federal Fire Prevention and Control Act of 1974.

(E) SAFER GRANT.—The term 'SAFER grant' means a grant of financial assistance under this subsection.

(F) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(11) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purpose of carrying out this section—

(A) $1,000,000,000 for fiscal year 2004;

(B) $1,030,000,000 for fiscal year 2005;

(C) $1,061,000,000 for fiscal year 2006;

(D) $1,093,000,000 for fiscal year 2007;

(E) $1,126,000,000 for fiscal year 2008;

(F) $1,159,000,000 for fiscal year 2009; and

(G) $1,194,000,000 for fiscal year 2010.

SA 771. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1050, 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; which was ordered to lie on the table; as follows:

On page 17, strike line 11 and insert the following:

SEC. 111. CH–47 HELICOPTER PROGRAM.

(a) REQUIREMENT FOR STUDY.—The Secretary of the Army shall study the feasibility and the costs and benefits of providing for the participation of a second source in the production of gears for the helicopter transmissions incorporated into CH–47 helicopters being procured by the Army with funds authorized to be appropriated by this Act.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit a report on the results of the study to Congress.

SA 772. Mr. GRASSLEY (for himself, Mr. HARKIN, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1050, 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; which was ordered to lie on the table; as follows:

On page 83, between lines 5 and 6, insert the following:

SEC. 370. PILOT PROGRAM TO CONSOLIDATE AND IMPROVE AUTHORITIES FOR ARMY WORKING-CAPITAL FUNDED FACILITIES TO ENGAGE IN PUBLIC-PRIVATE PARTNERSHIPS.

(a) AUTHORITY.—Chapter 433 of title 10, United States Code, is amended by adding at the end the following new section:

§ 4544. Army industrial facilities: public-private partnerships for Ground Systems Industrial Enterprise

''(a) PILOT PROGRAM AUTHORITY FOR PUBLIC-PRIVATE PARTNERSHIPS.—During fiscal years 2004 through 2008, the head of a Ground Systems Industrial Enterprise of the Department of the Army may enter into cooperative arrangements with non-Army entities to carry out military or commercial projects with the non-Army entities. A cooperative arrangement under this section shall be known as a 'public-private partnership'.

''(b) GROUND SYSTEMS INDUSTRIAL ENTERPRISES.—(1) The Secretary of the Army shall initially designate as members of the Ground Systems Industrial Enterprise the following Army facilities:

''(A) Rock Island Arsenal, Illinois.

''(B) Watervliet Arsenal, New York.

''(C) Anniston Army Depot, Alabama.

''(D) Red River Army Depot, Texas.

''(E) Sierra Army Depot, California.

''(F) Lima Army Tank Plant, Lima, Ohio.

''(2) The Secretary may designate additional working-capital funded Army industrial facilities as participants in the Ground Systems Industrial Enterprise or may terminate such a designation as a result of an Army reorganization or realignment.

''(c) AUTHORIZED PARTNERSHIP ACTIVITIES.—A public-private partnership entered into by an Enterprise facility may, subject to subsection (d), engage in any of the following activities:

''(1) The sale of articles manufactured by the facility or services performed by the facility to persons outside the Department of Defense.

''(2) The performance of—

''(A) work by a non-Army entity at the facility; or

''(B) work for a non-Army entity by the facility.

''(3) The sharing of work by the facility and one or more non-Army entities.

''(4) The leasing, or use under a facilities use contract or otherwise, of the facility (including excess capacity) or equipment (including excess equipment) of the facility by a non-Army entity.

''(5) The preparation and submission of joint offers by the facility and one or more non-Army entities for competitive procurements entered into with a department or agency of the United States.

''(6) Any other cooperative effort by the facility and one or more non-Army entities that the Secretary determines appropriate, whether or not the effort is similar to an activity described in another paragraph of this subsection.

''(d) CONDITIONS FOR PUBLIC-PRIVATE PARTNERSHIPS.—An activity described in subsection (c) may be carried out as a public-private partnership of an Enterprise facility only under the following conditions:

''(1) In the case of an article to be manufactured or services to be performed by the facility, the articles can be substantially manufactured, or the services can be substantially performed, by the facility without subcontracting for more than incidental performance.

''(2) The activity does not interfere with performance of—

''(A) work by the facility for the Department of Defense or for a contractor of the Department of Defense; or

''(B) a military mission of the facility.

''(3) The activity meets one of the following objectives:

''(A) Maximize utilization of the capacity of the facility.

''(B) Reduce or eliminate the cost of ownership of the facility.

''(C) Preserve skills or equipment related to a core competency of the facility.

''(4) The non-Army entity partner or purchaser agrees to hold harmless and indemnify the United States from any liability or claim for damages or injury to any person or property, including any damages or injury arising out of a decision by the Secretary of the Army or the Secretary of Defense to suspend or terminate a public-private partnership, or any portion thereof, during a war or national emergency, except—

''(A) in any case of willful misconduct or gross negligence on the part of an officer or employee of the United States; and

''(B) in the case of a claim by a purchaser of articles or services under this section that damages or injury arose from the failure of the Government to comply with quality or cost performance requirements in the contract to provide the articles or services.

''(e) METHODS OF PUBLIC-PRIVATE PARTNERSHIPS.—To conduct an activity of a public-private partnership under this section, the head of an Enterprise facility may, in the exercise of good business judgment—

''(1) enter into a public-private partnership on an exclusive basis;

''(2) enter into a firm, fixed-price contract (or, if agreed to by the purchaser, a cost reimbursement contract) for a sale of articles or services or use of equipment or facilities;

''(3) enter into a multiyear contract establishing the public-private partnership for any period determined by the head of the facility to be consistent with the needs of the facility, but not to extend beyond September 30, 2008;

''(4) charge a partner the variable costs associated with providing the articles, services, equipment or facilities;

''(5) authorize a partner to use incremental funding to pay for the articles, services, or use of equipment or facilities;

''(6) accept payment-in-kind;

''(7) perform a reasonable amount of work in advance of receipt of payment; and

''(8) develop and maintain working capital to be available for paying design costs, planning costs, procurement costs, capital investment items, and other costs associated with the partnership.

''(f) DEPOSIT OF PROCEEDS.—The proceeds of sales and articles and services of an Enterprise facility under this section shall be credited to the working-capital fund or funds or the appropriation used for paying the costs of manufacturing the articles or performing the services.

''(g) APPROVAL OF SALES.—The authority of an Enterprise facility to conduct a public-private partnership under this section shall be exercised at the level of the commander of the major subordinate command of the Army that has responsibility for the facility. The commander may approve such partnership on a case basis or a class basis.

''(h) RELATIONSHIP TO OTHER LAWS.—(1) Nothing in this section shall be construed to affect the applicability of—

''(A) foreign military sales and the export controls provided for in sections 30 and 38 of the Arms Export Control Act (22 U.S.C. 2770 and 2778) to activities of a public-private partnership under this section; and

''(B) section 2667 of this title to leases of non-excess property in the administration of a public-private partnership under this section.

''(2) Section 1341 of title 31 does not apply in the case of a transaction entered into under the authority of this section for an activity of a public-private partnership.

''(3) Enterprise facilities shall use the authority under this section for the establishment and operation of a public-private partnership instead of the authorities under sections 2563, 2208(h), 2208(j), and 2474 of this title.

''(i) DEFINITIONS.—In this section:

''(1) The term 'Army industrial facility' includes an arsenal, a depot, and a manufacturing plant.

''(2) The term 'Enterprise facility' means an Army industrial facility designated as a member of the Ground Systems Industrial Enterprise under subsection (b).

''(3) The term 'non-Army entity' includes the following:

''(A) An entity in industry or commercial sales.

''(B) A State or political subdivision of a State.

''(C) An institution of higher education and a vocational training institution.

''(4) The term 'incremental funding' means a series of partial payments that—

''(A) are made as the work on manufacture of articles is being performed or services are being performed or equipment or facilities are used, as the case may be; and

''(B) result in full payment being completed as the required work is being completed.

''(5) The term 'variable costs' means the costs that are expected to fluctuate directly with the volume of sales or services provided or the use of equipment or facilities.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''4544. Army industrial facilities: public-private partnerships for Ground Systems Industrial Enterprise.''.

SA 773. Mr. SMITH (for himself, Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1050, 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; which was ordered to lie on the table; as follows:

On page 41, line 7, strike ''$4,405,646,000'' and insert ''$396,646,000''.

On page 355, insert ''(a) IN GENERAL.—'' before ''There are''.

On page 355, line 15, strike ''$276,779,000'' and insert ''$285,779,000''.

On page 355, after line 23, add the following:

(b) TOTAL PROJECT AUTHORIZATION AMOUNT FOR CERTAIN ARMY NATIONAL GUARD PROJECT.—The authorized project amount for the Armed Forces Reserve Complex Center, Eugene, Oregon, for which $9,000,000 is authorized to be appropriated by subsection (a)(1)(A), is $27,051,000.

SA 774. Mr. HARKIN proposed an amendment to the bill S. 1050, to authorize 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; which was ordered to lie on the table; as follows:

On page 44, between lines 18 and 19, insert the following:

SEC. 313. INVENTORY MANAGEMENT.

(a) LIMITATION ON PURCHASE OF EXCESS INVENTORY.—(1) Subject to paragraph (4), no funds authorized to be appropriated by this Act may be obligated or expended for purchasing items for a secondary inventory of the Department of Defense that would exceed the requirement objectives for that inventory of such items.

(2) The Secretary of Defense shall, within 30 days after the date of the enactment of this Act, review all pending orders for the purchase of items for a secondary inventory of the Department of Defense in excess of the applicable requirement objectives for the inventory of such items, and shall ensure compliance with the limitation in paragraph (1) with respect to such items.

(3) The Secretary shall, within 30 days after the date on which a requirement objective for an item in a secondary inventory of the Department of Defense is reduced, review all pending orders for the purchase of that item and ensure compliance with the limitation in paragraph (1) with respect to that item.

(4) The Secretary may waive the limitation in paragraph (1) in the case of an order for the purchase of an item upon determining and executing a certification that compliance with the limitation in such case—

(A) would not result in significant savings; or

(B) would harm a national security interest of the United States.

(b) REDUCTION OF EXCESS INVENTORY.—(1) No funds authorized to be appropriated by this Act may be obligated or expended after March 31, 2004, to maintain or store an inventory of items for the Department of Defense that exceeds the approved acquisition objectives for such inventory of items unless the Secretary of Defense determines that disposal of the excess inventory—

(A) would not result in significant savings; or

(B) would harm a national security interest of the United States.

(2) Not later than January 1, 2004, the Secretary shall establish consistent standards and procedures, applicable throughout the Department of Defense, for ensuring compliance with the limitation in paragraph (1).

(c) REPORT ON INVENTORY MANAGEMENT.—(1) Not later than March 31, 2004, the Secretary of Defense shall submit to Congress a report on—

(A) the administration of this section; and

(B) the implementation of all recommendations of the Comptroller General for Department of Defense inventory management that the Comptroller General determines are not fully implemented.

(2) The Comptroller General shall review the report submitted under paragraph (1) and submit to Congress any comments on the report that the Comptroller General considers appropriate.

SA 775. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize 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; which was ordered to lie on the table; as follows:

On page 169, between lines 5 and 6, insert the following:

(d) INTEGRATED HEALING CARE PRACTICES.—(1) The Secretary of Defense and the Secretary of Veterans Affairs may, acting through the Department of Veterans Affairs–Department of Defense Joint Executive Committee, conduct a program to develop and evaluate integrated healing care practices for members of the Armed Forces and veterans.

(2) Amounts authorized to be appropriated by section 301(21) for the Defense Health Program may be available for the program under paragraph (1).

SA 776. Mr. BENNETT (for himself, Mr. REID, and Mr. ALLEN) proposed an amendment to the bill S. 1050, to authorize 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; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1039. REPEAL OF MTOPS REQUIREMENT FOR COMPUTER EXPORT CONTROLS.

(a) REPEAL.—Subtitle B of title XII of, and section 3157 of, the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) are repealed.

(b) CONSULTATION REQUIRED.—Before implementing any regulations relating to an export administration system for high-performance computers, the President shall consult with the following congressional committees:

(1) The Select Committee on Homeland Security, the Committee on Armed Services, and the Committee on International Relations of the House of Representatives.

(2) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(c) REPORT.—Not later than 30 days after implementing any regulations described in subsection (b), the President shall submit to Congress a report that—

(1) identifies the functions of the Secretary of Commerce, Secretary of Defense, Secretary of Energy, Secretary of State, Secretary of Homeland Security, and any other relevant national security or intelligence agencies under the export administration system embraced by those regulations; and

(2) explains how the export administration system will effectively advance the national security objectives of the United States.

SA 777. Mr. VOINVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him

to the bill S. 1050, to authorize 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; which was ordered to lie on the table; as follows:

On page 103, between lines 18 and 19, insert the following:

''(3) The requirement for the payment of costs and fees of instruction under paragraph (1) shall also apply with respect to instruction provided at the Air Force Institute of Technology, except that, for the purpose of this paragraph, any reference in paragraph (1) to the Naval Postgraduate School shall be treated as a reference to the Air Force Institute of Technology.

SA 778. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1050, 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; which was ordered to lie on the table; as follows:

On page 155, between lines 10 and 11, insert the following:

SEC. 644. ELIGIBILITY OF RESERVES FOR SPECIAL COMPENSATION FOR CERTAIN COMBAT-RELATED DISABLED UNIFORMED SERVICES RETIREES.

(a) ELIGIBILITY.—Section 1413a(c) of title 10, United States Code, is amended to read as follows:

''(c) ELIGIBLE RETIREES.—(1) For purposes of this section, an eligible combat-related disabled uniformed services retiree referred to in subsection (a) is a member of the uniformed services entitled to retired pay who has a qualifying combat-related disability, except as provided in paragraph (2).

''(2) For purposes of this section, a member is not an eligible combat-related disabled uniformed services retiree referred to in subsection (a) if the member—

''(A) was retired under chapter 61 of this title with less than 20 years of service creditable under section 1405 of this title when so retired; or

''(B) was retired under section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1293 note).''.

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) shall take effect on October 1, 2003, and shall apply with respect to months beginning on or after that date.

SA 778. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1050, 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; which was ordered to lie on the table; as follows:

Strike section 1035 and insert the following:

SEC. 1035. PROTECTION OF OPERATIONAL FILES OF THE NATIONAL SECURITY AGENCY.

(a) CONSOLIDATION OF CURRENT PROVISIONS ON PROTECTION OF OPERATIONAL FILES.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by transferring sections 105C and 105D to the end of title VII and redesignating such sections, as so transferred, as sections 703 and 704, respectively.

(b) PROTECTION OF OPERATIONAL FILES OF NSA.—Title VII of such Act, as amended by subsection (a), is further amended by adding at the end the following new section:

''OPERATIONAL FILES OF THE NATIONAL SECURITY AGENCY

''SEC. 705. (a) EXEMPTION OF CERTAIN OPERATIONAL FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOSURE.—(1) Operational files of the National Security Agency (hereafter in this section referred to as 'NSA') may be exempted by the Director of NSA, in coordination with the Director of Central Intelligence, from the provisions of section 552 of title 5, United States Code, which require publication, disclosure, search, or review in connection therewith.

''(2)(A) In this section, the term 'operational files' means—

''(i) files of the Signals Intelligence Directorate, and its successor organizations, which document the means by which foreign intelligence or counterintelligence is collected through technical systems; and

''(ii) files of the Research Associate Directorate, and its successor organizations, which document the means by which foreign intelligence or counterintelligence is collected through scientific and technical systems.

''(B) Files which are the sole repository of disseminated intelligence, and files that have been accessioned into NSA Archives, or its successor organizations, are not operational files.

''(3) Notwithstanding paragraph (1), exempted operational files shall continue to be subject to search and review for information concerning—

''(A) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code;

''(B) any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code; or

''(C) the specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

''(i) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

''(ii) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

''(iii) The Intelligence Oversight Board.

''(iv) The Department of Justice.

''(v) The Office of General Counsel of NSA.

''(vi) The Office of the Inspector General of the Department of Defense.

''(vii) The Office of the Director of NSA.

''(4)(A) Files that are not exempted under paragraph (1) which contain information derived or disseminated from exempted operational files shall be subject to search and review.

''(B) The inclusion of information from exempted operational files in files that are not exempted under paragraph (1) shall not affect the exemption under paragraph (1) of the originating operational files from search, review, publication, or disclosure.

''(C) The declassification of some of the information contained in exempted operational files shall not affect the status of the operational file as being exempt from search, review, publication, or disclosure.

''(D) Records from exempted operational files which have been disseminated to and referenced in files that are not exempted under paragraph (1), and which have been returned to exempted operational files for sole retention shall be subject to search and review.

''(5) The provisions of paragraph (1) may not be superseded except by a provision of law which is enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004, and which specifically cites and repeals or modifies such provisions.

''(6)(A) Except as provided in subparagraph (B), whenever any person who has requested agency records under section 552 of title 5, United States Code, alleges that NSA has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

''(B) Judicial review shall not be available in the manner provided for under subparagraph (A) as follows:

''(i) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign relations is filed with, or produced for, the court by NSA, such information shall be examined ex parte, in camera by the court.

''(ii) The court shall determine, to the fullest extent practicable, the issues of fact based on sworn written submissions of the parties.

''(iii) When a complainant alleges that requested records are improperly withheld because of improper placement solely in exempted operational files, the complainant shall support such allegation with a sworn written submission based upon personal knowledge or otherwise admissible evidence.

''(iv)(I) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, NSA shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted operational files likely to contain responsible records currently perform the functions set forth in paragraph (2).

''(II) The court may not order NSA to review the content of any exempted operational file or files in order to make the demonstration required under subclause (I), unless the complainant disputes NSA's showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

''(v) In proceedings under clauses (iii) and (iv), the parties may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admissions may be made pursuant to rules 26 and 36.

''(vi) If the court finds under this paragraph that NSA has improperly withheld requested records because of failure to comply with any provision of this subsection, the court shall order NSA to search and review the appropriate exempted operational file or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code, and such order shall be the exclusive remedy for failure to comply with this subsection.

''(vii) If at any time following the filing of a complaint pursuant to this paragraph NSA agrees to search the appropriate exempted operational file or files for the requested records, the court shall dismiss the claim based upon such complaint.

''(viii) Any information filed with, or produced for the court pursuant to clauses (i)

and (iv) shall be coordinated with the Director of Central Intelligence before submission to the court.

''(b) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every 10 years, the Director of the National Security Agency and the Director of Central Intelligence shall review the exemptions in force under subsection (a)(1) to determine whether such exemptions may be removed from a category of exempted files or any portion thereof. The Director of Central Intelligence must approve any determination to remove such exemptions.

''(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of a particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

''(3) A complainant that alleges that NSA has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court's review shall be limited to determining the following:

''(A) Whether NSA has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004 or before the expiration of the 10-year period beginning on the date of the most recent review.

''(B) Whether NSA, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.''.

(c) CONFORMING AMENDMENTS.—(1) Section 701(b) of the National Security Act of 1947 (50 U.S.C. 431(b)) is amended by striking ''For purposes of this title'' and inserting ''In this section and section 702,''.

(2) Section 702(c) of such Act (50 U.S.C. 432(c)) is amended by striking ''enactment of this title'' and inserting ''October 15, 1984,''.

(3)(A) The title heading for title VII of such Act is amended to read as follows:

''TITLE VII—PROTECTION OF OPERATIONAL FILES''.

(B) The section heading for section 701 of such Act is amended to read as follows:

''PROTECTION OF OPERATIONAL FILES OF THE CENTRAL INTELLIGENCE AGENCY''.

(C) The section heading for section 702 of such Act is amended to read as follows:

''DECENNIAL REVIEW OF EXEMPTED CENTRAL INTELLIGENCE AGENCY OPERATIONAL FILES.''.

(d) CLERICAL AMENDMENTS.—The table of contents for the National Security Act of 1947 is amended—

(1) by striking the items relating to sections 105C and 105D; and

(2) by striking the items relating to title VII and inserting the following new items:

''TITLE VII—PROTECTION OF OPERATIONAL FILES

''Sec. 701. Protection of operational files of the Central Intelligence Agency.

''Sec. 702. Decennial review of exempted Central Intelligence Agency operational files.

''Sec. 703. Protection of operational files of the National Imagery and Mapping Agency.

''Sec. 704. Protection of operational files of the National Reconnaissance Office.

''Sec. 705. Protection of operational files of the National Security Agency.''.

SA 778. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1050, 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; which was ordered to lie on the table; as follows:

On page 156, after line 20, insert the following:

SEC. 653. MODIFICATION OF AMOUNT OF BACK PAY FOR MEMBERS OF NAVY AND MARINE CORPS SELECTED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II TO TAKE INTO ACCOUNT CHANGES IN CONSUMER PRICE INDEX.

(a) MODIFICATION.—Section 667(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–170) is amended by adding at the end the following new paragraph:

''(3) The amount determined for a person under paragraph (1) shall be increased to reflect increases in cost of living since the basic pay referred to in paragraph (1)(B) was paid to or for that person, calculated on the basis of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.''.

(b) RECALCULATION OF PREVIOUS PAYMENTS.—In the case of any payment of back pay made to or for a person under section 667 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 before the date of the enactment of this Act, the Secretary of the Navy shall—

(1) recalculate the amount of back pay to which the person is entitled by reason of the amendment made by subsection (a); and

(2) if the amount of back pay, as so recalculated, exceeds the amount of back pay so paid, pay the person, or the surviving spouse of the person, an amount equal to the excess.

SA 781. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1050, 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. BORON ENERGY CELL TECHNOLOGY.

(a) INCREASE IN RDT&E, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $5,000,000.

(b) AVAILABILITY FOR BORON ENERGY CELL TECHNOLOGY.—(1) of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $5,000,000 may be available for research, development, test, and evaluation on boron energy cell technology.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(c) OFFSET FROM OTHER PROCUREMENT, ARMY.—The amount authorized to be appropriated by section 101(5), for other procurement for the Army is hereby reduced by $5,000,000, with the amount of the reduction to be allocated to Shelters for Army Common User Systeme.

SA 782. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 1050, 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; which was ordered to lie on the table; as follows:

On page 155, line 8, strike ''September 11, 2001,'' and insert ''January 1, 1990,''.

SA 783. Mr. MCCAIN proposed an amendment to the bill S. 1050, 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; as follows:

In lieu of the matter proposed to be stricken, insert the following:

SEC. 833. WAIVER AUTHORITY FOR DOMESTIC SOURCE OR CONTENT REQUIREMENTS.

(a) AUTHORITY.—Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2539c. Waiver of domestic source or content requirements

''(a) AUTHORITY.—Except as provided in subsection (f), the Secretary of Defense may waive the application of any domestic source requirement or domestic content requirement referred to in subsection (b) and thereby authorize the procurement of items that are grown, reprocessed, reused, produced, or manufactured—

''(1) in a foreign country that has a Declaration of Principles with the United States;

''(2) in a foreign country that has a Declaration of Principles with the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a Declaration of Principles with the United States; or

''(3) in the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a Declaration of Principles with the United States.

''(b) COVERED REQUIREMENTS.—For purposes of this section:

''(1) A domestic source requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States or by a manufacturer that is a part of the national technology and industrial base (as defined in section 2500(1) of this title).

''(2) A domestic content requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item produced or manufactured partly or wholly from components and materials grown, reprocessed, reused, produced, or manufactured in the United States.

''(c) APPLICABILITY.—The authority of the Secretary to waive the application of a domestic source or content requirements under subsection (a) applies to the procurement of items for which the Secretary of Defense determines that—

''(1) application of the requirement would impede the reciprocal procurement of defense items under a Declaration of Principles with the United States; and

''(2) such country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

''(d) LIMITATION ON DELEGATION.—The authority of the Secretary to waive the application of domestic source or content requirements under subsection (a) may not be delegated to any officer or employee other than the Under Secretary of Defense for Acquisition, Technology and Logistics.

''(e) CONSULTATIONS.—The Secretary may grant a waiver of the application of a domestic source or content requirement under subsection (a) only after consultation with the United States Trade Representative, the Secretary of Commerce, and the Secretary of State.

''(f) LAWS NOT WAIVABLE.—The Secretary of Defense may not exercise the authority under subsection (a) to waive any domestic source or content requirement contained in any of the following laws:

''(1) The Small Business Act (15 U.S.C. 631 et seq.).

''(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

''(3) Sections 7309 and 7310 of this title.

''(4) Section 2533a of this title.

''(g) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

''(h) CONSTRUCTION WITH RESPECT TO LATER ENACTED LAWS.—This section may not be construed as being inapplicable to a domestic source requirement or domestic content requirement that is set forth in a law enacted after the enactment of this section solely on the basis of the later enactment.

''(i) DECLARATION OF PRINCIPLES.—(1) In this section, the term 'Declaration of Principles' means a written understanding between the Department of Defense and its counterpart in a foreign country signifying a cooperative relationship between the Department and its counterpart to standardize or make interoperable defense equipment used by the armed forces and the armed forces of the foreign country across a broad spectrum of defense activities, including—

''(A) harmonization of military requirements and acquisition processes;

''(B) security of supply;

''(C) export procedures;

''(D) security of information;

''(E) ownership and corporate governance;

''(F) research and development;

''(G) flow of technical information; and

''(H) defense trade.

''(2) A Declaration of Principles is underpinned by a memorandum of understanding or other agreement providing for the reciprocal procurement of defense items between the United States and the foreign country concerned without unfair discrimination in accordance with section 2531 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2539b the following new item:

''2539c. Waiver of domestic source or content requirements.''.

SA 784. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1050, 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; as follows:

On page 226, between the matter following line 14 and line 15, insert the following:

(c) REPORT ON UTILIZATION OF CERTAIN DATA EXTRACTION AND EXPLOITATION CAPABILITIES.—(1) Not later than 60 days after the date of the enactment of this Act, the Director of the National Geospatial-Intelligence Agency shall submit to the appropriate committees of Congress a report on the status of the efforts of the Agency to incorporate within the Commercial Joint Mapping Tool Kit (C/JMTK) applications for the rapid extraction and exploitation of three-dimensional geospatial data from reconnaissance imagery.

(2) In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Subcommittee on Defense of the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Subcommittee on Defense of the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 785. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1050, 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; which was ordered to lie on the table; as follows:

Strike section 852, and insert the following:

SEC. 852. FEDERAL SUPPORT FOR ENHANCEMENT OF STATE AND LOCAL ANTI-TERRORISM RESPONSE CAPABILITIES.

(a) PROCUREMENTS OF ANTI-TERRORISM TECHNOLOGIES AND SERVICES BY STATE AND LOCAL GOVERNMENTS THROUGH FEDERAL CONTRACTS.—

(1) ESTABLISHMENT OF PROGRAM.—The President shall designate an officer or employee of the United States—

(A) to establish, and the designated official shall establish, a program under which States and units of local government may procure through contracts entered into by the designated official anti-terrorism technologies or anti-terrorism services for the purpose of preventing, detecting, identifying, otherwise deterring, or recovering from acts of terrorism; and

(B) to carry out the SAFER grant program provided for under subsection (f).

(2) DESIGNATED FEDERAL PROCUREMENT OFFICIAL FOR PROGRAM.—In this section, the officer or employee designated by the President under paragraph (1) shall be referred to as the ''designated Federal procurement official''.

(3) AUTHORITIES.—Under the program, the designated Federal procurement official—

(A) may, but shall not be required to, award contracts using the same authorities as are provided to the Administrator of General Services under section 309(b)(3) of the Federal Property and Administrative Services Act (41 U.S.C. 259(b)(3)); and

(B) may make SAFER grants in accordance with subsection (f).

(4) OFFERS NOT REQUIRED TO STATE AND LOCAL GOVERNMENTS.—A contractor that sells anti-terrorism technology or anti-terrorism services to the Federal Government may not be required to offer such technology or services to a State or unit of local government under the program.

(b) RESPONSIBILITIES OF THE CONTRACTING OFFICIAL.—In carrying out the program established under this section, the designated Federal procurement official shall—

(1) produce and maintain a catalog of anti-terrorism technologies and anti-terrorism services suitable for procurement by States and units of local government under this program; and

(2) establish procedures in accordance with subsection (c) to address the procurement of anti-terrorism technologies and anti-terrorism services by States and units of local government under contracts awarded by the designated official.

(c) REQUIRED PROCEDURES.—The procedures required by subsection (b)(2) shall implement the following requirements and authorities:

(1) SUBMISSIONS BY STATES.—

(A) REQUESTS AND PAYMENTS.—Except as provided in subparagraph (B), each State desiring to participate in a procurement of anti-terrorism technologies or anti-terrorism services through a contract entered into by the designated Federal procurement official under this section shall submit to that official in such form and manner and at such times as such official prescribes, the following:

(i) REQUEST.—A request consisting of an enumeration of the technologies or services, respectively, that are desired by the State and units of local government within the State.

(ii) PAYMENT.—Advance payment for each requested technology or service in an amount determined by the designated official based on estimated or actual costs of the technology or service and administrative costs incurred by such official.

(B) OTHER CONTRACTS.—The designated Federal procurement official may award and designate contracts under which States and units of local government may procure anti-terrorism technologies and anti-terrorism services directly from the contractors. No indemnification may be provided under Public Law 85–804 pursuant to an exercise of authority under section 851 for procurements that are made directly between contractors and States or units of local government.

(2) PERMITTED CATALOG TECHNOLOGIES AND SERVICES.—A State may include in a request submitted under paragraph (1) only a technology or service listed in the catalog produced under subsection (b)(1).

(3) COORDINATION OF LOCAL REQUESTS WITHIN STATE.—The Governor of a State may establish such procedures as the Governor considers appropriate for administering and coordinating requests for anti-terrorism technologies or anti-terrorism services from units of local government within the State.

(4) SHIPMENT AND TRANSPORTATION COSTS.—A State requesting anti-terrorism technologies or anti-terrorism services shall be responsible for arranging and paying for any shipment or transportation of the technologies or services, respectively, to the State and localities within the State.

(d) REIMBURSEMENT OF ACTUAL COSTS.—In the case of a procurement made by or for a State or unit of local government under the procedures established under this section, the designated Federal procurement official shall require the State or unit of local government to reimburse the Department for the actual costs it has incurred for such procurement.

(e) TIME FOR IMPLEMENTATION.—The catalog and procedures required by subsection (b) of this section shall be completed as soon as practicable and no later than 210 days after the enactment of this Act.

(f) SAFER GRANT PROGRAM.—

(1) AUTHORITY.—The designated Federal procurement official in cooperation with the Secretary of the Department of Homeland Security or his designee, is authorized to make grants to eligible entities for the purpose of supporting increases in the number of permanent positions for firefighters in fire services to ensure staffing at levels and with skill mixes that are adequate emergency response to incidents or threats of terrorism.

(2) USE OF FUNDS.—The proceeds of a SAFER grant to an eligible entity may be used only for the purpose specified in paragraph (1).

(3) DURATION.—A SAFER grant to an eligible entity shall provide funding for a period of 4 years. The proceeds of the grant shall be disbursed to the eligible entity in 4 equal annual installments.

(4) NON-FEDERAL SHARE.—

(A) REQUIREMENT.—An eligible entity may receive a SAFER grant only if the entity enters into an agreement with the designated Federal procurement official to contribute non-Federal funds to achieve the purpose of the grant in the following amounts:

(i) During the second year in which funds of a SAFER grant are received, an amount equal to 25 percent of the amount of the SAFER grant funds received that year.

(ii) During the third year in which funds of a SAFER grant are received, an amount equal to 50 percent of the amount of the SAFER grant funds received that year.

(iii) During the fourth year in which funds of a SAFER grant are received, an amount equal to 75 percent of the amount of the SAFER grant funds received that year.

(B) WAIVER.—The designated Federal procurement official may waive the requirement for a non-Federal contribution described in subparagraph (A) in the case of any eligible entity.

(C) ASSET FORFEITURE FUNDS.—An eligible entity may use funds received from the disposal of property transferred to the eligible entity pursuant to section 9703(h) of title 31, United States Code, section 981(e) of title 18, United States Code, or section 616 of the Tariff Act of 1930 (19 U.S.C. 1616a) to provide the non-Federal share required under paragraph (1).

(D) BIA FUNDS.—Funds appropriated for the activities of any agency of a tribal organization or for the Bureau of Indian Affairs to perform firefighting functions on any Indian lands may be used to provide the share required under subparagraph (A), and such funds shall be deemed to be non-Federal funds for such purpose.

(5) APPLICATIONS.—

(A) REQUIREMENT.—To receive a SAFER grant, an eligible entity shall submit an application for the grant to the designated Federal procurement official.

(B) CONTENT.—Each application for a SAFER grant shall contain, for each fire service covered by the application, the following information:

(i) A long-term strategy for increasing the force of firefighters in the fire service to ensure readiness for appropriate and effective emergency response to incidents or threats of terrorism.

(ii) A detailed plan for implementing the strategy that reflects consultation with community groups, consultation with appropriate private and public entities, and consideration of any master plan that applies to the eligible entity.

(iii) An assessment of the ability of the eligible entity to increase the force of firefighters in the fire service without Federal assistance.

(iv) An assessment of the levels of community support for increasing that force, including financial and in-kind contributions and any other available community resources.

(v) Specific plans for obtaining necessary support and continued funding for the firefighter positions proposed to be added to the fire service with SAFER grant funds.

(vi) An assurance that the eligible entity will, to the extent practicable, seek to recruit and employ (or accept the voluntary services of) firefighters who are members of racial and ethnic minority groups or women.

(vii) Any additional information that the designated Federal procurement official considers appropriate.

(C) SPECIAL RULE FOR SMALL COMMUNITIES.—The designated Federal procurement official may authorize an eligible entity responsible for a population of less than 50,000 to submit an application without information required under subparagraph (B), and may otherwise make special provisions to facilitate the expedited submission, processing, and approval of an application by such an entity.

(D) PREFERENTIAL CONSIDERATION.—The designated Federal procurement official may give preferential consideration, to the extent feasible, to an application submitted by an eligible entity that agrees to contribute a non-Federal share higher than the share required under paragraph (4)(A).

(E) ASSISTANCE WITH APPLICATIONS.—The designated Federal procurement official is authorized to provide technical assistance to an eligible entity for the purpose of assisting with the preparation of an application for a SAFER grant.

(6) SPECIAL RULES ON USE OF FUNDS.—

(A) SUPPLEMENT NOT SUPPLANT.—The proceeds of a SAFER grant made to an eligible entity shall be used to supplement and not supplant other Federal funds, State funds, or funds from a subdivision of a State, or, in the case of a tribal organization, funds supplied by the Bureau of Indian Affairs, that are available for salaries or benefits for firefighters.

(B) LIMITATION RELATING TO COMPENSATION OF FIREFIGHTERS.—

(i) IN GENERAL.—The proceeds of a SAFER grant may not be used to fund the pay and benefits of a full-time firefighter if the total annual amount of the pay and benefits for that firefighter exceeds $100,000. The designated Federal procurement official may waive the prohibition in the proceeding sentence in any particular case.

(ii) ADJUSTMENT FOR INFLATION.—Effective on October 1 of each year, the total annual amount applicable under subparagraph (A) shall be increased by the percentage (rounded to the nearest one-tenth of one percent) by which the Consumer Price Index for all-urban consumers published by the Department of Labor for July of such year exceeds the Consumer Price Index for all-urban consumers published by the Department of Labor for July of the preceding year. The first adjustment shall be made on October 1, 2004.

(7) PERFORMANCE EVALUATION.—

(A) REQUIREMENT FOR INFORMATION.—The designated Federal procurement official shall evaluate, each year, whether an entity receiving SAFER grant funds in such year is substantially complying with the terms and conditions of the grant. The entity shall submit to the designated Federal procurement official any information that the designated Federal procurement official requires for that year for the purpose of the evaluation.

(B) REVOCATION OR SUSPENSION OF FUNDING.—If the designated Federal procurement official determines that a recipient of a SAFER grant is not in substantial compliance with the terms and conditions of the grant the designated Federal procurement official may revoke or suspend funding of the grant.

(8) ACCESS TO DOCUMENTS.—

(A) AUDITS BY DESIGNATED FEDERAL PROCUREMENT OFFICIAL.—The designated Federal procurement official shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of an eligible entity that receives a SAFER grant.

(B) AUDITS BY THE COMPTROLLER GENERAL.—Subparagraph (A) shall also apply with respect to audits and examinations conducted by the Comptroller General of the United States or by an authorized representative of the Comptroller General.

(9) TERMINATION OF SAFER GRANT AUTHORITY.—

(A) IN GENERAL.—The authority to award a SAFER grant shall terminate at the end of September 30, 2010.

(B) REPORT TO CONGRESS.—Not later than two years after the date of the enactment of this Act, the designated Federal procurement official shall submit to Congress a report on the SAFER grant program under this section. The report shall include an assessment of the effectiveness of the program for achieving its purpose, and may include any recommendations that the designated Federal procurement official has for increasing the forces of firefighters in fire services.

(10) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(i) a State;

(ii) a subdivision of a State;

(iii) a tribal organization;

(iv) any other public entity that the designated Federal procurement official determines appropriate for eligibility under this section; and

(v) a multijurisdictional or regional consortium of the entities described in clauses (i) through (iv).

(B) FIREFIGHTER.—The term ''firefighter'' means an employee or volunteer member of a fire service, including a firefighter, paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous materials worker, who—

(i) is trained in fire suppression and has the legal authority and responsibility to engage in fire suppression; or

(ii) is engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk.

(C) FIRE SERVICE.—The term ''fire service'' includes an organization described in section 4(5) of the Federal Fire Prevention and Control Act of 1974 that is under the jurisdiction of a tribal organization.

(D) MASTER PLAN.—The term ''master plan'' has the meaning given the term in section 10 of the Federal Fire Prevention and Control Act of 1974.

(E) SAFER GRANT.—The term 'SAFER grant' means a grant of financial assistance under this subsection.

(F) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(11) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purpose of carrying out this section such sums as may be necessary from the Department of Homeland Security, up to—

(A) $1,000,000,000 for fiscal year 2004;

(B) $1,030,000,000 for fiscal year 2005;

(C) $1,061,000,000 for fiscal year 2006;

(D) $1,093,000,000 for fiscal year 2007;

(E) $1,126,000,000 for fiscal year 2008;
(F) $1,159,000,000 for fiscal year 2009; and
(G) $1,194,000,000 for fiscal year 2010.

SA 786. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1050, 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following new section:

SEC. 2825. FEASIBILITY STUDY OF CONVEYANCE OF LOUISIANA ARMY AMMUNITION PLANT, DOYLINE, LOUISIANA.

(a) STUDY AUTHORIZED.—(1) The Secretary of the Army may undertake a study of the feasibility, costs, and benefits for the conveyance of the Louisiana Army Ammunition Plant as a model for a public-private partnership for the utilization and development of the Plant and similar parcels of real property.

(2) In conducting the study, the Secretary shall consider—

(A) the feasibility and advisability of entering into negotiations with the State of Louisiana or the Louisiana National Guard for the conveyance of the Plant;

(B) means by which the conveyance of the Plant could—

(i) facilitate the execution by the Department of Defense of its national security mission;

(ii) facilitate the continued use of the Plant by the Louisiana National Guard and the execution by the Louisiana National Guard of its national security mission; and

(iii) benefit current and potential civilian and governmental tenants of the Plant and facilitate the contribution of such tenants to economic development in Northwestern Louisiana;

(C) the amount and type of consideration that is appropriate for the conveyance of the Plant;

(D) the extent to which the conveyance of the Plant to a public-private partnership will contribute to economic growth;

(E) the need and advisability of continuing in force agreements between the Army and the contractor operating the facility;

(F) the value of any mineral rights in the lands of the Plant;

(G) the advisability of sharing revenues and rents paid by current and potential tenants of the Plant as a result of the Armament Retooling and Manufacturing Support Program; and

(H) the need for continuing access to the Plant by the Army Joint Munitions Command after the conveyance of the Plant.

(a) LOUISIANA ARMY AMMUNITION PLANT.—In this section, the term ''Louisiana Army Ammunition Plant'' means the Louisiana Army Ammunition Plant in Doyline, Louisiana, consisting of approximately 14,949 acres, of which 13,665 acres are under license to the Military Department of the State of Louisiana and 1,284 acres are used by the Army Joint Munitions Command.

SA 787. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1050, 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 213. NON-THERMAL IMAGING SYSTEMS.

(a) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy and available for Power Projection Applied Research (PE 602114N), $2,000,000 may be available for non-thermal imaging systems.

(b) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (a) for the purpose specified in that subsection is in addition to any other amounts available under this Act for that purpose.

SA 788. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize 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; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 313. INFORMATION OPERATIONS SUSTAINMENT FOR LAND FORCES READINESS OF ARMY RESERVE.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR ARMY RESERVE.—The amount authorized to be appropriated by section 301(6) for operation and maintenance for the Army Reserve is hereby increased by $3,000,000.

(b) AVAILABILITY FOR INFORMATION OPERATIONS SUSTAINMENT.—(1) Of the amount authorized to be appropriated by section 301(6) for operation and maintenance for the Army Reserve, as increased by subsection (a), $3,000,000 may be available for Information Operations (Account #19640) for Land Forces Readiness–Information Operations Sustainment.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(c) OFFSET.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby reduced by $3,000,000.

SA 789. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1039. SENSE OF SENATE ON DEPLOYMENT OF AIRBORNE CHEMICAL AGENT MONITORING SYSTEMS AT CHEMICAL STOCKPILE DISPOSAL SITES IN THE UNITED STATES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Millions of assembled chemical weapons from rockets, land mines, fuses, explosives, propellants, chemical agents, shipping and firing tubes, packaging materials, and similar material are stockpiled at chemical agent disposal facilities and depots sites across the United States.

(2) Some of these weapons are filled with nerve agents, such as GB and VX and blister agents such as HD (mustard agent).

(3) Hundreds of thousands of United States citizens live in the vicinity of these chemical weapons stockpile sites and depots.

(4) The airborne chemical agent monitoring systems at these sites are inefficient or outdated compared to newer and advanced technologies on the market.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of the Army should develop and deploy a program to upgrade the airborne chemical agent monitoring systems at all chemical stockpile disposal sites across the United States in order to achieve the broadest possible protection of the general public, personnel involved in the chemical demilitarization program, and the environment.

SA 790. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize 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; which was ordered to lie on the table; as follows:

In section 3131, add at the end the following:

(c) REPORT.—(1) Not later than March 1, 2004, the Secretary of State, the Secretary of Defense, and the Secretary of Energy shall jointly submit to Congress a report assessing whether the repeal of section 3136 of the National Defense Authorization Act for Fiscal Year 1994, will affect the non-proliferation goals, objectives, programs, and activities of the United States and what actions if any the United States can and should take to minimize any negative effects.

(2) The report shall be submitted in unclassified form, but may include a classified annex if necessary.

SA 791. Mr. DASCHLE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize 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; which was ordered to lie on the table; as follows:

On page 21, after line 20, insert the following:

SEC. 132. B–1B BOMBER AIRCRAFT.

(a) AMOUNT FOR AIRCRAFT.—(1) Of the amount authorized to be appropriated under section 103(1), $20,300,000 shall be available to reconstitute the fleet of B–1B bomber aircraft through modifications of 23 B–1B bomber aircraft otherwise scheduled to be retired in fiscal year 2003 that extend the service life of such aircraft and maintain or, as necessary, improve the capabilities of such aircraft for mission performance.

(2) The Secretary of the Air Force shall submit to the congressional defense committees a report that specifies the amounts necessary to be included in the future-years defense program to reconstitute the B–1B bomber aircraft fleet of the Air Force.

(b) ADJUSTMENT.—(1) The total amount authorized to be appropriated under section 103(1) is hereby increased by $20,300,000.

(2) The total amount authorized to be appropriated under section 104 is hereby reduced by $20,300,000, with the amount of the reduction to be allocated to SOF operational enhancements.

SA 792. Mr. WARNER proposed an amendment to the bill S. 1050, 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; as follows:

On page 25, between lines 11 and 12, insert the following:

SEC. 213. AMOUNT FOR JOINT ENGINEERING DATA MANAGEMENT INFORMATION AND CONTROL SYSTEM.

(a) NAVY RDT&E.—The amount authorized to be appropriated under section 201(2) is hereby increased by $2,500,000. Such amount may be available for the Joint Engineering Data Management Information and Control System (JEDMICS).

(b) NAVY PROCUREMENT.—The amount authorized to be appropriated under section 102(a)(4) is hereby reduced by $2,500,000, to be derived from the amount provided for the Joint Engineering Data Management Information and Control System (JEDMICS).

SA 793. Mr. LEVIN (for Mr. WYDEN (for himself, Ms. COLLINS, Mrs. CLINTON, Mr. BYRD, and Mr. LAUTENBERG)) proposed an amendment to the bill S. 1050, 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; as follows:

On page 273, between lines 20 and 21, insert the following:

(d) REPORTING REQUIREMENT RELATING TO NONCOMPETITIVE CONTRACTING FOR THE RECONSTRUCTION OF INFRASTRUCTURE OF IRAQ.—(1) If a contract for the maintenance, rehabilitation, construction, or repair of infrastructure in Iraq is entered into under the oversight and direction of the Secretary of Defense or the Office of Reconstruction and Humanitarian Assistance in the Office of the Secretary of Defense without full and open competition, the Secretary shall publish in the Federal Register or Commerce Business Daily and otherwise make available to the public, not later than 30 days after the date on which the contract is entered into, the following information:

(i) The amount of the contract.

(ii) A brief description of the scope of the contract.

(iii) A discussion of how the executive agency identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers.

(iv) The justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

(B) Subparagraph (A) does not apply to a contract entered into more than one year after date of enactment.

(2)(A) The head of an executive agency may—

(i) withhold from publication and disclosure under paragraph (1) any document that is classified for restricted access in accordance with an Executive order in the interest of national defense or foreign policy; and

(ii) redact any part so classified that is in a document not so classified before publication and disclosure of the document under paragraph (1).

(B) In any case in which the head of an executive agency withholds information under subparagraph (A), the head of such executive agency shall make available an unredacted version of the document containing that information to the chairman and ranking member of each of the following committees of Congress:

(i) The Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(ii) The Committees on Appropriations of the Senate and the House of Representatives.

(iii) Each committee that the head of the executive agency determines has legislative jurisdiction for the operations of such department or agency to which the information relates.

(3) This subsection shall apply to contracts entered into on or after October 1, 2002, except that, in the case of a contract entered into before the date of the enactment of this Act, paragraph (1) shall be applied as if the contract had been entered into on the date of the enactment of this Act.

(4) Nothing in this subsection shall be construed as affecting obligations to disclose United States Government information under any other provision of law.

(5) In this subsection, the terms ''executive agency'' and ''full and open competition'' have the meanings given such terms in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SA 794. Mr. WARNER (for Mr. MCCAIN (for himself and Mr. BAYH)) proposed an amendment to the bill S. 1050, 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; as follows:

On page 109, between lines 9 and 10, insert the following:

SEC. 535. FUNDING OF EDUCATION ASSISTANCE ENLISTMENT INCENTIVES TO FACILITATE NATIONAL SERVICE THROUGH DEPARTMENT OF DEFENSE EDUCATION BENEFITS FUND.

(a) IN GENERAL.—Subsection (j) of section 510 of title 10, United States Code, is amended to read as follows:

''(j) FUNDING.—(1) Amounts for the payment of incentives under paragraphs (1) and (2) of subsection (e) shall be derived from amounts available to the Secretary of the military department concerned for the payment of pay, allowances and other expenses of the members of the armed force concerned.

''(2) Amounts for the payment of incentives under paragraphs (3) and (4) of subsection (e) shall be derived from the Department of Defense Education Benefits Fund under section 2006 of this title.''.

(b) CONFORMING AMENDMENTS.—Section 2006(b) of such title is amended—

(1) in paragraph (1), by inserting ''paragraphs (3) and (4) of section 510(e) and'' after ''Department of Defense benefits under''; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

''(E) The present value of future benefits payable from the Fund for educational assistance under paragraphs (3) and (4) of section 510(e) of this title to persons who during such period become entitled to such assistance.''.

SA 795. Mr. WARNER (for Mr. ROBERTS) proposed an amendment to the bill S. 1050, 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; as follows:

On page 81, strike lines 12 and 13, and insert the following:

SEC. 368. CONTRACTING WITH EMPLOYERS OF PERSONS WITH DISABILITIES.

On page 82, between lines 19 and 20, insert the following:

(e) DEMONSTRATION PROJECTS FOR CONTRACTORS EMPLOYING PERSONS WITH DISABILITIES.—(1) The Secretary of Defense may carry out two demonstration projects for the purpose of providing opportunities for participation by severely disabled individuals in the industries of manufacturing and information technology.

(2) Under each demonstration project, the Secretary may enter into one or more contracts with an eligible contractor for each of fiscal years 2004 and 2005 for the acquisition of—

(A) aerospace end items or components; or

(B) information technology products or services.

(3) The items, components, products, or services authorized to be procured under paragraph (2) include—

(A) computer numerically-controlled machining and metal fabrication;

(B) computer application development, testing, and support in document management, microfilming, and imaging; and

(C) any other items, components, products, or services described in paragraph (2) that are not described in subparagraph (A) or (B).

(4) In this subsection:

(A) The term ''eligible contractor'' means a business entity operated on a for-profit or nonprofit basis that—

(i) employs not more than 500 individuals;

(ii) employs severely disabled individuals at a rate that averages not less than 33 percent of its total workforce over a period prescribed by the Secretary;

(iii) employs each severely disabled individual in its workforce generally on the basis of 40 hours per week;

(iv) pays not less than the minimum wage prescribed pursuant to section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) to the employees who are severely disabled individuals;

(v) provides for its employees health insurance and a retirement plan comparable to those provided for employees by business entities of similar size in its industrial sector or geographic region; and

(vi) has or can acquire a security clearance as necessary.

(B) The term ''severely disabled individual'' means an individual with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)) who has a severe physical or mental impairment that seriously limits one or more functional capacities.

SA 796. Mr. LEVIN (for Mrs. FEINSTEIN (for herself and Mr. STEVENS)) proposed an amendment to the bill S. 1050, 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; as follows:

At the end of subtitle C of title II, add the following:

SEC. 225. PROHIBITION ON USE OF FUNDS FOR NUCLEAR ARMED INTERCEPTORS IN MISSILE DEFENSE SYSTEMS.

No funds authorized to be appropriated for the Department of Defense by this Act may be obligated or expended for research, development, test, and evaluation, procurement, or deployment of nuclear armed interceptors in a missile defense system.

SA 797. Mr. LEVIN (for Mr. LIEBERMAN) proposed an amendment to the bill S. 1050, 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; as follows:

At the end of subtitle D of title II, add the following:

SEC. 235. DEPARTMENT OF DEFENSE STRATEGY FOR MANAGEMENT OF ELECTROMAGNETIC SPECTRUM.

(a) IN GENERAL.—The Secretary of Defense shall—

(1) in accordance with subsection (b), develop a strategy for the Department of Defense for the management of the electromagnetic spectrum to improve spectrum access and high-bandwidth connectivity to military assets.

(2) in accordance with subsection (c), communicate with civilian departments and agencies of the Federal Government in the development of the strategy identified in (a)(1).

(b) STRATEGY FOR DEPARTMENT OF DEFENSE STRATEGY FOR SPECTRUM MANAGEMENT.—(1) Not later than September 1, 2004, the Board shall develop a strategy for the Department of Defense for the management of the electromagnetic spectrum in order to ensure the development and use of spectrum-efficient technologies to facilitate the availability of adequate spectrum for network-centric warfare. The strategy shall include specific timelines, metrics, plans for implementation including the implementation of technologies for the efficient use of spectrum, and proposals for program funding.

(2) In developing the strategy, the Board shall consider and take into account the research and development program carried out under section 234.

(3) The Board shall assist in updating the strategy developed under paragraph (1) on a biennial basis to address changes in circumstances.

(4) The Board shall communicate with other departments and agencies of the Federal Government in the development of the strategy described in subsection (a)(1), representatives of the military departments, the Federal Communications Commission, the National Telecommunications and Information Administration, the Department of Homeland Security, the Federal Aviation Administration, and other appropriate departments and agencies of the Federal Government.

(c) BOARD.—In this section, the term ''Board'' means the Board of Senior Acquisition Officials as defined in section 822.

SA 798. Mr. WARNER proposed an amendment to the bill S. 1050, 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; as follows:

On page 322, strike line 8 and all that follows through page 324, line 10.

On page 326, strike lines 1 through 3.

On page 328, line 21, strike ''(1), (2), and (3)'' and insert ''(1) and (2)''.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, June 4, at 10 a.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 391—The Wild Sky Wilderness Act of 2003; S. 1003—To clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River; H.R. 417—To revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California; S. 924—To authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes; S. 714—a bill to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area, and for other purposes.

Contact: Frank Gladics 202–224–2878 or Dick Bouts 202–224–7545.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact the staff as indicated above.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. ALLARD. Mr. President, I ask unanimous consent that the committee on Agriculture, Nutrition, and Forestry be authorized to conduct a business meeting during the session of the Senate on Wednesday, May 21, 2003. The purpose of this meeting will be to consider the nominations of Glen Klippenstein, Julia Bartling, and Lowell Junkins to be members of the Board of Directors of the Federal Agricultural Mortgage Corporation and Tom Dorr to be a member of the Board of Directors of the Commodity Credit Corporation and to be under Secretary of Agriculture for Rural Development.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 21, 2003, at 10:00 a.m. to conduct an oversight hearing on ''national export strategy.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 21, 2003, at 9:30 a.m. on SPAM, in SR–253.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 21, 2003, 2:30 p.m. on TEA–21 Reauthorization, in SR–253.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 21 at 10:00 a.m. to consider pending calendar business.

Agenda Item No. 2—S. 520—A bill to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho for sure.

Agenda Item No. 3—S. 625—A bill to authorize the Bureau of Reclamation to conduct certain feasibility studies in the Tualatin River Basin in Oregon, and for other purposes.

Agenda Item No. 5—S. 500—A bill to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era.

Agenda Item No. 6—S. 635—A bill to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, and for other purposes.

Agenda Item No. 7—S. 651—A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

Agenda Item No. 8—H.R. 519—To authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed, and for other purposes.

Agenda Item No. 9—H.R. 733—To authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer the site as a unit of the National Park System, and for other purposes.

Agenda Item No. 10—H.R. 788—To revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona.

Agenda Item No. 11—S. 203—A bill to open certain withdrawn land in Big Horn County, Wyoming, to locatable mineral development for bentonite mining.

Agenda Item No. 12—S. 246—A bill to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.

In addition, the Committee may turn to any other measures that are ready for consideration.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 21, 2003 at 9:30 a.m. to hold a Business Meeting.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in Executive Session during the session of the Senate on Wednesday, May 21, 2003.

The following agenda will be considered: S. 1053, Genetics Non-Discrimination Act.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, May 21, 2003 at 10 a.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on Reorganization of the Bureau of Indian Affairs.

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

COMMITTEE ON THE JUDICIARY

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Executive Nominations'' on Wednesday, May 21, 2003 at 10 a.m. in the Dirksen Senate Office Building, room 226.

Panel I: Senators.

Panel II: R. Hewitt Pate to be Assistant Attorney General, Antitrust Division, United States Department of Justice.

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

JOINT ECONOMIC COMMITTEE

Mr. ALLARD. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in room 216 of the Hart Senate Office Building, Wednesday, May 21, 2003, from 9:30 a.m. at 1 p.m.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet on Wednesday, May 21, 2003, at 9 a.m., for a hearing entitled ''SARS: How Effective Is The State And Local Response?''

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

PRIVILEGES OF THE FLOOR

Mr. INHOFE. I ask unanimous consent John Swisher, a military fellow, be granted access to the floor during debate.

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

Mr. DAYTON. I ask unanimous consent that the military fellow in my office, Gregg Blanchard, be granted the privilege of the floor until the conclusion of the debate on S. 1050.

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

100TH ANNIVERSARY OF THE FORD MOTOR COMPANY

On Monday, May 19, 2003, the Senate passed S. Res. 100, the text of which is as follows:

S. RES. 100

Whereas on June 16, 1903, then 39 year-old Henry Ford and 11 associates, armed with little cash, some tools, a few blueprints, and unbounded faith, launched the Ford Motor Company by submitting incorporation papers in Lansing, Michigan;

Whereas the Ford Motor Company began operations in a leased, small converted wagon factory on a spur of the Michigan Central Railroad in Detroit;

Whereas the first commercial automobile emerged from the Ford Motor Company in 1903 and was the original 8-horsepower, 2-cylinder Model A vehicle with a 2-speed transmission, 28-inch wheels with wooden spokes, and 3-inch tires;

Whereas between 1903 and 1908, Henry Ford and his engineers developed numerous models named after the letters of the alphabet, with some of the models being only experimental and not available to the public;

Whereas on October 1, 1908, the Ford Motor Company introduced its ''universal car'', the Model T (sometimes affectionately called the ''Tin Lizzie''), which could be reconfigured by buyers to move cattle, haul freight, herd horses, and even mow lawns, and Ford produced 10,660 Model T vehicles its first model year, an industry record;

Whereas the Ford Motor Company inaugurated the first automotive integrated moving assembly line in 1913, changing the old manner of building 1 car at a time through moving the work to the worker by having parts, components, and assemblers stationed at different intervals, and beginning a new era of industrial progress and growth;

Whereas Henry Ford surprised the world in 1914 by setting Ford's minimum wage at $5.00 for an 8-hour day, which replaced the prior $2.34 wage for a 9-hour day and was a truly great social revolution for its time;

Whereas also in 1914, Henry Ford, with an eye to simplicity, efficiency, and affordability, ordered that the Model T use black paint exclusively because it dried faster than other colors, allowing cars to be built daily at a lower cost, and Ford said the vehicle will be offered in ''any color so long as it is black'';

Whereas Ford's self-contained Rouge manufacturing complex on the Rouge River encompassed diverse industries, including suppliers, that allowed for the complete production of vehicles from raw materials processing to final assembly, was an icon of the 20th century, and, with its current revitalization and redevelopment, will remain an icon in the 21st century;

Whereas in 1925, the company built the first of 199 Ford Tri-Motor airplanes, nicknamed the ''Tin Goose'' and the ''Model T of the Air'';

Whereas consumer demand for more luxury and power pushed aside the current model, and, on March 9, 1932, a Ford vehicle with the pioneering Ford V-8 engine block cast in 1 piece rolled off the production line;

Whereas while Ford offered only 2 automotive brands (Ford and Lincoln) through 1937, due to increased competition, in 1938 Ford introduced the first Mercury, a car with a distinctive streamlined body style, a V-8 engine with more horsepower than a Ford, and hydraulic brakes, thus filling the void between the low-priced Ford and the high-priced Lincoln;

Whereas the United Automobile Workers (UAW), one of the largest labor unions in the Nation, was formed in 1935 and, after a rather tumultuous beginning, won acceptance by the auto industry, becoming a potent and forceful leader for auto workers with Ford, which built a strong relationship with the union through its policies and programs;

Whereas, by Government decree, all civilian auto production in the United States ceased on February 10, 1942, and Ford, under the control of the War Production Board, produced an extensive array of tanks, B-24 aircraft, armored cars, amphibious craft, gliders, and other materials for the World War II war effort;

Whereas Ford dealers rallied to aid the Ford Motor Company in its postwar comeback, proving their merit as the public's main point of contact with the Company;

Whereas on September 21, 1945, Henry Ford II assumed the presidency of Ford, and on April 7, 1947, Ford's founder, Henry Ford passed away;

Whereas a revitalized Ford met the postwar economic boom with Ford's famed F-Series trucks making their debut in 1948 for commercial and personal use, and the debut of the 1949 Ford sedan, with the first change in a chassis since 1932 and the first integration of body and fenders which would set the standard for auto design in the future;

Whereas these new models were followed by such well-known vehicles as the Mercury Turnpike Cruiser, the retractable hardtop convertible Ford Skyliner, the high performing Ford Thunderbird (introduced in 1955), the Ford Galaxie (introduced in 1959), and the biggest success story of the 1960s, the Ford Mustang, which has been a part of the American scene for almost 40 years;

Whereas in 1953, President Dwight D. Eisenhower christened the new Ford Research and Engineering Center, which was a milestone in the company's dedication to automotive science and which houses some of the

most modern facilities for automotive research;

Whereas Ford's innovation continued through the 1980s with the introduction of the Ford Taurus, which was named the 1986 Motor Trend Car of the Year and which resulted in a new commitment to quality at Ford and in future aerodynamic design trends in the industry;

Whereas Ford's innovation continued through the 1990s with the debut in 1993 of the Ford Mondeo, European Car of the Year, the redesigned 1994 Ford Mustang, and the introduction in 1990 of the Ford Explorer, which defined the sport utility vehicle (SUV) segment and remains the best selling SUV in the world;

Whereas as the 21st century begins, Ford continues its marvelous record for fine products with the best-selling car in the world, the Ford Focus, and the best-selling truck in the world, the Ford F-Series;

Whereas the Ford Motor Company is the world's second largest automaker and includes Ford, Lincoln, Mercury, Aston Martin, Jaguar, Land Rover, Volvo, and Mazda automotive brands, as well as diversified subsidiaries in finance and other domestic and international business areas; and

Whereas on October 30, 2001, William Clay Ford, Jr., the great-grandson of Henry Ford, became Chairman and Chief Executive Officer of Ford Motor Company, and as such is concentrating on the fundamentals that have powered the company to greatness over the last century and made it a world-class auto and truck manufacturer, and that will continue to carry the company through the 21st century with even better products and innovations: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes—

(A) the 100th anniversary year of the founding of the Ford Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations, and a revolutionary industrial and global institution; and

(B) the truly wondrous achievements of the Ford Motor Company, as its employees, retirees, suppliers, dealers, its many customers, automotive enthusiasts, and friends worldwide commemorate and celebrate its 100th anniversary milestone on June 16, 2003;

(2) congratulates the Ford Motor Company for its achievements; and

(3) expects that the Ford Motor Company will continue to have an even greater impact in the 21st century and beyond by providing innovative products that are affordable and environmentally sustainable, and that will enhance personal mobility for generations to come.

OMBUDSMAN REAUTHORIZATION ACT OF 2003

Mr. BROWNBACK. I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 103, S. 515, reported out of the Environment and Public Works Committee earlier today.

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

The legislative clerk read as follows:

A bill (S. 515) to provide additional authority to the Office of Ombudsman of the Environmental Protection Agency.

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

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

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

The bill (S. 515) was read the third time and passed, as follows:

S. 515

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 ''Ombudsman Reauthorization Act of 2003''.

SEC. 2. OFFICE OF OMBUDSMAN.

Section 2008 of the Solid Waste Disposal Act (42 U.S.C. 6917) is amended to read as follows:

''SEC. 2008. OFFICE OF OMBUDSMAN.

''(a) DEFINITIONS.—In this section:

''(1) AGENCY.—The term 'Agency' means the Environmental Protection Agency.

''(2) DEPUTY OMBUDSMAN.—The term 'Deputy Ombudsman' means any individual appointed by the Ombudsman under subsection (e)(1)(A)(i).

''(3) OFFICE.—The term 'Office' means the Office of the Ombudsman established by subsection (b)(1).

''(4) OMBUDSMAN.—The term 'Ombudsman' means the director of the Office.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Agency an office to be known as the 'Office of the Ombudsman'.

''(2) OVERSIGHT.—

''(A) IN GENERAL.—The Office shall be an independent office within the Agency.

''(B) STRUCTURE.—To the maximum extent practicable, the structure of the Office shall conform to relevant professional guidelines, standards, and practices.

''(3) HEAD OF OFFICE.—

''(A) OMBUDSMAN.—The Office shall be headed by an Ombudsman, who shall—

''(i) be appointed by the President by and with the advice and consent of the Senate; and

''(ii) report directly to the Administrator.

''(B) QUALIFICATIONS FOR AND RESTRICTIONS ON EMPLOYMENT.—A person appointed as Ombudsman—

''(i) shall have experience as an ombudsman in a Federal, State, or local government entity; and

''(ii) shall not have been an employee of the Agency at any time during the 1-year period before the date of appointment.

''(C) TERM.—The Ombudsman—

''(i) shall serve for a term of 5 years; and

''(ii) may be reappointed for not more than 1 additional term.

''(D) REMOVAL.—

''(i) IN GENERAL.—The President may remove or suspend the Ombudsman from office only for neglect of duty or malfeasance in office.

''(ii) COMMUNICATION TO CONGRESS.—If the President removes or suspends the Ombudsman, the President shall communicate the reasons for the removal or suspension to Congress.

''(c) DUTIES.—The Ombudsman shall—

''(1) receive, and render assistance concerning, any complaint, grievance, or request for information submitted by any person relating to any program or requirement under—

''(A) this Act;

''(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

''(C) any other program administered by the Office of Solid Waste and Emergency Response of the Agency; and

''(2) conduct investigations, make findings of fact, and make nonbinding recommendations to the Administrator concerning the programs and requirements described in paragraph (1).

''(d) POWERS AND RESPONSIBILITIES.—In carrying out this section, the Ombudsman—

''(1) may investigate any action of the Agency without regard to the finality of the action;

''(2) may select appropriate matters for action by the Office;

''(3) may—

''(A) prescribe the methods by which complaints shall be made to, and received and addressed by, the Office;

''(B) determine the scope and manner of investigations made by the Office; and

''(C) determine the form, frequency, and distribution of conclusions and recommendations of the Office;

''(4) may request the Administrator to provide the Ombudsman notification, within a specified period of time, of any action taken on a recommendation of the Ombudsman;

''(5) may request, and shall be granted by any Federal agency or department, assistance and information that the Ombudsman determines to be necessary to carry out this section;

''(6) may examine any record of, and enter and inspect without notice any property under the administrative jurisdiction of—

''(A) the Agency; or

''(B) any other Federal agency or department involved in a matter under the administrative jurisdiction of the Office of Solid Waste and Emergency Response of the Agency;

''(7) may—

''(A) issue a subpoena to compel any person to appear to give sworn testimony concerning, or to produce documentary or other evidence determined by the Ombudsman to be reasonable in scope and relevant to, an investigation by the Office; and

''(B) seek enforcement of a subpoena issued under subparagraph (A) in a court of competent jurisdiction;

''(8) may carry out and participate in, and cooperate with any person or agency involved in, any conference, inquiry on the record, public hearing on the record, meeting, or study that, as determined by the Ombudsman—

''(A) is material to an investigation conducted by the Ombudsman; or

''(B) may lead to an improvement in the performance of the functions of the Agency;

''(9) may administer oaths and hold hearings in connection with any matter under investigation by the Office;

''(10) may engage in alternative dispute resolution, mediation, or any other informal process that the Ombudsman determines to be appropriate to carry out this section;

''(11) may communicate with any person, including Members of Congress, the press, and any person that submits a complaint, grievance, or request for information under subsection (c)(1); and

''(12) shall administer a budget for the Office.

''(e) ADMINISTRATION.—

''(1) IN GENERAL.—The Ombudsman shall—

''(A)(i) appoint a Deputy Ombudsman for each region of the Agency; and

''(ii) hire such other assistants and employees as the Ombudsman determines to be necessary to carry out this section; and

''(B) supervise, evaluate, and carry out personnel actions (including hiring and dismissal) with respect to any employee of the Office.

''(2) DELEGATION OF AUTHORITY.—The Ombudsman may delegate to other employees of the Office any responsibility of the Ombudsman under this section except—

''(A) the power to delegate responsibility;

''(B) the power to issue subpoenas; and

''(C) the responsibility to make recommendations to the Administrator.

''(3) CONTACT INFORMATION.—The Ombudsman shall maintain, in each region of the Agency, a telephone number, facsimile number, electronic mail address, and post office address for the Ombudsman that are different from the numbers and addresses of the regional office of the Agency located in that region.

''(4) REPORTS.—The Ombudsman—

''(A) shall, at least annually, publish in the Federal Register and submit to the Administrator, the President, the Committee on Environment and Public Works of the Senate, and the Committee on Energy and Commerce of the House of Representatives a report on the status of health and environmental concerns addressed in complaints and cases brought before the Ombudsman in the period of time covered by the report;

''(B) may issue reports, conclusions, or recommendations concerning any other matter under investigation by the Office;

''(C) shall solicit comments from the Agency concerning any matter under investigation by the Office; and

''(D) shall include any comments received by the Office in written reports, conclusions, and recommendations issued by the Office under this section.

''(f) PENALTIES.—An investigation conducted by the Ombudsman under this section constitutes—

''(1) a matter under section 1001 of title 18, United States Code; and

''(2) a proceeding under section 1505 of title 18, United States Code.

''(g) EMPLOYEE PROTECTION.—

''(1) IN GENERAL.—No employer may discharge any employee, or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment of the employee, because the employee (or any person acting at the request of the employee) complied with any provision of this section.

''(2) COMPLAINT.—Any employee that, in the opinion of the employee, is discharged or otherwise discriminated against by any person in violation of paragraph (1) may, not later than 180 days after the date on which the violation occurs, file a complaint in accordance with section 211 of the Energy Reorganization Act of 1974 (42 U.S.C. 5851).

''(h) APPLICABILITY.—

''(1) IN GENERAL.—This section—

''(A) does not limit any remedy or right of appeal; and

''(B) may be carried out notwithstanding any provision of law to the contrary that provides that an agency action is final, not reviewable, or not subject to appeal.

''(2) EFFECT ON PROCEDURES FOR GRIEVANCES, APPEALS, OR ADMINISTRATIVE MATTERS.—The establishment of the Office does not affect any procedure concerning grievances, appeals, or administrative matters under this Act or any other law (including regulations).

''(i) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

''(A) $3,000,000 for each of fiscal years 2004 and 2005;

''(B) $4,000,000 for each of fiscal years 2006 through 2009; and

''(C) $5,000,000 for each of fiscal years 2010 through 2013.

''(2) SEPARATE LINE ITEM.—In submitting the annual budget for the Federal Government to Congress, the President shall include a separate line item for the funding for the Office.''.

WELCOMING THE PRESIDENT OF THE PHILIPPINES

Mr. BROWNBACK. I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 152 which was submitted earlier today and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 152) welcoming the President of the Philippines to the United States, expressing gratitude to the Government of the Philippines for its strong cooperation with the United States in the campaign against terrorism and its membership in the coalition to disarm Iraq, and reaffirming the commitment of Congress to the continued expansion of friendship and cooperation between the United States and the Philippines.

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

Mr. BROWNBACK. I ask unanimous consent the resolution and the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The resolution (S. Res. 152) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 152

Whereas the United States and the Philippines have shared a special relationship as close friends for more than a century;

Whereas the United States and the Philippines have been allies for more than 50 years under the Mutual Defense Treaty which was signed at Washington on August 30, 1951 (3 UST 3947);

Whereas the United States and the Philippines share a common commitment to democracy, human rights, and freedom;

Whereas the United States and the Philippines share a common goal of bringing peace, stability and prosperity to the Asia-Pacific region;

Whereas the President of the Philippines, Her Excellency Gloria Macapagal-Arroyo, was the first leader in Asia to commit full support for the United States and its war against global terror after the terrorist attacks of September 11, 2001;

Whereas the Governments of the United States and the Philippines have effectively joined forces to combat the terrorist threat in Southeast Asia and are collaborating on a comprehensive political, economic, and security program designed to defeat terrorist threats in the Philippines, including those from Muslim extremists, Communist insurgents and international terrorists;

Whereas the Governments of the United States and the Philippines believe that, in light of growing evidence that links exist between entities in the Philippines and the international terrorist groups, the two countries should enhance their cooperative efforts to combat international terrorism;

Whereas Government of the United States welcomes and will assist the efforts of the Government of the Philippines to forge a lasting peace, protect human rights, and promote economic development on the island of Mindanao;

Whereas President Arroyo has fully supported the United States' position on Iraq, including joining the coalition to enact change in Iraq and arranging to send a humanitarian contingent to help the newly-liberated people of that country;

Whereas the United States welcomes the strong statements by President Arroyo on the need for North Korea to accept international norms on non-proliferation of weapons of mass destruction;

Whereas the United States fully supports the campaign of President Arroyo to implement economic and political reforms and to build a strong Republic in the Philippines to defend Philippine democracy from terror and to strengthen the Philippines as an ally of the United States: Now, therefore, be it

Resolved, That Congress

(1) welcomes the President, Her Excellency Gloria Macapagal-Arroyo, to the United States;

(2) expresses profound gratitude to the Government and the people of the Philippines for the expressions of support and sympathy provided after the September 11, 2001, terrorist attacks, and for the Philippines' strong cooperation in the on-going war against global terrorism, membership in the coalition to disarm Iraq, and assistance in helping to rebuild that country; and

(3) reaffirms its commitment to the continued expansion of friendship and cooperation between the Governments and the people of the United States and the Philippines.

UNITED NATIONS REMOVAL OF ECONOMIC SANCTIONS AGAINST IRAQ

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate Foreign Relations Committee be discharged from further action on H. Con. Res. 160 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 160) expressing the sense of Congress that the United Nations should remove the economic sanctions against Iraq completely and without condition.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWNBACK. I ask unanimous consent that the concurrent resolution and preamble be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 160) was agreed to.

The preamble was agreed to.

Daily Digest

HIGHLIGHTS

House Committees ordered reported 11 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S6789–S6890

Measures Introduced: Thirteen bills and two resolutions were introduced, as follows: S. 1090–1102, and S. Res. 151–152. **Pages S6852–53**

Measures Reported:

Special Report entitled "Committee Activities of the Select Committee on Intelligence, United States Senate, January 3, 2001, to November 22, 2002". (S. Rept. No. 108–52) **Page S6851**

S. 515, to provide additional authority to the Office of Ombudsman of the Environmental Protection Agency. (S. Rept. No. 108–50) **Page S6851**

S. 313, to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs, with amendments. (S. Rept. No. 108–51) **Page S6851**

H.R. 192, to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts. **Page S6851**

S. Con. Res. 7, expressing the sense of Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences. **Page S6851**

Measures Passed:

Ombudsman Reauthorization Act: Senate passed S. 515, to provide additional authority to the Office of Ombudsman of the Environmental Protection Agency. **Pages S6889–90**

Welcoming the President of the Philippines to the United States: Senate agreed to S. Res. 152, welcoming the President of the Philippines to the United States, expressing gratitude to the Government of the Philippines for its strong cooperation with the United States in the campaign against terrorism and its membership in the coalition to disarm Iraq, and reaffirming the commitment of Congress to the continuous expansion of friendship and cooperation between the United States and the Philippines. **Page S6890**

U.N. Sanctions Against Iraq: Committee on Foreign Relations was discharged from further consideration of H. Con. Res. 160, expressing the sense of Congress that the United Nations should remove the economic sanctions against Iraq completely and without condition, and the resolution was then agreed to. **Page S6890**

Department of Defense Authorization: Senate continued consideration of S. 1050, 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, taking action on the following amendments: **Pages S6789–S6843, S6845–46**

Adopted:

By 59 yeas to 38 nays (Vote No. 187), Warner Amendment No. 752 (to Amendment No. 751), in the nature of a substitute. **Pages S6789–92**

By a unanimous vote of 96 yeas (Vote No. 188), Reed Amendment No. 751, to modify the scope of the prohibition on research and development of low-yield nuclear weapons. **Pages S6789–92**

Collins Amendment No. 757, to amend title 10, United States Code, to restrict bundling of Department of Defense contract requirements that unreasonably disadvantages small businesses. **Pages S6793–97**

Nelson (FL) Amendment No. 766, to require a specific authorization of Congress for the commencement of the engineering development phase or subsequent phase of a Robust Nuclear Earth Penetrator. **Page S6805**

Nelson (FL) Amendment No. 767, to require a study on the application of technology from the Robust Nuclear Earth Penetrator Program to conventional hard and deeply buried target weapons development programs. **Pages S6805–06**

Hutchison Amendment No. 763, to add availability of family support services to the matters required to be included in the report on the conduct of Operation Iraqi Freedom in section 1023. **Pages S6808–10**

By 51 yeas to 48 nays (Vote No. 190), Lautenberg/Jeffords Amendment No. 722, to modify requirements applicable to the limitation on designation of critical habitat for conservation of protected species under the provision on military readiness and conservation of protected species. **Pages S6810–15**

Bingaman Modified Amendment No. 765, to require a specific authorization of Congress before the conduct of the design, development, or deployment of the hit-to-kill ballistic missile defense interceptors. **Pages S6819–21, S6823**

By 50 yeas to 48 nays (Vote No. 191), McCain Amendment No. 783, (to language proposed to be stricken by Amendment No. 725), to propose the insertion of matter in lieu of the matter proposed to be stricken. **Pages S6823–27**

Warner Amendment No. 792, to correct the authorization of appropriations for the Joint Engineering Data Management Information and Control System (JEDMICS) so as to be provided for in Navy RDT&E (PE 0603739N) instead of Navy procurement. **Pages S6833–34**

Levin (for Wyden) Amendment No. 793, to provide for the reporting requirement regarding Iraq to include a requirement to report noncompetitive contracting for the reconstruction of the infrastructure of Iraq. **Pages S6834–35**

Warner (for McCain/Bayh) Amendment No. 794, to provide for the funding of education assistance enlistment incentives to facilitate National service through Department of Defense Education Benefits Fund. **Page S6835**

Warner (for Roberts) Amendment No. 795, to enhance the defense contracting opportunities for persons with disabilities. **Page S6835**

Levin (for Nelson (FL)) Amendment No. 759, expressing the sense of the Senate that the Secretary of Defense should disburse funds to reward the provision of information leading to the resolution of the status of the members of the Armed Forces of the United States who remain missing in action. **Pages S6835–36**

Warner (for Domenici) Amemdment No. 740, to provide entitlement to health care for reserve officers of the Armed Forces pending orders to initial active duty following commissioning. **Page S6836**

Levin (for Feinstein/Stevens) Amendment No. 796, to prohibit the use of funds for research, development, test, and evaluation, procurement, or deployment of nuclear armed interceptors in a missile defense system. **Page S6836**

Warner (for Lott) Amendment No. 700, to express the sense of the Senate in support of the Advanced Shipbuilding Enterprise of the National Shipbuilding Research Program. **Pages S6836–37**

Warner (for Allard) Amendment No. 779, to provide a substitute for section 1035, relating to the protection of the operational files of the National Security Agency. **Pages S6837–38**

Levin (for Dodd) Modified Amendment No. 746, to require an Army study regarding use of a second source of production for gears incorporated into helicopter transmissions for CH–47 helicopters. **Page S6838**

Warner (for Chambliss) Amendment No. 784, to require a report on the efforts of the National Geospatial-Intelligence Agency to utilize certain data extraction and exploitation capabilities within the Commercial Joint Mapping Tool Kit (C/JMTK). **Page S6838**

Levin (for Lieberman) Amendment No. 797, to provide for a strategy for the Department of Defense for the management of the electromagnetic spectrum. **Pages S6838–39**

Warner (for Domenici) Amendment No. 739, to expand reimbursement for travel expenses of covered beneficiaries of CHAMPUS for specialty care in order to cover specialized dental care. **Page S6839**

Warner Amendment No. 798, to strike subsection (c) of section 2101 relating to unspecified worldwide military construction projects for the Army. **Page S6839**

Rejected:

Dorgan Modified Amendment No. 750, to prohibit the use of funds for a nuclear earth penetrator weapon. (By 56 yeas to 41 nays (Vote No. 189), Senate tabled the amendment.) **Pages S6797–S6804**

Withdrawn:

Harkin Amendment No. 774, to prohibit the use of funds for acquiring for inventories of the Department of Defense property in excess of the requirements for the inventories. **Pages S6815–18**

Bennett Amendment No. 776, to repeal the Millions of Theoretical Operations Per Second (MTOPS) requirement for computer export controls. **Pages S6818–19**

Pending:

Murray Amendment No. 691, to restore a previous policy regarding restrictions on use of Department of Defense medical facilities. **Pages S6831–33**

During consideration of this measure today, Senate also took the following action:

Dayton Amendment No. 725, to strike section 833, relating to waiver authority for domestic source or content requirements, was rendered moot when McCain Amendment No. 783 (listed above) was adopted. **Pages S6821–23, S6827**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Thursday, May 22, 2003, with certain amendments to be proposed thereto. **Page S6843**

Messages From the House: **Page S6851**

Measures Referred: **Page S6851**

Enrolled Bills Presented: **Page S6851**

Executive Communications: **Page S6851**

Executive Reports of Committees: **Pages S6851–52**

Additional Cosponsors: **Pages S6853–55**

Statements on Introduced Bills/Resolutions: **Pages S6855–71**

Additional Statements: **Pages S6848–51**

Amendments Submitted: **Pages S6871–87**

Notices of Hearings/Meetings: **Page S6887**

Authority for Committees to Meet: **Pages S6887–88**

Privilege of the Floor: **Page S6888**

Record Votes: Five record votes were taken today. (Total—191) **Pages S6792, S6804, S6815, S6827**

Adjournment: Senate met at 9:31 a.m., and adjourned at 9:41 p.m., until 9:30 a.m., on Thursday, May 22, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6844.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Agriculture, Nutrition, and Forestry: Committee ordered favorably reported the nominations of Glen Klippenstein, of Missouri, Julia Bartling, of South Dakota, and Lowell Junkins, of Iowa, each to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation, Farm Credit Administration.

NATIONAL EXPORT STRATEGY

Committee on Banking, Housing, and Urban Affairs: Committee concluded oversight hearings to examine the national export strategy, focusing on the Trade Promotion Coordinating Committee (TPCC), activity in post-crisis regions including the Afghanistan Reconstruction and frontline States in Central Asia, and transportation security and safety initiatives, after receiving testimony from Donald L. Evans, Secretary of Commerce; Grant D. Aldonas, Under Secretary of Commerce for International Trade; Philip Merrill, President and Chairman, Export-Import Bank of the United States; Peter S. Watson, President and Chief Executive Officer, Overseas Private Investment Corporation; Hector V. Barreto, Jr., Administrator, Small Business Administration; and Barbara R. Bradford, Deputy Director, U.S. Trade and Development Agency.

COMPUTER SPAM

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine issues concerning the extent and effects of receiving unsolicited commercial e-mail (computer spam), focusing on Federal efforts to combat its growing threat to web-based services, after receiving testimony from Senators Schumer and Dayton; Orson Swindle and Mozelle W. Thompson, both Commissioners of the Federal Trade Commission; Ted Leonsis, America Online Incorporated, Dulles, Virginia; Enrique Salem, Brightmail, Incorporated, San Francisco, California; J. Trevor Hughes, Network Advertising Initiative, York, Maine; Marc Rotenberg, Electronic Privacy Information Center (EPIC), Washington, D.C.; and Ronald Scelson, Scelson Online Marketing, Slidell, Louisiana.

SAFETEA

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, (also known as SAFETEA (Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003)), receiving testimony from Norman Y. Mineta, Secretary of Transportation, Jeffery Runge, Administrator, National Highway Traffic Safety Administration, and Annette M. Sandberg, Deputy Administrator, Federal Motor Carrier Administration, all of the Department of Transportation.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following business items:

S. 246, to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico, with amendments;

S. 500, to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era, with an amendment in the nature of a substitute;

S. 520, to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho;

S. 625, to authorize the Bureau of Reclamation to conduct certain feasibility studies in the Tualatin River Basin in Oregon, with an amendment;

S. 635, to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, with an amendment in the nature of a substitute;

H.R. 519, to authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed;

H.R. 733, to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer the site as a unit of the National Park System, with an amendment in the nature of a substitute and an amendment to the title; and

H.R. 788, to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona.

ASIA

Committee on Foreign Relations: on Tuesday, May 20, 2003, Committee met in closed session to receive a briefing on North Korea and Indonesia from James A. Kelly, Assistant Secretary of State for East Asian and Pacific Affairs.

TRADE IN THE WESTERN HEMISPHERE

Committee on Foreign Relations: on Tuesday, May 20, 2003, Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs concluded hearings to examine the future of U.S. economic relations in the Western Hemisphere, the success of the North American Free Trade Agreement (NAFTA), the U.S. trade agenda, the U.S.-Chile Free Trade Agreement, agriculture in the World Trade Organization (WTO), and additional actions on intellectual property, trade, and soybean rust, after receiving testimony from J.B. Penn, Under Secretary of Agriculture for Farm and Foreign Agricultural Services; Allen F. Johnson, Chief Agriculture Negotiator, Office of U.S. Trade Representative; Bart Ruth, Rising City, Nebraska, on behalf of the American Soybean Association; Carl Casale, Monsanto Company, St. Louis, Missouri; Robert W. Greene, Courtland, Alabama, on behalf of the National Cotton Council of America; Doug Boisen, National Corn Growers Association, Minden, Nebraska; Jim McDonald, Grangeville, Idaho, on behalf of U.S. Wheat Associates and National Association of Wheat Growers; Jim Quackenbush, Chokio, Minnesota, on behalf of the National Pork Producers Council; Andrew W. LaVigne, Florida Citrus Mutual, Lakeland, Florida; Jack Roney, American Sugar Alliance, and Thomas M. Suber, U.S. Dairy Export Council, both of Arlington, Virginia; and Gregg Doud, National Cattlemen's Beef Association, and David J. Frederickson, National Farmers Union, both of Washington, D.C.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

An original bill to authorize foreign assistance for fiscal year 2004, to make technical and administrative changes to the Foreign Assistance and Arms Export Control Acts;

An original bill to establish a Millennium Challenge Corporation;

S. Con. Res. 7, expressing the sense of Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences;

H.R. 192, to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts; and

The nominations of Ephraim Batambuze, of Illinois, and John W. Leslie, Jr., of Connecticut, both to be a Member of the Board of Directors of the African Development Foundation, Cynthia Costa, of South Carolina, and Ralph Martinez, of Florida, both to be an Alternate Representative of the United States of America to the Fifty-seventh Session of the General Assembly of the United Nations, Michael B. Enzi, of Wyoming, Paul Sarbanes, of Maryland, and James Shinn, of New Jersey, each to be a Representative of the United States of America to the Fifty-seventh Session of the General Assembly of the United Nations, James B. Foley, of New York, to be Ambassador to the Republic of Haiti, Richard W. Erdman, of Maryland, to be Ambassador to the People's Democratic Republic of Algeria, Jeffrey Lunstead, of the District of Columbia, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador to the Republic of Maldives, Harry K. Thomas, Jr., of New York, to be Ambassador to the People's Republic of Bangladesh, Steven A. Browning, of Texas, to be Ambassador to the Republic of Malawi, and two Foreign Service Officer promotion lists.

SARS: STATE AND LOCAL RESPONSE

Committee on Governmental Affairs: Permanent Subcommittee on Investigations concluded hearings to examine the scope of the SARS outbreak, focusing

on the coordination of response to individual outbreaks among local, state, and Federal officials, as well as between government officials and the private sector, and what state and local officials are doing to anticipate and respond to the disease, after receiving testimony from Julie L. Gerberding, Director, Centers for Disease Control and Prevention, and Anthony S. Fauci, Director, National Institute of Allergy and Infectious Diseases, National Institutes of Health, both of the Department of Health and Hums Services; Michael T. Osterholm, University of Minnesota, Minneapolis; Rodney N. Huebbers, Loudoun Healthcare, Incorporated, Leesburg, Virginia; Thomas R. Frieden, New York City Department of Health and Mental Hygiene, New York; Mary C. Selecky, Washington State Department of Health, Olympia, on behalf of the Association of State and Territorial Health Officials; Lawrence O. Gostin, Georgetown University Law Center, Washington, D.C.; Bruce R. Cords, Ecolab Incorporated, St. Paul, Minnesota; and Vicki Grunseth, Metropolitan Airports Commission, Minneapolis, Minnesota.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported S. 1053, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, with an amendment in the nature of a substitute.

BUREAU OF INDIAN AFFAIRS

Committee on Indian Affairs: Committee concluded oversight hearings to examine the proposed reorganization of the Bureau of Indian Affairs, and the Office of Special Trustee, focusing on tribal economic development, self-determination and self governance policies and projects, accountability by the addition of Regional Trust Administrators and Trust Officers to serve as an additional resource for fiduciary trust transactions, and consolidated beneficiary services, after receiving testimony from Ross O. Swimmer, Special Trustee for American Indians, and Aurene M. Martin, Acting Assistant Secretary, Bureau of Indian Affairs, both of the Department of the Interior; Tex G. Hall, National Congress of American Indians, Washington, D.C.; John Berry, Quapaw Tribe of Oklahoma, Quapaw, and Richard Sangrey, Albuquerque, New Mexico, both on behalf of the Inter-Tribal Monitoring Service; Clifford Marshall, Hoopa Valley Tribe, California, on behalf of the Tribal Trust Reform Consortium; and Keller George, Oneida Indian Nation, Nashville, Tennessee, on behalf of the United South and Eastern Tribes (USET).

NOMINATION

Committee on the Judiciary: Committee concluded hearings on the nomination of R. Hewitt Pate, of Virginia, to be an Assistant Attorney General, Department of Justice, after the nominee, who was introduced by Senator Allen, testified and answered questions in his own behalf.

House of Representatives

Chamber Action

Measures Introduced: 25 public bills, H.R. 2178–2202; and 5 resolutions, H.J. Res. 56; H. Con. Res. 187–189, and H. Res. 246, were introduced. **Pages H4527–28**

Additional Cosponsors: **Pages H4528–29**

Reports Filed: Reports were filed today as follows:

Supplemental report on H.R. 1588, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004 (H. Rept. 108–106, Pt. 2);

H.R. 1170, to protect children and their parents from being coerced into administering psychotropic medication in order to attend school, amended (H. Rept. 108–121).

H. Res. 247, providing for further consideration of H.R. 1588, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004 (H. Rept. 108–122);

H. Res. 248, providing for consideration of H.R. 2185, to extend the Temporary Extended Unemployment Compensation Act of 2002 (H. Rept. 108–123); and

H. Res. 249, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 108–124). **Pages H4526–27**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Quinn to act as Speaker pro tempore for today. **Page H4371**

Guest Chaplain: The prayer was offered by the Rev. Gregory J. Jackson, Senior Pastor, Mt. Olive Baptist Church of Hackensack, New Jersey. **Page H4371**

United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act: Agreed to the Senate amendments to H.R. 1298, to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria—clearing the measure for the President. **Pages H4375–82**

The motion to concur in the Senate amendments was considered pursuant to the order of the House of May 20. **Page H4382**

Enrollment Correction: The House agreed to S. Con. Res. 46, to correct the enrollment of H.R. 1298, United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act. Later, the House agreed to vacate that action, amend the concurrent resolution, and then adopt the concurrent resolution as so amended. **Page H4382**

100th Anniversary Year of the Founding of the Ford Motor Company: The House agreed to H. Res. 100, recognizing the 100th anniversary year of the founding of the Ford Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a revolutionary industrial and global institution. Agreed to the amendment to the preamble and agreed to amend the title so as to read: ''Resolution recognizing the 100th anniversary year of the founding of the Ford Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a revolutionary industrial and global institution, and congratulating the Ford Motor Company for its achievements.''. **Pages H4399–H4402**

Suspension: The House agreed to suspend the rules and pass the following measures:

Child Medication Safety Act: H.R. 1170, amended, to protect children and their parents from being coerced into administering psychotropic medication in order to attend school (agreed to by yea-and-nay vote of 425 yeas to 1 nay, Roll No. 203). Agreed to amend the title so as to read: ''A bill to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes.'' and **Pages H4382–87, H4398**

Enhanced Cooperation Between the VA and DOD: Debated on May 20, H.R. 1911, to amend title 38, United States Code, to enhance cooperation and the sharing of resources between the Department of Veterans Affairs and the Department of Defense (agreed to by yea-and-nay vote of 426 yeas with none voting ''nay,'' Roll No. 204); **Pages H4398–99**

Supplemental Report: The Committee on Armed Services received permission to file a supplemental report on H.R. 1588, National Defense Authorization for Fiscal Year 2004. **Page H4402**

National Defense Authorization for Fiscal Year 2004: The House completed general debate and began considering amendments to H.R. 1588, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2004. Proceedings will resume on Thursday, May 22. **Pages H4402–H4511**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Armed Services and printed in the bill (H. Rept. 108–106) was considered as an original bill for the purpose of amendment. **Pages H4419–92**

Agreed To:

Hunter amendment No. 1 printed in H. Rept. 108–120 that makes technical, clarifying changes; strikes Section 317(a) concerning the Endangered Species Act and maintains ''prudent and determinable designation''; and replaces Section 318(a) concerning Marine Mammal Protection Act to define harassment in the case of military readiness activities only (agreed to by recorded vote of 252 ayes to 175 noes, Roll No. 205); **Pages H4492–93, H4497–98**

Goode amendment No. 2 printed in H. Rept. 108–120 that authorizes the Secretary of Defense to assign members of the Army, Navy, Air Force, and Marine Corps to assist the Bureau of Border Security and the Customs Service at the request of the Secretary of Homeland Security (agreed to by recorded vote of 250 ayes to 179 noes, Roll No. 206); **Pages H4494–97, H4498**

Hoeffel amendment No. 5 printed in H. Rept. 108–120 that requires an annual report from the President on the strategic nuclear warheads dismantled pursuant to the treaty between the United States and the Russian Federation on Strategic Reductions; **Pages H4506–07**

Goss amendment No. 7 printed in H. Rept. 108–120 that requires the Secretary of Defense to assess the costs to the United States associated with the location of the headquarters of the North Atlantic Treaty Organization (NATO) in Brussels, Belgium and the costs and benefits of relocating that headquarters to a suitable location in another NATO member country; and **Pages H4508–09**

Hunter amendment No. 9 printed in H. Rept. 108–120 that expresses the sense of Congress that the expansion of the NATO alliance and the evolution of its military mission requires a fundamental

reevaluation of the current posture of United States forces stationed in Europe and urges the President to initiate the reevaluation and consider a military posture that takes advantage of basing and training opportunities in the newly admitted and invitee states. **Pages H4510–11**

Postponed Proceedings:

Loretta Sanchez amendment No. 3 printed in H. Rept. 108–120 was offered that seeks to permit abortions at DoD facilities outside of the United States; **Pages H4498–H4503**

Tauscher amendment No. 4 printed in H. Rept. 108–120 was offered that seeks to transfer Robust Nuclear Earth Penetrator program funding of $15 million and advanced concepts initiative activities funding of $6 million to conventional programs to defeat hardened and deeply buried targets; **Pages H4503–06**

Goss amendment No. 6 printed in H. Rept. 108–120 was offered that seeks to require a report from the Secretary of Defense on appropriate steps that can be taken in response to foreign governments who initiate legal actions against current or former officials of the United States or members of the Armed Forces relating to the performance of their official duties; **Pages H4507–08**

Saxton amendment No. 8 printed in H. Rept. 108–120 was offered that seeks to repeal the statutory requirement that the United States defense attache to France must hold, or be on the promotion list, the grade of brigadier general or rear admiral, lower half; **Pages H4509–10**

The House agreed to H. Res. 245, the rule that is providing for consideration of the bill by recorded vote of 224 ayes to 200 noes, Roll 202. Earlier agreed to order the previous question by yea-and-nay vote of 225 yeas to 203 nays, Roll No. 201. **Pages H4387–98**

Order of Business Suspensions: The Chair announced that proceedings will resume on May 22 on the motions to suspend the rules and pass H.R. 1683, Veterans' Compensation Cost-of-Living Adjustment: and H.R. 1257, Selected Reserve Home Loan Equity Act, both originally considered on May 20. **Page H4511**

Recess: The House recessed at 9:08 p.m. and reconvened at 11:45 p.m. **Page H4525**

Quorum Calls—Votes: Three yea-and-nay votes and three recorded votes developed during the proceedings of the House today and appear on pages H4397, H4397–98, H4398, H4399, H4497–98, and H4498. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:46 p.m.

Committee Meetings

WTO—NEGOTIATIONS ON AGRICULTURE STATUS

Committee on Agriculture: Held a hearing to review the status of the World Trade Organization Negotiations on Agriculture. Testimony was heard from Ann M. Veneman, Secretary of Agriculture; and Robert B. Zoellick, U.S. Trade Representative.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing and Related Programs held a hearing on Millennium Challenge Corporation. Testimony was heard from the following officials of the Department of State: Alan P. Larson. Under Secretary, Economic, Business and Agricultural Affairs; and Andrew S. Natsios, Administrator, AID.

LEGISLATIVE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Legislative held a hearing on the Architect of the Capitol (Not Capitol Visitor's Center). Testimony was heard from Alan M. Hantman, Architect of the Capitol.

TRANSPORTATION, TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation, Treasury and Independent Agencies held a hearing on Benefits and Costs of Transportation Options. Testimony was heard from Charles Nottingham, Associate Administrator, Policy, Federal Highway Administration, Department of Transportation; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Financial Services: Ordered reported the following bills: H.R. 23, Tornado Shelters Act; H.R. 1276, amended, American Dream Downpayment Act; H.R. 1614, HOPE VI Program Reauthorization and Small Community Main Street Rejuvenation and Housing Act of 2003; and H.R. 2120, Financial Contracts Bankruptcy Reform Act of 2003.

FUTURE OF KOSOVO

Committee on International Relations: Held a hearing on the Future of Kosovo. Testimony was heard from Janet L. Brogue, Deputy Assistant Secretary, Bureau of European and Eurasian Affairs, Department of State; Daniel Serwer, Director, Balkans Initiative, U.S. Institute of Peace; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following measures: H.J. Res. 4, proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States; H.R. 361, amended, Sports Agent Responsibility and Trust Act; H. Res. 193, reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003; and H.R. 1115, amended, Class Action Fairness Act of 2003.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Committee on Rules: Granted, by voice vote, a structured rule on H.R. 1588, National Defense Authorization Act for Fiscal Year 2004, providing for further consideration of the bill. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution and amendments en bloc described in section 2 of the resolution. The rule provides that amendments printed in the report shall be considered only in the order printed in the report (except as specified in section 3 of the resolution), may be offered only by a Member designated in the report, shall be considered as read and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule provides that each amendment printed in the report shall be debatable for 10 minutes (unless otherwise specified in the report) equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment). The rule waives all points of order against amendments printed in the report and those amendments en bloc as described in Section 2 of the resolution.

The rule authorizes the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report, or germane modifications thereto, which shall be considered as read (except that modifications shall be reported), shall be debatable for 20 minutes equally divided and controlled between the chairman and ranking minority member of the Committee on Armed Services or their designees, and shall not be subject to amendment or demand for a division of the question. The rule provides that, for the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken and that the original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc. The rule allows the Chairman of the Committee of the Whole to recognize for consideration of any amendment printed in the report, out of the order printed, but not sooner than one hour after the chairman of the Armed Services Committee or his designee announces from the floor a request to that effect. Finally, the rule provides a motion to recommit with or without instructions.

SAME DAY CONSIDERATION—CONFERENCE REPORT JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003

Committee on Rules: Granted, by voice vote, a resolution waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The resolution applies the waiver to any special rule reported on the legislative day of Thursday, May 22, 2003, providing for consideration or disposition of H.R. 2, to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

UNEMPLOYMENT COMPENSATION AMENDMENTS OF 2003

Committee on Rules: Granted, by a vote of 8 to 3, a closed rule on H.R. 2185, to extend the Temporary Extended Unemployment Compensation Act of 2002 providing one hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill. The rule provides one motion to recommit with or without instructions.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Ordered reported the following bills: S. 703, to designate the regional headquarters building for the National Park Service under construction in Omaha, Nebraska, as the "Carl T. Curtis National Park Service Midwest Regional Headquarters Building;" H.R. 1082, to designate the Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, Indiana, as the "Birch Bayh Federal Building

and United States Courthouse;'' and H.R. 2115, amended, Flight 100—Century of Aviation Reauthorization Act.

The Committee also approved U.S. Army Corps of Engineers Survey resolutions.

SAFE AND FLEXIBLE TRANSPORTATIONEFFICIENCY ACT

Committee on Transportation and Infrastructure: Subcommittee on Highways, Transit, and Pipelines continued overview hearings on the Administration's Proposed Reauthorization bill (SAFETEA), (Part 111). Testimony was heard from Jenna Dorn, Administrator, Federal Transit Administration, Department of Transportation.

HOMELAND SECURITY SCIENCE ANDTECHNOLOGY PREPARING FUTURE

Select Committee on Homeland Security: Subcommittee on Cybersecurity, Science, and Research and Development held an oversight hearing on ''Homeland Security Science and Technology: Preparing for the Future.'' Testimony was heard from Charles McQueary, Under Secretary, Science and Technology, Department of Homeland Security.

Joint Meetings

U.S. ECONOMY

Joint Economic Committee:

Committee concluded hearings to examine the state of the U.S. economy and future economic policy, focusing on dividend tax relief and capped exclusions, deflation, and small business tax rates, after receiving testimony from Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System.

COMMITTEE MEETINGS FOR THURSDAY, MAY 22, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine federal funding for stem cell research, 9:30 a.m., SR–418.

Subcommittee on Agriculture, Rural Development, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Agriculture and the Food and Drug Administration, Department of Health and Human Services, 9:30 a.m., SD–192.

Subcommittee on Interior, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Energy, 9:30 a.m., SD–124.

Subcommittee on Transportation, Treasury and General Government, to hold hearings to examine proposed budget estimates for fiscal year 2004 for highway safety initiatives, 10:30 a.m., SD–138.

Committee on Banking, Housing, and Urban Affairs: to hold oversight hearings to examine the economy, focusing on increasing investment in the equity markets, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to continue hearings to examine media ownership, 10 a.m., SR–253.

Full Committee, to hold closed hearings to examine proposed legislation authorizing funds for programs of the National Highway Traffic Safety Administration, Department of Transportation, 2:30 p.m., SR–253.

Subcommittee on Communications, to hold hearings to examine wireless broadband in rural areas, 2:30 p.m., SD–562.

Committee on Foreign Relations: to hold hearings to examine Iraq stabilization and reconstruction, focusing on U.S. policy and plans, 2:30 p.m., SD–106.

Committee on Indian Affairs: to hold oversight hearings to examine the status of telecommunications in Indian Country, 10 a.m., SR–485.

Committee on the Judiciary: business meeting to consider S. 554, to allow media coverage of court proceedings, S. 1023, to increase the annual salaries of justices and judges of the United States, S. 858, to extend the Abraham Lincoln Bicentennial Commission, S. Res. 136, recognizing the 140th anniversary of the founding of the Brotherhood of Locomotive Engineers, and congratulating members and officers of the Brotherhood of Locomotive Engineers for the union's many achievements, S. Res. 92, designating September 17, 2003 as ''Constitution Day'', S. Res. 145, designating June 2003, as ''National Safety Month'', S. Res. 133, condemning bigotry and violence against Arab Americans, Muslim, Americans, South-Asian Americans, and Sikh Americans, and the nominations of Michael Chertoff, of New Jersey, to be United States Circuit Judge for the Third Circuit, David G. Campbell, to be United States District Judge for the District of Arizona, Robert D. McCallum, Jr., of Georgia, to be Associate Attorney General, Peter D. Keisler, of Maryland, and R. Hewitt Pate, of Virginia, both to be an Assistant Attorney General, and David B. Rivkin, Jr., of Virginia, to be a Member of the Foreign Claims Settlement Commission of the United States, 9:30 a.m., SD–226.

Full Committee, to hold hearings to examine the nominations of Richard C. Wesley, of New York, to be United States Circuit Judge for the Second Circuit, J. Ronnie Greer, to be United States District Judge for the Eastern District of Tennessee, Thomas M. Hardiman, to be United States District Judge for the Western District of Pennsylvania, Mark R. Kravitz, to be United States District Judge for the District of Connecticut, and John A. Woodcock, Jr., to be United States District Judge for the District of Maine, 2 p.m., SD–226.

House

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, hearing to review the financial status of the Crop Insurance industry, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies, on Impact of Chinese Imports on U.S. Companies, 10 a.m., 2359 Rayburn.

Subcommittee on Homeland Security, on Screener Background Investigations, 3 p.m., 2358 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health, hearing entitled ''National Institutes of Health: Decoding our Federal Investment in Genomic Research,'' 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled ''The Long and Short of Hedge Funds: Effects of Strategies for Managing Market Risk,'' 10 a.m., 2128 Rayburn.

Subcommittee on Housing and Community Opportunity, hearing entitled ''The Section 8 Housing Assistance Program: Promoting Decent Affordable Housing for Families and Individuals who Rent,'' 2 p.m., 2128 Rayburn.

Committee on Government Reform, hearing and markup of H.R. 2086, Office of National Drug Control Policy Reauthorization Act of 2003, and to mark up the following measures: H.R. 2122, Project BioShield Act of 2003; H.R. 2087, Bob Hope American Patriot Award Act of 2003; H. Con. Res. 162, honoring the city of Dayton, Ohio, and its many partners, for hosting ''Inventing Flight: The Centennial Celebration,'' a celebration of the centennial of Wilbur and Orville Wright's first flight; H.R. 1465, to designate the facility of the United States Postal Service located at 4832 East Highway 27 in Iron Station, North Carolina, as the ''General Charles Gabriel Post Office;'' H.R. 1610, to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the ''Walt Disney Post Office Building''; H. Res. 159, expressing profound sorrow on the occasion of the death of Irma Rangel; H. Res. 195, congratulating Sammy Sosa of the Chicago Cubs for hitting 500 major league home runs; and H.R. 2030, to designate the facility of the United States Postal Service located at 120 Baldwin Avenue in Paia, Maui, Hawaii, as the ''Patsy Takemoto Mink Post Office Building,'' 10 a.m., 2154 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on H.R. 1428, Bankruptcy Judgeship Act of 2003; followed by a markup of H.R. 49, Internet Tax Nondiscrimination Act, 11 a.m., 2237 Rayburn.

Subcommittee on Courts, the Internet and Intellectual Property, to mark up H.R. 1561, United States Patent and Trademark Fee Modernization Act of 2003, 10 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on the following measures: H.R. 2048, International Fisheries Reauthorization Act of 2003; and H. Res. 30, concerning the San Diego long-range sportfishing fleet and rights to fish the waters near the Revillagigedo Islands of Mexico, 10 a.m., 1334 Longworth.

Subcommittee on Water and Power, hearing on the following bills: H.R. 1598, Irvine Basin Surface and Groundwater Improvement Act of 2003; and H.R. 1732, Williamson County Water Recycling Act of 2003, 10 a.m., 1324 Longworth.

Committee on Small Business, to mark up H.R. 923, Premier Certified Lenders Program Improvement Act, 9:30 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, hearing on the Coast Guard and Maritime Transportation Act of 2003, 10 a.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, hearing on Water: Is it the ''Oil'' of the 2lst Century? 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, hearing on long-term care programs in the Department of Veterans Affairs, 1:30 p.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, hearing on the FBI National Security Programs Budget, 1 p.m., H–405 Capitol.

Subcommittee on Intelligence Policy and National Security, executive, briefing on Global Intelligence Update, 9 a.m., H–405 Capitol.

Select Committee on Homeland Security, to continue hearings entitled ''How is America Safer? A Progress Report on the Department of Homeland Security,'' 9 a.m., 2318 Rayburn.

Joint Meetings

Conference: meeting of conferees on S. 342, to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, 11 a.m., SD–430.

Next Meeting of the SENATE

9:30 a.m., Thursday, May 22

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 1050, 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.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, May 22

House Chamber

Program for Thursday: Consideration of a motion to go to conference on H.R. 2, Jobs and Growth Tax Relief Reconciliation Act;

Further Consideration of H.R. 1588, National Defense Authorization for Fiscal Year 2004 (structured rule); and

Consideration of H.R. 2185, Unemployment Compensation Amendments of 2003 (closed rule, one hour of debate).

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