

**TITLE IV—AMENDMENTS TO THE
REHABILITATION ACT OF 1973**

SEC. 401. CHAIRPERSON.

Section 705(b)(5) of the Rehabilitation Act of 1973 (29 U.S.C. 796d(b)(5)) is amended to read as follows:

“(5) CHAIRPERSON.—The Council shall select a chairperson from among the voting membership of the Council.”.

SEC. 402. REHABILITATION SERVICES ADMINISTRATION.

Section 3(a) of the Rehabilitation Act of 1973 (29 U.S.C. 702(a)) is amended—

(1) by striking “Office of the Secretary” and inserting “Department of Education”;

(2) by striking “President by and with the advice and consent of the Senate” and inserting “Secretary, except that the current Commissioner appointed under the authority existing on the day prior to the date of enactment of this Act may continue to serve in the former capacity”;

(3) by striking “, and the Commissioner shall be the principal officer.”.

SEC. 403. DIRECTOR.

(a) IN GENERAL.—The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended by striking “Commissioner” each place it appears, except in section 21, and inserting “Director”.

(b) EXCEPTION.—Section 21 of the Rehabilitation Act of 1973 (29 U.S.C. 718) is amended—

(1) in subsection (b)(1)—

(A) by striking “Commissioner” the first place it appears and inserting “Director of the Rehabilitation Services Administration”;

(B) by striking “(referred to in this subsection as the ‘Director’)”;

(2) by striking “Commissioner and the Director” each place it appears and inserting “both such Directors”.

SEC. 404. STATE GOALS.

Section 101(a) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)) is amended—

(1) in paragraph (11)(D)(i) by inserting “, which may be provided using alternative means of meeting participation (such as video conferences and conference calls)” before the semicolon; and

(2) in paragraph (15)—

(A) in subparagraph (A), by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and inserting after clause (i) the following:

“(ii) include an assessment of the transition services provided under this Act, and coordinated with transition services under the Individuals with Disabilities Education Act, as to those services meeting the needs of individuals with disabilities.”; and

(B) by amending subparagraph (D)(i) to read as follows:

“(i) the methods to be used to expand and improve the services to individuals with disabilities including—

“(I) how a broad range of assistive technology services and assistive technology devices will be provided to such individuals at each stage of the rehabilitative process and how such services and devices will be provided to such individuals on a statewide basis; and

“(II) how transition services will be better coordinated with those services under the Individuals with Disabilities Education Act in order to improve transition services for individuals with disabilities served under this Act”.

SEC. 405. AUTHORIZATIONS OF APPROPRIATIONS.

The Rehabilitation Act of 1973 is further amended—

(1) in section 100(b)(1) by striking “fiscal years 1999 through 2003” and inserting “fiscal years 2004 through 2009”;

(2) in section 100(d)(1)(B) by striking “fiscal year 2003” and inserting “fiscal year 2009”;

(3) in section 110(c) by amending paragraph (2) to read as follows:

“(2) The sum referred to in paragraph (1) shall be, as determined by the Secretary, not less than 1 percent and not more than 1.5 percent of the amount referred to in paragraph (1) for each of fiscal years 2003 through 2009.”;

(4) in section 112(h) by striking “fiscal years 1999 through 2003” and inserting “fiscal years 2004 through 2009”;

(5) in section 201(a) by striking “fiscal years 1999 through 2003” each place it appears and inserting “fiscal years 2004 through 2009”;

(6) in section 302(i) by striking “fiscal years 1999 through 2003” and inserting “fiscal years 2004 through 2009”;

(7) in section 303(e) by striking “fiscal years 1999 through 2003” and inserting “fiscal years 2004 through 2009”;

(8) in section 304(b) by striking “fiscal years 1999 through 2003” and inserting “fiscal years 2004 through 2009”;

(9) in section 305(b) by striking “fiscal years 1999 through 2003” and insert “fiscal years 2004 through 2009”;

(10) in section 405 by striking “fiscal years 1999 through 2003” and inserting “fiscal years 2004 through 2009”;

(11) in section 502(j) by striking “fiscal years 1999 through 2003” and inserting “fiscal years 2004 through 2009”;

(12) in section 509(l) by striking “fiscal years 1999 through 2003” and inserting “fiscal years 2004 through 2009”;

(13) in section 612 by striking “fiscal years 1999 through 2003” and inserting “fiscal years 2004 through 2009”;

(14) in section 628 by striking “fiscal years 1999 through 2003” and inserting “fiscal years 2004 through 2009”;

(15) in section 714 by striking “fiscal years 1999 through 2003” and inserting “fiscal years 2004 through 2009”;

(16) in section 727 by striking “fiscal years 1999 through 2003” and inserting “fiscal years 2004 through 2009”;

(17) in section 753 by striking “fiscal years 1999 through 2003” and inserting “fiscal years 2004 through 2009”.

SEC. 406. HELEN KELLER NATIONAL CENTER ACT.

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 205(a) of the Helen Keller National Center Act (29 U.S.C. 1904(a)) is amended by striking “1999 through 2003” and inserting “2004 through 2009”.

(b) HELEN KELLER NATIONAL CENTER FEDERAL ENDOWMENT FUND.—The first sentence of section 208(h) of such Act (29 U.S.C. 1907(h)) is amended by striking “1999 through 2003” and inserting “2004 through 2009”.

TITLE V—TRANSITION AND EFFECTIVE DATE

SEC. 501. TRANSITION PROVISIONS.

The Secretary of Labor shall take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of this division.

SEC. 502. EFFECTIVE DATE.

Except as otherwise provided in this division, this division and the amendments made by this division, shall take effect on the date of enactment of this division.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hear-

ing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources. The purpose of this hearing is to conduct oversight on the implementation of the National Parks Air Tour Management Act of 2000, Public Law 106-181.

The hearing will take place on Thursday July 22, 2004 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, 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, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact: Tom Lillie at (202) 224-5161 or Sarah Creachbaum at (202) 224-6293.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SMITH. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on July 8, 2004, at 10 a.m., in open session to consider the following nominations: Admiral Vernon E. Clark, USN, for reappointment to the grade of Admiral and to be chief of Naval Operations; and Lieutenant General James E. Cartwright, USMC, for appointment to the grade of General and to be Commander, United States Strategic Command.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, July 8, 2004, at 9:30 a.m. on S. 2411—Assistance to Firefighters Act of 2004.

COMMITTEE ON THE JUDICIARY

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, July 8, 2004, at 9:30 a.m. in Dirksen Senate Building Room 226.

Agenda:

I. Nominations: Claude A. Allen to be U.S. Circuit Judge for the Fourth Circuit, Michael H. Watson to be U.S. District Judge for the Southern District of Ohio, David W. McKeague to be United States Circuit Judge for the Sixth Circuit, Richard A. Griffin to be United States Circuit Judge for the Sixth Circuit, Virginia Maria Hernandez Covington to be United States District Judge for the Middle District of Florida.

II. Legislation: S. 1635, L-1 Visa (Intracompany Transferee) Reform Act of 2003, Chambliss, S.J. Res. 4, Proposing an amendment to the Constitution of the United States authorizing

Congress to prohibit the physical desecration of the flag of the United States Act of 2003, Hatch, Feinstein, Craig, Sessions, DeWine, Grassley, Graham, Cornyn, Chambliss, Specter, Kyl, S. 1700, Advancing Justice through DNA Technology Act of 2003, Hatch, Biden, Specter, Leahy, DeWine, Feinstein, Kennedy, Schumer, Durbin, Kohl, Edwards, S. 2396, Federal Courts Improvement Act of 2004, Hatch, Leahy, Chambliss, Durbin, Schumer.

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

SUBCOMMITTEE ON FINANCIAL MANAGEMENT,
THE BUDGET, AND INTERNATIONAL SECURITY

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on Financial Management, the Budget, and International Security be authorized to meet on Thursday, July 8, 2004 at 10:30 a.m. for a hearing entitled, "Oversight Hearing on the Federal Government's 2003 Financial Statement: Improving Accountability of American Taxpayers' Dollars."

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that privilege of the floor be granted to Sam Kang and Ryan Ball for the duration of today's session.

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

Mr. SMITH. Mr. President, I ask unanimous consent that two of my interns, Evan Mueller and Dana Dryer, be granted the privilege of the floor during this discussion.

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

Mr. REID. Mr. President, I ask unanimous consent that Jessica Segall from the Office of Senator CHRIS DODD be granted floor privileges during the Senate consideration of the Class Action Fairness Act of 2004.

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

Mr. CARPER. Mr. President, I would like to be recognized for 10 minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

CLASS ACTION REFORM

Mr. CARPER. Mr. President, we just concluded a vote and a very disappointing chapter in our effort to reform the way part of our legal system works in this country.

We have debated for the last several days how we might change the current system where people have been harmed by goods or services provided for their use by some company and did not get what they should have—they have been shortchanged or maybe even exposed to a dangerous product or harmed by it in some way—and how we might make sure they are made whole and that we have the opportunity to assemble that

group of harmed people across States or across the country so they can have their day in court. We are looking for a way to make sure the companies that harmed those people are held accountable and know they are going to face a serious financial consequence if they do something untoward or just wrong with respect to their products or services which they provide.

Today we were not able to proceed to the bill and have the opportunity to offer amendments which are germane, pertinent to the bill, relevant to the bill, or those which maybe were not.

My colleague who is presiding has been here for a year and half or so. I know these are issues he has worked on a lot in those 18 months. This class action reform is probably an issue on which he has spent the most time.

As we leave here tonight with this business unfinished, I am deeply disappointed. We come to the end of a chapter, not the end of the book. We have to turn a page and figure out how to go forward.

Our system of justice is out of whack. It is out of balance. The tragedy of it all is we had a very good legislative product here to debate and fix. The system worked the way it was supposed to. We had hearings, I think as many as 10, on this issue and how to fix it. The committees of jurisdiction held hearings in the House and in the Senate. The committees of jurisdiction had a chance to actually debate and vote on the bills and to amend them. They had the opportunity to report those bills out. The House debated this on the floor. In the Senate, we had the opportunity. In the Senate, we fell one vote short of bringing the bill to the Senate floor last fall. We had the opportunity coming out of that disappointing vote to go back to make the bill even better and to bring a truly bipartisan bill to the floor of the Senate which would be supported by a Republican majority and with a good deal of Democratic support.

Given that 65 Members in the Senate were prepared to vote for it, to go home tonight not having had a chance to actually vote for amendments, relevant amendments and nonrelevant amendments, is very disappointing. I am not going to get into assigning blame. There is probably enough on both sides.

I said to the press in an earlier interview that this week in the Senate reminds me of maybe a new television reality show, a dysfunctional family. It is not pretty to watch or, frankly, to be a part of.

When I came here, I wanted to fix things and right wrongs. I know most of us came here with that in mind. This is a wrong that needs to be made right. We had a great opportunity in this bill to do that.

I leave here tonight bewildered, in a sense. One sure way to stymie a bill and stop progress on it this week was to bring the bill to the floor of the Senate in a way that closed off the oppor-

tunity for the minority to offer some reasonable number of nongermane amendments.

I have said so many times to our friends on the other side of the aisle, when you bring the bill to the Senate floor, think of it as a bottle of wine we are opening. We are popping the cork and letting it breathe for a while. Maybe set aside a week and give us a week to debate the bill itself, relevant amendments and a reasonable number of nongermane amendments.

If it becomes clear after several days or a week that our side is being dilatory, if it becomes clear our side is simply not interested in passing the bill, they are just playing games, those Democrats who support a bill will support an effort to close off debate and to force a final vote on the bill.

For the life of me, after saying repeatedly since January that the one way to kill the bill is to bring it to the Senate in a way that stymies debate and closes off amendments that might be nongermane, the very first thing out of the box presented was a cloture motion and a move to fill the amendment tree so our side is precluded from offering amendments, except for those that are germane, I don't understand it.

In the words of a colleague on our side who is opposed to the bill, the only way those who are opposed to the bill could have won was by bringing the bill to the Senate today, invoking cloture, and inflaming Democratic opposition to the bill, united Democratic opposition to the bill.

There are at least a dozen or more on this side who very much want to pass class action legislation this year. God knows I do, and I know people on both sides have worked to get us to this point. For the life of me, I do not understand why we could not open that bottle of wine, let it breathe for a while, debate the amendments, germane and nongermane. If it became clear we were wasting our time and people were playing games, we could have cut it off, but do not do it right out of the box.

I leave here bewildered and, frankly, more than a little bit disappointed. I say to those folks around the country who are as disappointed as I am, and others who support the bill, I am not one who gives up easily.

Some of my colleagues hear me talk about my four core values that we built an administration on when I was Governor of Delaware and which I brought with me and I try to use them here with my legislative initiatives.

One, figure out the right thing to do and do it. I am convinced changing this part of our legal system is the right thing to do.

The second core value is to commit to excellence in everything we do. By golly, I know we can do better than the status quo with respect to this aspect of our legal system.

My third core value is the Golden Rule: treat other people the way I want to be treated. When consumers are